

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 011702-2019 TO REMODEL AN EXISTING COMMERCIAL BUILDING LOCATED AT 1417 N GAREY AVENUE (ASSESSOR'S PARCEL NUMBER 8339-027-012)

WHEREAS, the applicant, Daniel Kim, has filed an application for Development Plan Review (DPR 011702-2019) to remodel an existing commercial building on the 5,739 square-foot parcel located at 1417 North Garey Avenue (Assessor's Parcel Number 8339-027-012);

WHEREAS, the subject site is currently zoned "Downtown Gateway Segment" of the Pomona Corridors Specific Plan (PCSP) and designated "Neighborhood Edge" 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 June 6, 2019, concerning Development Plan Review (DPR 011702-2019);

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.

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 011702-2019). 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 "Neighborhood Edge" place type. The "Neighborhood Edge" has several policies such as, "*encourage rehabilitation and façade improvements of existing commercial centers along corridors*" [Policy 6D.P8] and "*support renovation of existing commercial strip development,*" [Policy 6D.P7] in order to meet its General Plan goal to "*improve the physical character, economic vitality, and mobility function of the City's most visible and well-traveled corridors.*" [Goal 6A.G1] This commercial façade improvement and remodel is consistent with the City's General Plan because the renovation will enhance the visual appeal and value of the site located along the corridor. The project is consistent with the standards and design guidelines of the Pomona Zoning Ordinance (PZO) and PCSP in terms of setbacks, uses, building height, onsite parking, and overall architectural design.

The proposed project promotes the continued economic viability of the office, 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 development and design standards of the Downtown Gateway Segment of the PCSP. The business has been operating for decades in this location without conflicts with the surrounding uses. Since no expansion is proposed, the project is not anticipated to generate additional 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 Garey 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's overall proposed vehicular circulation.

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

The façade improvement and remodel has been thoroughly reviewed and meets all applicable provisions, such as the architectural guidelines of the PCSP, and other applicable regulations.

SECTION 4. Based upon the above findings, the Development Services Director hereby approves Development Plan Review (DPR 011702-2019) 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 June 6, 2019 and as illustrated in the stamped approved plans dated (June 6, 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 Planning 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 (June 6, 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 applicant shall include all conditions of approval from Development Plan Review (DPR 011702-2019) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
6. 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.
7. 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.
8. All temporary signs on the premises shall be prohibited. This shall include no placement of temporary signs within any landscaped and walkway areas or affixed to any light standards. Window signs shall be limited to no more than 25% coverage of the glass window area along each building frontage.
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.
10. The property shall be maintained free of weeds and debris prior, during and after the construction period.
11. An anti-graffiti coating must be applied to the exterior façade along Garey Avenue.

BUILDING AND SAFETY DIVISION

12. 2016 California Codes for plans submitted to the building department prior to 2020.
13. The undergrounding of utility facilities is required. (PMC 62-31)

14. 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)
15. 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.
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. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
20. Fence and wall plan required.

FIRE PREVENTION DIVISION

21. For the proposed 2,008 SF tenant improvement review and approval by the County of Los Angeles Fire Department Fire Prevention Engineering Section Building Plan Check Unit may be required prior to building permit issuance. Contact the County of Los Angeles Fire Department Fire Prevention Engineering Section Plan Check Office for specific review and submittal requirements for this project at the following address:

County of Los Angeles Fire Department
Fire Prevention Engineering Section – Building Plan Check Office
590 S. Park Ave.
Pomona, CA 991766
(909) 620-2402

PUBLIC WORKS DIVISION

Land Development

1. Property Owner shall submit a Certificate of Compliance application, in accordance with the Subdivision Map Act Section 66412.6(b). The Certificate of Compliance shall be approved and recorded prior to the issuance of the building permits.

2. Property Owner shall submit a copy of the recorded agreement with the northerly property owner, for public street access. This requirement is necessary considering that the existing building is constructed over the entire lot width and the access to the property parking lot located west of the building is facilitated via the northerly neighboring lot driveway.

Improvement plans requirements

3. Prior to the issuance of the building permits, Applicant/Developer shall submit for review and approval a **Revised Site Plan** to include the following items and shall be responsible for the construction thereof:
 - a) Property Owner shall dedicate a 5-foot strip of land along the Garey Avenue property frontage for ultimate right-of-way purposes. This requirement is in accordance with the City of Pomona General Plan, which mandates that all Arterial Roadways shall be 100 feet wide. This requirement shall be complied with in conjunction with the potential future property redevelopment. A note to this effect shall be added to the Site Plan.
 - b) 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 and a note to this effect shall be added to the public street improvement plan.
 - c) The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plan.
 - d) Undergrounding of the proposed overhead utility lines shall conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plan.
 - e) The property abutting sidewalk, parkway and alley, as applicable, shall be maintained free of weeds, rubbish and refuse by the property owner, as required by the City's Municipal Code Section 18-261 and a note to this effect shall be added to the public street improvement plan.
4. 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.
5. The plans shall be submitted on 24" x 36" sheet size, 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.
6. 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

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due to developer's or City's request shall require additional conditions to be completed by the applicant.

WATER DIVISION

1. Low-lead reduced pressure principle assembly (RPPA) and double check detector assembly (DCDA) devices are required for backflow protection. Please install the required backflow devices.

APPROVED AND ADOPTED THIS 6th DAY OF JUNE, 2019

APPROVED BY:

Anita D. Gutierrez, AICP
Development Services Director

Date