

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING OF A CONDITIONAL USE PERMIT (CUP 9649-2018) TO ALLOW CONSTRUCT FIVE NEW RESIDENCES, AND EXPAND AN EXISTING RESIDENCE, ON THE 0.9 ACRE PROPERTY LOCATED AT 1446 W. ELEVENTH STREET

WHEREAS, the applicant, George Guterrez, submitted an application for a Conditional Use Permit (CUP 9649-2018) to allow the construction of five (5) new residences, and expand an existing residence, on the 0.9 acre property located at 1446 W. Eleventh Street;

WHEREAS, the subject property is located within the R-2-S (Low Density Multiple-Family, S Overlay) Zoning District;

WHEREAS, the subject property is designated “Residential Neighborhood” by the City’s General Plan;

WHEREAS, pursuant to Section .441 of the Pomona Zoning Ordinance, a Conditional Use Permit is required to add new residences within the S Overlay zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on January 9, 2019 concerning the requested Conditional Use Permit (CUP 9649-2018) for the project;

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

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

SECTION 1. The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is Categorically Exempt under 15332 (Class 32 – In-fill development projects in urbanized areas) of the CEQA Guidelines in that the proposed project is in an urbanized area and involves the construction of five new residences, and the remodeling of an existing residence, on a site of less than 5 acres; the site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is adequately served by all required utilities and public services. The proposed project is consistent with the categorical exemption; therefore, no further environmental review is required.

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 servable.

SECTION 3. Pursuant to Section .580.B of the Zoning Ordinance, the Planning Commission must make findings listed below in order to grant the Conditional Use Permit (CUP 9649-2018). Based upon a consideration of the whole record before it, including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

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

The project will enhance the property by improving the existing residence and enhance the neighborhood by upgrading the property and provide needed housing opportunities to the 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 meet all City Codes and standards. The project will have appropriate conditions of approval that will ensure that the project will not be detrimental to the health, safety or general welfare of the community. As discussed in the Project Summary Table, the Zoning Ordinance Consistency section and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

3. *That the site of the proposed use is of adequate topography, size and shape to accommodate said use as well as all yard 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.*

As discussed in the Project Summary Table, the Zoning Ordinance Consistency section and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

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

Vehicular access will be via Eleventh Street which is an adequate size and capacity to meet the needs of the site. Adequate parking to meet Zoning requirements will be provided on the property.

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 project supports Goal 6G.G1 of the General Plan:

“Pomona’s neighborhoods are diverse and each neighborhood’s character should be preserved and enhanced.”

The project will provide needed for-sale housing for the City and upgrade the site, enhancing the character of the neighborhood.

SECTION 3. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 9649-2018) 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 DIVISION

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and recommended for approval by the Planning Commission on January 9, 2019. 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 Director or designee.
2. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
3. The applicant shall submit Landscape and Irrigation Plans that demonstrate water-efficient plantings and an irrigation system that is in compliance with the City of Pomona’s Landscape Ordinance, subject to review and approval by the Development Services Director or designee, prior to issuance of any building permits for the subject site.
4. 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.

5. The approved Conditional Use Permit (CUP 9649-2018) shall lapse and become void if the use authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced by January 9, 2020. The Planning Commission may extend this period for one (1) year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval.
6. The project shall be subject to an appeal period of twenty (20) days. 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.
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 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.

PUBLIC WORKS—TRANSPORTATION AND DEVELOPMENT DIVISION

The following conditions and public improvements, as well as all applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws¹.

Note: the public works fees are currently being updated and will be subject to change pending upcoming city council approval.

All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.

Land development requirements

8. Owner shall obtain the California Bureau of Real Estate approval of the condominium plan and the associated Assessor Parcel Numbers 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 approval of the Certificates of Occupancy for the proposed condominium units.

Improvement plans requirements

9. 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. New driveway approach per City standards and ADA requirements.
 - b. New sidewalk, curb and gutter to replace the existing driveway aprons proposed for removal and all damaged cracked and uplifted sidewalk, curb and gutter sections.
 - c. Eleventh Street paving: grind and overlay from gutter to street centerline or over the entire street width, subject to (i) the required wet and/or dry utility pavement cuts and (ii) the longitudinal pavement cuts associated with the driveway approach removals and construction. The developer is responsible for all additional street paving due to dry utility cuts beyond the lot frontage limits.
 - d. Street lights: Install two (2) new street lights in conformity with the City standards.
 - e. New parkway landscaping.
 - f. Parkway drains installed in compliance with the City standards.
 - g. Existing sewer, water and storm drain infrastructure.
 - h. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - i. Undergrounding of all existing and proposed utility lines per City of Pomona Municipal Code Section 62-31(b).
 - j. 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.
 - k. Note: The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
10. The demolition or relocation of all 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 the Engineering Division of the Public Works Department.

11. 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.
12. 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.
13. 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.
14. 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.
15. Prior to the issuance of the building permits Applicant/Developer is 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.
16. 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.
17. The final improvement plans 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.
18. 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

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

19. **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, gutter, street lights, overhead lines undergrounding, parkway landscaping, water and sewer improvements, trench resurfacing and street paving.

20. 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.

21. Permittee shall pay fees associated with and possess the City of Pomona Business License.
22. 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 (WRD)

23. There is currently a six-inch (6") ACP water main within Eleventh Street. The existing localized static pressure of the project area is 50-60 psi.
24. **The existing water infrastructure shall be shown on the site plan.**
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.
27. Any existing public water infrastructure 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

28. There is currently an existing 5/8" meter serving 1446 W. Eleventh Street. **Please identify if this existing meter will be used with the proposed development. WRD will provide additional comments regarding any proposed or existing service/meter to be used for the project.**
29. Contact the WRD at (909) 620-2212 for information regarding meter installation fees.
30. 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.

31. **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, given the size, pressure, and age of the existing system. These calculations shall include fire and domestic water demands. These calculations shall be submitted to the WRD.**
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') 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 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:
 - Reduced pressure principle assembly (RPPA) devices are required for dedicated irrigation service lines to the proposed site, and
 - Reduced pressure principle assembly (RPPA) devices are required for all domestic services; and
 - Double check detector assembly (DCDA) devices for all fire sprinkler service lines.
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 is currently an existing eight-inch (8") VCP main within Eleventh Street and within the project site. There is an existing twelve-inch (12") VCP main that crosses the site diagonally. **The existing sewer infrastructure shall be shown on the site plan. The City will**

determine if the twelve-inch main may be abandoned in place. The existing onsite eight-inch main may be considered a private lateral.

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.**
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 Drawings S5 and s6. Construction shall also comply with the Public Works Standard No. A-26-02 for trench pavement repair.
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 regarding fee assessment, 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.**

If you have any questions regarding water/sewer requirements or these comments, please contact the WRD at (909) 620-2212.

LOS ANGELES COUNTY FIRE DEPARTMENT

Access

47. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls

of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.1

48. The proposed driveway within the development shall provide approved street names and signs. All future buildings shall provide approved address numbers.
49. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
50. All on-site Fire Department vehicular access roads shall be labeled as “Private Driveway and Fire Lane” on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
51. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
52. All fire lanes shall be clear of all encroachments and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
53. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
54. Provide approved signs or other approved notices or markings that include the words “NO PARKING - FIRE LANE”. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
55. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1
56. 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

Water

57. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.

58. The required fire flow for the public fire hydrant on this residential development is 1250 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
59. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
60. All required public fire hydrants shall be tested and accepted prior to beginning construction. Fire Code 501.4
61. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation. Contact the Sprinkler Plan Check Unit at 323 890-4125 for submittal requirements.

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

APPROVED AND PASSED THIS 9TH DAY OF JANUARY, 2019

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

CHRISTI HOGIN
INTERIM CITY ATTORNEY

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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 Sec. 1094.6 C.C.P."