

**DPR RESOLUTION NO. XX-XXX**

**DECISION AND FINDINGS OF FACT BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF POMONA, CALIFORNIA APPROVING DEVELOPMENT PLAN REVIEW 10678-2018 TO CONSTRUCT AN EXTERIOR FAÇADE RENOVATION AND INTERIOR TENANT IMPROVEMENT TO CONVERT AN EXISTING COMMERCIAL RETAIL UNIT TO A RESIDENTIAL UNIT ON THE PROPERTY LOCATED AT 360 EAST HOLT AVENUE (8337-026-004)**

**WHEREAS**, the applicant, John Pena, has filed an application for Development Plan Review (DPR 10678-2018) to construct an exterior façade renovation and interior tenant improvement to convert an existing commercial retail unit to a residential unit on the 7,280 square foot parcel located at 360 East Holt Avenue (8337-026-004);

**WHEREAS**, the subject site is currently zoned “City Gateway Segment” of the Pomona Corridors Specific Plan (PCSP) and designated “Transit Oriented District Neighborhood” in the City of Pomona General Plan;

**WHEREAS**, in accordance with Section 2.0.5.C.1(c) of the PCSP a Development Plan Review Hearing (DPR) is required for any exterior façade renovations that change the character of existing street facade 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 January 31, 2019, concerning Development Plan Review (DPR 10678-2018);

**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 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 (Minor Alteration of Existing Facilities). The Development Services Director finds that the proposed project is consistent with the categorical exemption since the proposed project consists of an exterior and interior remodel to an existing structure with no expansion. Furthermore;

**SECTION 2.** If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

**SECTION 3.** In accordance with Section 2.0.5.A.(4) of the PCSP, the Development Services Director must make findings in order to approve Development Plan Review (DPR 10678-2018). 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:

1. *The project is consistent with the City's General Plan and all applicable requirements of the City Code.*

The City of Pomona General Plan designates the subject site as a “*Transit Oriented District Neighborhood*” place type. The “*Transit Oriented District Neighborhood*” has several policies such as: “*Provide visual interest and express the human scale in building design with architectural building base treatments*” (Policy 7F.P6) and, “*Establish regulations that identify architectural treatments necessary to ensure that transit oriented districts help to promote a safe, family-oriented community environment.*” (Policy 6B.P3) Furthermore, it meets the General Plan goal to “*Ensure that transit oriented districts are walkable, active, and well integrated into surrounding City districts and neighborhoods...*” (Goal 6B.G4) The proposed façade and tenant improvement is consistent with the City's General Plan because the renovation will enhance the visual appeal of the building and value of the site located along the corridor increasing walkability.

The proposed project promotes the continued economic viability of the structure, which is consistent with the following goal of the Economic Development Element of the General Plan: “*Maximize property values throughout the City.*”[Goal 7B.G6] The façade improvement and remodel will increase the property value of the site.

2. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood.*

This commercial remodel project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood as the project will comply with all design standards of the City Gateway Segment of the PCSP. The current structure consists of a commercial tenant space, therefore improvement is required to facilitate a residential use. Since the project is not proposing an expansion, the project is not anticipated to generate noise, traffic, and lighting impacts detrimental to residents, occupants, and properties within the surrounding area and will remain consistent with the subject property's zoning.

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

The subject parcel is located with frontage along Holt Avenue. The City of Pomona Public Works Department has reviewed both off-site and on-site circulation patterns and have not expressed concern with the project.

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

The exterior façade improvement and interior tenant improvement has been thoroughly reviewed and meets all applicable provisions of the architectural guidelines of the PCSP.

**SECTION 4.** Based upon the above findings, the Development Services Director hereby approves Development Plan Review (DPR 10678-2018) 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 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 January 31, 2019 and as illustrated in the stamped approved plans dated [January 31, 2019]. 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. 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 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. 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 (January 31, 2020), in accordance with PCSP Section 2.0.5.A(6). The Planning Division may extend this period for a maximum of two, one (1) year extensions upon receipt of an application for a Time Extension request submitted by the applicant at least thirty (30) days before the expiration date of this approval, consistent with PCSP Section 2.0.5(A)6.
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 Development Services Director.
6. The applicant shall include all conditions of approval from Development Plan Review (DPR 10678-2018) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
7. The applicant shall submit construction drawings for plan check to all required City of Pomona departments. Plans shall be consistent with all required development standards outlined in the PCSP Section 2.1.9 City Gateway Segment outlined in Section 2.1.9.A Development Standards Chart.
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 Planning Manager.
9. Any proposed fencing on the subject site shall be in compliance with PCSP Section 2.4.2.C. and subject to the review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.
10. The property shall be maintained free of weeds and debris prior, during and after the construction period.

#### **BUILDING AND SAFETY DIVISION**

11. 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.

12. 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.
13. 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.
14. 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
15. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
16. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
17. Fence and Wall Plan required.

#### **WATER AND SEWER**

18. Within Holt Avenue there is an existing eight-inch (8") DIP water main. There is a sixteen-inch (16") steel transmission water main within Holt Avenue that may not be used for domestic service. The existing localized static pressure of the project area is 45-50 psi. There is an existing eight-inch (8") VCP sewer main within Holt Avenue.
19. There is currently an existing 5/8" meter serving the site at 360 E. Holt Avenue. A 1" meter upgrade may be required for this new residential site use. A low-lead (0.25%) dual check device may be required for meter backflow protection. Check with the Los Angeles County Fire Department to confirm if sprinklers are required to provide fire protection to the site.
20. The applicant/developer shall calculate the new water demand (based on fixture units) to verify that the existing service(s) have capacity for the water demand given the size, pressure, and distance of these services from the proposed development. These calculations shall include fire/domestic water demands and wastewater discharge. A full hydraulic analysis is required for this development. This analysis report shall be submitted to the WRD for review and acceptance. Please submit the plumbing plan for this development to WRD.

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

21. Submit two complete sets of architectural drawings. Indicate type of construction, occupancy classification, and area justification.

22. Show all existing public fire hydrants (6"x4"x2-1/2") within 300 feet of lot frontage. Include size of barrel and outlets.
23. Provide a completed fire flow availability form. (Form 196)
24. Fire Sprinklers will be required for the entire building. The type will be determined when plans are submitted for plan review.
25. Additional requirements may be required pending information provided

**APPROVED AND ADOPTED THIS 31<sup>st</sup> DAY OF JANUARY, 2019**

APPROVED BY:

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Anita D. Gutierrez, AICP  
Acting Development Services Director

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Date