

DPR RESOLUTION NO. 18-

DECISION AND FINDINGS OF FACT BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF POMONA, CALIFORNIA APPROVING DEVELOPMENT PLAN REVIEW (DPR 9443-2018) FOR THE CONSTRUCTION OF A 2,010 SQUARE FOOT ADDITION AND NEW 1,530 SQUARE FOOT PORTE COCHERE ON AN EXISTING PUBLIC ASSEMBLY USE FOR A PROPERTY LOCATED AT 2072 NORTH GAREY AVENUE.

WHEREAS, the applicant, Arnoldo Garcia, has filed an application on behalf of the property owner, First Evangelic Independent/Friends Church of California, for the construction of a 2,010 square foot addition and new 1,530 square foot porte cochere on an existing public assembly use for a property located at 2072 North Garey Avenue;

WHEREAS, the subject site is currently zoned within the Pomona Corridors Specific Plan (PCSP) “Workplace Gateway” segment, and designated “Neighborhood Edge” and by the City’s General Plan;

WHEREAS, in accordance with Section 2.0.5.C of the PCSP a Development Plan Review (DPR) is required where significant additions are made to existing buildings located within the plan area;

WHEREAS, the Development Services Director of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 16, 2018, concerning Development Plan Review (DPR 9443-2018);

WHEREAS, the Development Services Director has carefully considered all pertinent testimony offered in the case as presented at the hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Development and Services Director of the City of Pomona, California:

SECTION 1. The Development Services Director 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 15301, Class 1 (Existing Facilities); 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.

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SECTION 3. In accordance with Section 2.0.5.A.(4) of the PCSP, the Development Services Director must make findings in order to approve Development Plan Review (DPR 5181-2016). 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 Director hereby finds as follows:

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 the "Neighborhood Edge" place type. The proposed improvements to the existing Public Assembly Use are consistent with General Plan Goal GD.G4 "Promote the success and improvement of existing corridor development" as the proposed improvements will improve the architectural design of the existing structure and the addition will allow the public assembly use to improve its operations. General Plan Policy 6D.P2 states "Require development with reduced height and intensity on portions of properties adjacent to stable residential neighborhoods. Permitted heights and intensities in these locations should be compatible with the scale of the existing residential neighborhood." The proposed improvements for the existing public assembly use are consistent with this policy in that the height and intensity of the improvements are compatible with the scale of adjacent existing residential neighborhoods. General Plan Policy 6D.P14 states "Encourage development with parking located to the side or rear of buildings, in shared parking facilities, and in parking structures." The proposed improvements for the existing public assembly use will eliminate parking stalls located in the front half of the property so that all parking will be located behind the main structure. As such, the proposed improvements are consistent with this policy regarding location of parking.

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 project will not be detrimental to the general welfare of persons working or residing in the vicinity nor be detrimental to the value of the property and improvements in the neighborhood as the project will substantially comply with all applicable development and design standards of the "Workplace Gateway" segment of the PCSP. The project is not anticipated to generate noise, traffic, lighting, and privacy impacts detrimental to residents, occupants, and properties within the surrounding area.

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

The subject parcel is located with frontage along North Garey Avenue. The City of Pomona Public Works Department has reviewed both off-site and on-site circulation patterns and has not expressed concern with the project's impact on traffic and mobility. Applicant/Developer shall pay the

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applicable CSP in-lieu fee for public improvements required as part of this project, presently estimated at \$57,000.

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

The project has been thoroughly reviewed and meets all applicable provisions of the PCSP and other applicable regulations.

SECTION 4. Based upon the above findings, the Development Services Director hereby approves Development Plan Review (DPR-9443-2017) 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 Development Plan Review or any portion thereof:

PLANNING

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 Development Services Director on May 16, 2018, and as illustrated in the stamped approved plans. 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 one (1) year from the date of this approval (May 16, 2019), 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 indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents,

departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.

4. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or 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.
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 include all conditions of approval from Development Plan Review (DPR-9443-2018) on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the PCSP Section 2.1.8 Workplace Parkway Segment.
7. 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 not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
8. 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. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the

grading plan shall be submitted to and approved by the Planning Division. Double walls shall be avoided to the greatest extent feasible. The applicant shall coordinate with the adjacent property owner(s) and make reasonable attempts to construct one common property line wall. If coordination with the adjacent property owner(s) cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private property and construction of a new common wall shall include approval by the adjacent property owner(s). The plans shall identify materials, seep holes, and drainage.

9. The applicant shall submit plans and an application for a Sign Permit, to the Planning Division, for the installation of any permanent signage. Final design and location to be approved by the Development Services Manager or designee.

Site Development & Maintenance

10. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 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.
11. 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.
12. The construction area shall be kept clean at all times prior to, during, and after construction.
13. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager.
14. 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.
15. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of DPR-9443-2016. Prior to removing or replacing any landscaped areas, check with

the Planning Division. Substantial changes may require approval by the Development Services Director.

BUILDING & SAFETY

16. 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)
17. 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.
18. 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.
19. If applicable, 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.
20. 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.
21. 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.
22. Proposed project shall be sprinkered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
23. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

PUBLIC WORKS

Land Development Requirements

24. 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.

25. Property Owner shall submit a copy of the recorded reciprocal ingress-egress and parking maintenance agreement with the owner of the southerly real property.

Improvement plans requirements

26. 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.
27. 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.
28. 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.
29. 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.
30. Applicant/Developer shall submit public street improvement plans to include the following:
- a. New driveway approach per City standards and ADA requirements.
 - b. New sidewalk, curb and gutter to replace all existing damaged, cracked and uplifted sidewalk sections.
 - c. Overlay paving of Garey Avenue based on all applicable wet and/or dry utility cuts, in compliance with the City's paving moratorium requirements.
 - d. Parkway drains per City standards.
 - e. Existing sewer, water and storm drain infrastructure, including laterals.

- f. 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 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".
31. 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.
32. 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.
33. 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.
34. 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.
35. In recognition of the need to address traffic conditions generated by cumulative development along the Corridors Specific Plan (CSP) areas, Applicant/Developer is 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 fee for public improvements required as part of this project, presently estimated at \$57,000.
36. 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 the project's applicable water and sewer connection fees.

37. Prior to issuance of the building permits applicant/developer is responsible for paying the development tax associated with the proposed project.
38. 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.
39. 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.
40. 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

41. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
42. Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving, water, sewer and storm drain improvements.
43. 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;
44. Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
45. Permittee shall pay fees associated with and possess the City of Pomona Business License.

46. 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

Water

47. There currently exists a six-inch (6") ACP water main and a twelve-inch (12") DIP water main within Garey Avenue.
48. The existing localized static pressure of the project area is 75-80 psi.
49. 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 improvements.
50. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
51. Any private onsite water improvements are the owner's responsibility and not the City's.
52. Any public water facilities located on private property shall be installed within a City of Pomona easement, and will be maintained by the City.

Domestic and Fire Service Line

53. There is currently one existing 1-1/2" meter serving 2072 N. Garey Avenue. A low lead (0.25%) reduced pressure principle assembly (RPPA) shall be installed for backflow protection of the existing meter.
54. The City may install meters less than or equal to two inches (2") in size. The contractor for the project is responsible for installing meters greater than two-inches (2") in size.
55. There is one public fire hydrant within 500 feet of the proposed project site. The Los Angeles County Fire Department may have additional public hydrant requirements.
56. 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') from proposed driveways and parking spaces.

57. 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.
58. 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 devices are required for dedicated irrigation service lines to the proposed site, and
 - b. Reduced principle pressure assembly devices are required for all domestic services; and
 - c. Double check detector assembly devices for all fire sprinkler service lines.
59. If necessary, 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

60. There is currently an existing fifteen-inch (15") VCP sewer main within Garey Avenue.
61. The existing sewer lateral, from the public main to the site, is private infrastructure and shall be maintained by site owners.
62. If necessary, 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.

**COUNTY OF LOS ANGELES FIRE DEPARTMENT—FIRE PREVENTION
ENGINEERING SECTION—FIRE PREVENTION BUREAU**

63. Submit two complete sets of architectural drawings. Indicate type of construction, occupancy classification, and area justification.
64. Provide 26 feet clear to sky Fire Department Vehicular Access to with 150 feet of all exterior portions of the building.
65. Show all existing public fire hydrants (6"x4"x2-1/2") within 300 feet of property lines. Include size of barrel and outlets.
66. Provide a completed fire flow availability form. (Form 196)

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67. Additional requirements may be required pending information provided.

APPROVED AND ADOPTED THIS 16th DAY OF MAY, 2018.

APPROVED BY:

Mario Suarez, AICP
Development Services Director

Date

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