

RESOLUTION NO. 9082

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA
APPROVING, WITH CONDITIONS, **CONDITIONAL USE PERMIT CUP 02-045**
TO ALLOW AN 11 - UNIT RESIDENTIAL CONDOMINIUM PROJECT IN THE R-2-S
(LOW DENSITY MULTIPLE FAMILY/SUPPLEMENTAL OVERLAY) ZONE ON
PROPERTY LOCATED AT **590 WEST GRAND AVENUE****

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

WHEREAS, there has heretofore been submitted by Pomona Development Inc., a proposed Conditional Use Permit CUP 02-045, to construct seven condominium units in the R-2-S (Low Density Multiple Family/Supplemental Overlay) zone located at 590 West Grand Avenue on a parcel designated as "Low Density Residential" on the General Plan Land Use Map;

WHEREAS, a Conditional Use Permit is required to allow a 7-unit residential condominium unit project in the R-2-S (Low Density Multiple Family/Supplemental Overlay) zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing concerning requested Conditional Use Permit CUP 02-045;

WHEREAS, the proposed development exhibits a single-family character consistent with the character of the neighborhood;

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

WHEREAS, the Planning Commission exercising independent judgment has determined that the project meets the criteria for a Class 32, Section 15332 Categorical Exemption, and that the proposed project will not have a significant effect on the environment

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. In support of the Categorical Exemption for this action, the Planning Commission hereby adopts the following findings:

1. No reasonable possibility exists that the approval of the proposed permit will have a significant environmental impact because of unusual circumstances.

2. The project is not proposed in a designated environmentally sensitive area.
3. The project is not within a designated State scenic highway and doesn't affect designated scenic resources.
4. The project is not located on a toxic site listed by the California Environmental Protection Agency.
5. The project is not a designated historic landmark nor is it part of a historic district; therefore, the project will not cause substantial adverse changes in significant historic resources.
6. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as applicable zoning designation and regulations in that the proposed project is consistent with the maximum density allowed within the Low Density Residential Land Use and the R-2-S zoning designation of 15 units per acre.
7. The proposed development occurs within the City limits and the project is less than 5 acres in size.
8. The proposed project has no value as habitat for endangered, rare or threatened species.
9. Approval of the project will not result in any significant effects relating to traffic, noise, air or water quality.
10. The proposed site can adequately be served by all required utilities and public services.

SECTION 2. The Planning Commission hereby finds and determines as follows:

1. That the proposed use at the particular location will contribute to the general well being of the neighborhood or community, in that the proposed infill residential development will help upgrade the aging housing stock within the neighborhood and will contribute to the stabilization and appreciation of property values. The proposed project will improve significantly a property that has been vacant and undeveloped.
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, in that the proposed project will be developed in strict compliance with the latest editions of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code and the National Electrical Code. Development of the project will contribute to increasing the valuation of properties within the vicinity.
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 with the land and uses in the neighborhood and make it compatible thereto, in that the

subject property is 0.69 acres in size, relatively flat in topography, rectangular in shape and adequate to accommodate the requirements of the Zoning Ordinance.

4. That the site abuts streets and highways adequate in width and improvement to carry traffic generations typical of the proposed use, in that the site directly abuts Grand Avenue, a collector street, adequate in size to accommodate any additional traffic generated by the proposed use.
5. The granting of such Conditional Use Permit will not adversely affect the General Plan of the City, or any other adopted plan of the City, in that the proposed use meets an objective of the Residential Element of the General Plan, which states:

It is the policy of the City of Pomona to encourage the construction of new low-density developments and to be receptive to medium or higher density residential uses if properly located.

SECTION 3. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit, CUP 02-045 subject to the following conditions. All work shall be done in substantial compliance with the drawings date stamped November 13, 2002 attached as Exhibit A:

1. The subject property shall be developed and/or used in the manner requested and shall be in substantial conformity with the submitted plans date-stamped **November 13, 2002**, unless revisions and/or additional conditions are specifically required in the resolution of approval.
2. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval.
3. Written appeals may be filed with the City Clerk 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. Four copies of an appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
4. Prior to the issuance of permits, detailed site development plans, including plot plans, floor plans, building elevations, landscape and irrigation plans shall be submitted to the Building Division for review and approval.

5. Conformance with all included conditions of this resolution shall be achieved prior to the issuance of a Certificate of Occupancy.
6. The applicant shall make a reduction or 8 ½ by 11 inch sticky-back of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
7. All parking areas, walkways and common areas shall have a minimum lighting standard of 1-foot candlepower. All exterior lighting shall be shielded to minimize the impact into habitable portions of individual units wherever possible. Lamps shall be designed to appear non-institutional and bare bulbs shall not be permitted. A site plan and photometry plan shall be submitted to the Planning Division for approval prior to issuing a Certificate of Occupancy.
8. Prior to issuance of Certificate of Occupancy, the applicant shall provide seating, landscaping and recreational amenities in the common open space area.
9. The applicant shall submit a landscape and irrigation plan showing the front yard setback and all common areas. The landscape and irrigation plan must be submitted to the Planning Division during the Plan Check process.
10. The applicant shall continuously remove all dead plants and turf with live plants to maintain the aesthetic appearance of the site.
11. All landscaping must be continuously maintained by an irrigation system operable at all times.
12. A weed abatement program shall be included for ninety (90) days prior to the planting of any turf and plant material.
13. The properties shall be maintained at all times free from trash and debris or upon notification of the City.
14. All graffiti on the property shall be removed within 24 hours of discovery or upon notification of the City.
15. Prior to issuance of a building permit, the applicant must submit a completed site plan, building elevation, floor plan and any other revision required by the approval resolution. The detailed set of plans shall be submitted to the Planning Division for future reference.
16. Prior to issuance of building permits, the applicant shall submit revised elevations with additional treatment of walls and windows for review by the

Planning Manager. The revised elevations shall reviewed and approved by the Planning Commission.

17. Prior to finalizing the last building permit a six-foot high capped decorative block wall, or a capped stucco wall shall be installed around the perimeter of the subject site, except for the 25-foot front yard setback.
18. The Codes Covenants and Restrictions (CC&Rs) of the Homeowners association shall require continuous maintenance of the property, and a Specific Plan for maintenance, such as a five-year rehabilitation program for the exterior of the units.
19. All interior fencing between units shall be a capped decorative block wall, or a capped stucco wall.
20. The garage doors of all the units shall be wood paneled.
21. The front doors of all the units shall be hard wood.
22. The main driveway of the project shall be made of concrete.
23. Prior to issuance of building permits the applicant shall submit a revised site plan to the Planning Division indicating colored stamped concrete islets at regular intervals along the main driveway subject to Planning Manager review and approval.
24. Prior to issuance of building permits the applicant shall submit a revised site plan to the Planning Division relocating the guest parking space No. 1 to the south side of the main open space area.
25. There shall be a six-inch curb along all the landscaping planter areas adjacent to the main driveway.
26. All conditions of Resolution No. 9083 shall be met.

Public Works Department – Water Engineering

27. Developer shall submit to the City of Pomona a water development plan on standards water division sheets prepared under the direction of and signed by a Registered Civil Engineer showing all existing and new utilities, including existing and proposed water facilities and services.

28. Plans must be corrected and clearly show street centerline, curb-line, and right-of-way with dimensions. Property address, legal description, property lines, and utility easements must be correctly shown on plans.
29. Developer shall pay to the City of Pomona an initial plan check deposit in the amount of \$1,000 at the time of the water plan submittal.
30. Developer shall pay to the City of Pomona all costs incurred by the City, plus 30% overhead, for plan check, inspection, water operation cost, etc. associated with the proposed water facilities for the development. Developer shall pay to the City the estimated amount of these costs prior to water plan approval by the City.
31. Developer shall provide to the City a performance bond in the amount of 100% of the estimated construction cost of the proposed water facilities prior to water plan approval by the City.
32. All improvements to the City's water system required for the development shall be at developer's expense.
33. If the installation of public water facilities on private property is approved by the City Engineer:
 - (a) Developer shall provide to the City of Pomona dedicated easements for all water facilities installed on private property that will be owned and operated by the City. Said easements shall be 15-foot wide minimum and shall be shown on the water plans. Developer shall pay to the City of Pomona easement processing fees prior to the water plan approval.
 - (b) Developer shall not place buildings, structures or trees on any water easements without prior written approval from the City of Pomona
 - (c) All new water main lines shall be a minimum of 8-inches in diameter, placed underground and 6' offset from curb lines or as approved by the City Engineer.
 - (d) Developer shall maintain access to the City water operation crew at all times for servicing and maintaining the water system and for reading water meters.
34. Developer shall be responsible for completing all trench repairs to City requirements for all water services and facilities installed as part of this project.
35. All water facilities shall be installed in accordance with the provisions of the City of Pomona water code and the Department of Health Services.

36. Developer shall pay to the City of Pomona all water meter-setting fees, water services installation fees if applicable, and all advanced payments prior to water plan approval by the City.
37. Water meters 2" and smaller shall be installed by the City of Pomona. Water meters and water services larger than 2" shall be installed by the Developer's contractor.
38. Developer shall provide Double Detector Check Assemblies for all fire services.
39. Reduced Pressure Backflow Preventers will be required for all commercial and all irrigation water services and all 1-1/2 inch or larger existing and new residential domestic water services. An approved reduced pressure principal backflow prevention device shall be installed above grade in the customer service line by his contractor as close as practical to the water meter and before acceptance by the City. Contact Water Quality Control at (909) 620-3670 for information.
40. Developer is responsible for meeting all requirements of the Los Angeles County Fire Department (LACFD). Proof of LACFD approval is required at time of final plan submittal to the Public Works Department. Contact the LACFD for information at (909) 620-2402.
41. Developer shall provide "AS BUILT" drawings of the final constructed improvements to the satisfaction of the City Engineer prior to acceptance of the improvements by the City.
42. Developer shall adhere to all applicable Standard Urban Storm Water Mitigation Plan (SUSMP) requirements. Contact Yvette Mullenau (909) 620-3717 for further information.
43. Developer shall prepare and submit a Storm Water Pollution Prevention Plan (SW3P) to the Public Works Department for approval prior to issuance of a grading permit.
44. Developer shall adhere to all provisions of Pomona City Code Chapter 35 entitled Storm Water Management, and "Best Management Practices" shall be utilized throughout the duration of the project.

Utility Services Department

45. The applicant shall indicate the size, location, and model of water service meter for domestic and fire service pipelines in public right-of-way. If more than one water service meter is requested, an approved backflow device must be installed.
46. If required, the applicant shall provide the size and model of an approved backflow device. The existing water mains within the vicinity consist of an 8-inch ACP water main south of the north-side curb of Grand Avenue.
47. The applicant shall indicate locations and sizes of connections to the existing sewer main, which runs under the centerline of Grand Avenue.

Los Angeles County Fire Department

48. The applicant shall submit a complete set of plans to the land development unit for review and approval.

Parks Division

49. Trees shall be planted behind easement.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED this 22nd day of January, 2003.



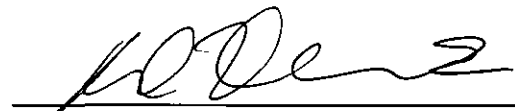
CHARLES WOLFE
PLANNING COMMISSION CHAIRPERSON

ATTEST:



CANDIDA NEAL, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



RICHARD L. ADAMS II
ASSISTANT CITY ATTORNEY

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

AYES: Urey, Scharf, Belluscio, Morris and Wolfe.
NOES: None.
ABSTAIN: None.
ABSENT: Martinez and Juarez.

"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."