

## **PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT (CUP-9774-2018) TO ALLOW FOR THE CONSTRUCTION OF TWO DETACHED SINGLE-FAMILY STRUCTURES, CONSTRUCTION OF A SIX CAR GARAGE AS WELL AS ASSOCIATED SITE IMPROVEMENTS ON A PROPERTY LOCATED AT 1538 SOUTH TOWNE AVENUE, ASSESSOR'S PARCEL NUMBER 8328-007-006.**

**WHEREAS**, the applicant, Hung Kwan Ku, has submitted an application for Conditional Use Permit (CUP-9774-2018) to allow for the construction of two detached single-family structures, construction of a six car garage as well as associated site improvements on a property located at 1538 South Towne Avenue, Assessor's Parcel Number 8328-007-006;

**WHEREAS**, the applicant has concurrently submitted an application for Change of Zone (ZONE-6154-2016) to rezone the subject parcel from an existing zoning designation of R-1-6,000 (Single-family residential district) to a proposed zoning designation of R-1-E Overlay (Single-family residential overlay district) on property located at 1538 South Towne Avenue, Assessor's Parcel Number 8328-007-006;

**WHEREAS**, the subject property has a General Plan, Place Type designation of Residential Neighborhood as well as a Transect Zone designation of T3 Typical;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 9, 2018, concerning the requested Change of Zone (CUP-9774-2018); 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:

**SECTION 1.** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt, under Section 15303, Class 3 exemption for construction of small facilities, is exempt from further environmental review.

**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 Zoning Ordinance, the Planning Commission must make five findings in order to approve Conditional Use Permit (CUP-9774-2018).

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 proposed use of the subject site for residential development, specifically, the development of two new residential units at this particular location will contribute to the general well-being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

2. *That 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 project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in full conformance with the development standards and use requirements of both the R-1-E Overlay district and the R-1-6,000 district. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties which are zoned and planned for residential uses by the General Plan. The project, as designed, will enhance the neighborhood.

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

The subject site is rectangular in shape and relatively flat with an area of approximately 19,694 square feet. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project.

4. *That the site abuts streets and highways are adequate in width and improvements to carry traffic generations typical of the proposed use.*

The subject site has street access directly to Towne Avenue, which is of adequate width and improvement to carry traffic generations typical of residential development projects.

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 granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods (Goal 6G.G8). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City’s housing stock which the General Plan identifies as being under supplied.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby recommends the City Council approve Conditional Use Permit (CUP-9774-2018) 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:

**Planning**

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 May 9, 2018, and as illustrated in the stamped approved plans dated May 9, 2018. 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 Development Services Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within one year from the date of this approval (May 9, 2019), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval. The project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant’s property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
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 a violation of any of the conditions of approval and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Conditional Use Permit.
5. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.
6. The property shall be maintained free of weeds and debris prior, during and after the construction period.
7. Landscaping is to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, 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.
8. 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. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Development Services Manager.

9. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.).
10. Any proposed fencing on the subject site shall be in compliance with Section .503-I of the Pomona Zoning Ordinance and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.

#### **Building and Safety**

11. The undergrounding of utility facilities is required. (PMC 62-31)
12. 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)
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
20. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
21. Fence and wall plan required.

### **Water & Wastewater Operations Department**

#### **Water**

22. There are currently the following water mains within Towne Avenue:
  - a. Six-inch (6") CIP
  - b. Eight-inch (8") DIP
23. The existing localized static pressure of the project area is 60-70 psi.
24. The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WRD regarding the extent of proposed public main within the proposed project area.
25. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
26. Any private onsite water improvements are the owner's responsibility and not the City's.
27. Any existing public water infrastructure located on private property shall be installed within a City of Pomona maintenance easement.

#### **Domestic and Fire Service Line**

28. There is currently an existing meter serving the existing home at 1538 S. Towne Avenue. Due to the new single family homes having fire sprinklers, two one-inch (1") meters with 1" dual check backflow devices shall be installed.
29. The applicant/developer shall calculate the new water demand (based on fixture units) for the proposed development. This hydraulic analysis report shall verify if the existing water

infrastructure can accommodate the water demand, given existing the size, pressure and age of the existing water system. This calculation shall include fire and domestic water demands. This hydraulic analysis report shall be submitted to the WRD.

30. Contact the WRD at (909) 620-2212 for information regarding meter installation fees.
31. The City may install meters that are two-inches (2") in size or less. The project contractor shall install all proposed meters that are greater than two-inches (2") in size.
32. There are public fire hydrants within 500 feet of the proposed project site.
33. Contact the Los Angeles County Fire Department to determine if additional public fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five-feet (5') away from proposed driveways and parking spaces.
34. The edge of all new meter vaults, if necessary, shall be located in public right-of-way or the sidewalk two-inches (2") from the back of the curb per Standard Numbers 11 and 12 of the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006. Meter(s) shall not be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
35. All newly installed water lines shall be disinfected per the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006 before connection to the existing water main.
36. Effective January 1, 2018, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.
37. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:
  - a. Reduced principle pressure assembly (RPPA) devices are required for dedicated irrigation service lines to the proposed site, and
  - b. Reduced principle pressure assembly (RPPA) devices are required for all domestic services; and
  - c. Double check detector assembly (DCDA) devices for all fire sprinkler service lines and onsite hydrants.
38. Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains. WRD

requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

## **Sewer**

39. There currently is an existing eight-inch (8") VCP sewer main within Towne Avenue. The existing sewer infrastructure shall be shown on the site plan.
40. The applicant/developer shall calculate the expected wastewater generated by the building(s) to properly size the sewer lateral(s) to serve the new site. These calculations/reports shall be submitted to the WRD for review and acceptance.
41. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
42. New sewer laterals must be constructed per Standard Drawing No. S5 and S6. Construction shall also comply with the Public Works Standard No. A-26-02 for trench pavement restoration.
43. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
44. Effective January 1, 2018, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.
45. The applicant/developer shall submit and include the following items in the sewer development plan:
  - a. The proposed sewer lateral(s) with a profile and connection to the existing sewer laterals and sewer main.
  - b. Construction Notes: The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.
46. Submit sewer development plans to the Public Works Department for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. WRD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.



## **Public Works Department**

### **Land Development Requirements**

47. Property Owner shall submit a Certificate of Compliance application to the Public Works Engineering Department, in accordance with the Subdivision Map Act Section 66412.6(b). The Certificate of Compliance shall be recorded prior to the issuance of the building permits.

### **Improvement Plans Requirements**

48. Applicant/Developer shall submit the 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 needs to be large enough (1" = 10' is preferred) to clearly show all the details; the plans shall be submitted on 24" x 36" sheet size with a standard City title block.
  - 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.
49. 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.
50. 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.
51. Applicant/Developer shall submit public street improvement plans to include the following:
- a. New driveway approach per City standards and ADA requirements.
  - b. Relocation of the existing front fencing, currently encroaching in the public right-of-way, to the property line, which is located 16 feet from the face of curb.
  - c. New sidewalk, curb and gutter to replace all damaged cracked and uplifted sections.

- d. Asphalt Rubber Hot Mix (ARHM) overlay paving of Towne Avenue along the lot frontage, in compliance with the City standards and based on the project related wet and /or dry utility cuts.
  - e. Existing sewer, water and storm drain infrastructure, including laterals.
  - f. Parkway landscaping; the parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
  - g. Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b).
  - h. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
  - i. Note: "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".
52. 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.
53. Applicant/Developer shall identify the existence of all City utilities that may be in conflict with the development and submit protection measures to the City Engineer for those City utilities.
54. 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.
55. 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.
56. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements, public safety improvements and parks and the project's water and sewer connection fees.

57. Prior to issuance of the building permits applicant/developer is responsible for paying the development tax associated with the proposed project.
58. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting District 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.
59. 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.
60. 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**

61. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
62. Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, 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.
63. 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;
  - d. Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
64. Permittee shall pay fees associated with and possess the City of Pomona Business License.

65. 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.

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

**APPROVED AND ADOPTED THIS 9TH DAY OF MAY, 2018.**

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LUIS JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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EMILY STADNICKI  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

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

PC Resolution No.  
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1538 South Towne Avenue  
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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.