

**PC RESOLUTION NO. 18-XXX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 011273-2019) FOR DEVELOPMENT OF TWO SINGLE-FAMILY RESIDENCES, EACH ON A SEPARATE ADJACENT LOT ON PROPERTY LOCATED AT 1422 AND 1428 WEST TENTH STREET IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.**

**WHEREAS**, the applicant, Xin Wang, has submitted an application for Conditional Use Permit (011273-2019) to allow construction of two single-family two story dwellings, each on a separate lot. The subject site is zoned R-2-S, Low Density Multiple-Family Residential with Supplemental Use Overlay.

**WHEREAS**, a Conditional Use Permit is required for certain development on property with an “S” overlay projects, pursuant to Section .440 of the Pomona Zoning Ordinance;

**WHEREAS**, the City has also initiated revocation of Conditional Use Permit (17-001) that has not been exercised to develop two single-family dwellings on two separate and adjacent lots.

**WHEREAS**, the subject site is vacant from any development;

**WHEREAS**, the subject property is on a parcel designated as “Residential Neighborhood” on General Plan Land Use Map;

**WHEREAS**, the proposed development meets all the development standards of the R-2-S (Low Density Multiple Family with Supplemental Overlay) which permits single-family residences developed under the R-1-7,200 zone development standards;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 24, 2019, concerning the requested Conditional Use Permit (CUP 011273-2019); and

**WHEREAS**, the Planning Commission has carefully considered all pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed 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 the proposed project meets the criteria for a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to Article 19, Section 15301(k). Therefore, the project is not subject to environmental review.

**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 .580.B of the Zoning Ordinance, the Planning Commission must make five (5) findings in order to approve Conditional Use Permit (CUP 011273-2019). 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 wellbeing of the neighborhood or community;*

The proposed use of the subject site for residential development, specifically, the development of two new, two story residences, at this location will contribute to the general well-being of the neighborhood and the community by expanding housing opportunities for residents and by enhancing the appearance of the general 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 not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in full conformance with the development standards and use requirements of the R-2-S zone. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties which are zoned and planned for residential uses by the General Plan. The project, as designed, will enhance the neighborhood.

3. *That the site for the proposed use is of adequate topography, size and shaped 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;*

The subject site is relatively flat, large-sized, and the typical shape for its location being at the end of a cul-de-sac. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the R-2-S zone while compatible with other uses in the vicinity.

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

The subject site has street access directly to Tenth Street, a local street with access from Hansen Avenue between 9<sup>th</sup> Street and 11<sup>th</sup> Street. All available access to the subject site are adequate in width and improvement to carry traffic generations typical of single-family residential development projects.

5. *That 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 and conforms to the provisions of the zoning ordinance.*

The granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods (Goals 6G.G8). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City’s housing stock which the General Plan identifies as being under supplied.

**SECTION 4.** Based on the above finding, the Planning Commission hereby approves Conditional Use Permit (CUP 011273-2019), subject to the following conditions:

## **PLANNING DIVISION**

### **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 Planning Commission on July 24, 2019, and as illustrated in the stamped approved plans dated July 24, 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 Manager. To the extent any condition in this resolution is not in conformity with the stamped approved plans, the conditions herein shall prevail.
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 (July 24, 2020), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one (1) year upon receipt of an application for a Time Extension

request submitted by the applicant at least thirty days before the expiration date of this approval.

3. The project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty days 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. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
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. In case of a violation of any of the conditions of approval and/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 (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 Conditional Use Permit.

*Plan Check:*

6. The applicant shall include all conditions of approval from Conditional Use Permit (CUP 6656-2017) on the title sheet of construction plans prior to plan check submittal.

7. 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. Block wall/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.
8. Prior to the issuance of any building permits, the following must be completed:
  - a. A Mechanical plan demonstrating the location, type, size, and appropriate screening of all ground-mounted and roof-mounted mechanical equipment. All mechanical equipment shall be screened from public view.

*Site Development & Maintenance:*

9. 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.
10. 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.
11. The construction area shall be kept clean at all times prior to, during, and after construction.
12. 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.

*Conditional Use Permit Conditions:*

13. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.
14. The property shall be maintained free of weeds and debris prior, during and after the construction period.
15. Landscaping is to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained on the subject site. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, which meets the most current State of California Drought Executive Order Model Water Efficiency Landscape Ordinance (MWELo) and any modification as adopted by the City of Pomona.
16. The precise landscape and irrigation plans shall include landscape area in the rear and side yards of the proposed development, subject to the review and approval of the Planning Division.
17. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.)
18. Any proposed fencing on the subject site shall be in compliance with Section .503-I of the Pomona Zoning Ordinance and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.

**BUILDING AND SAFETY DIVISION**

19. The undergrounding of utility facilities is required. (PMC 62-31)
20. 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)
21. 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.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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.
27. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
28. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
29. Fence and wall plan required.

#### **Improvement plans requirements**

30. 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 plans shall be a minimum of 1" = 10' scale 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.

31. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications to the next adjacent (non-City) property owners** as indicated on the Planning Commission meeting notification list 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 and outline the City approval process (City review, public notification, Planning Commission approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.
32. 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.
33. 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.
34. Prior to the issuance of the building permit, Applicant/Developer shall submit for review and approval **public street improvement plans** to include the following items and are responsible for the construction thereof:
  - a. New driveway approach in conformity with City standards and ADA mandates. Unobstructed visibility shall be ensured at the intersection of the project driveway and Tenth Street.
  - b. New sidewalk, curb and gutter.
  - c. Cul-de-sac paving:
    - i) Full depth paving of the currently unpaved area, and
    - ii) In the event that project wet and/or dry utility pavement cuts are needed along Tenth Street frontage, Asphalt Concrete overlay paving shall occur in accordance with the City standard A-26-02 (at the minimum over the remainder cul de sac area corresponding to the property frontage).
  - d. Parkway drains installed in compliance with the City standards.
  - e. Existing and proposed sewer, water and storm drain infrastructure.
  - f. Undergrounding of the proposed overhead utility lines to 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.
  - g. 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.



- h. 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.
- 35. 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.
- 36. 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.
- 37. 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.
- 38. **Solid Waste:** Solid waste residential curbside collection services will be provided by the City; all containers shall be placed at the curb, along the Tenth Street property frontage to facilitate the solid waste collection services.
- 39. Applicant/Developer shall implement **storm water** 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.
- 40. Prior to the issuance of the building permits Property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's **Street Lighting and Landscaping Maintenance District**. The Owner 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.
- 41. 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 and parks improvements.
- 42. 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.
- 43. Prior to issuance of the building permits Applicant/Developer is responsible for paying the **development tax** associated with the proposed project.

44. 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.
45. 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.

46. **Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for the proposed public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving, water, sewer and storm drain improvements.**
47. 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.
48. Permittee shall pay fees associated with and possess the City of Pomona Business License.
49. 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**

50. There is currently an existing eight-inch (8") DIP water main within Tenth Street. The existing localized approximate static pressure for the proposed project area is 55-60 psi.

51. Due to 2010 State of California Residential Code (Title 24) regulations, all new single-family homes shall be equipped with residential fire sprinklers.
52. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.

### **Domestic and Fire Service Line**

53. Currently, there are no existing meters serving 1422 and 1428 W. Tenth Street. The proposed development requires a 1" meter per each home served.
54. 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 (5) feet from proposed driveways and parking spaces.
55. **The applicant/developer shall calculate the new water demand (based on fixture units) and conduct a hydraulic analysis, to verify that the proposed service(s) can provide the water demand given the size, pressure, and distance of these services from the proposed buildings. This calculation shall include fire and domestic water demands.**
56. Approved backflow devices (list the brand and model) are required for the following service lines to the site:
  - Reduced pressure principle assembly devices are required for dedicated irrigation service lines to the proposed site, and
  - Reduced pressure principle assembly devices are required for all domestic services; and
  - Double check detector assembly devices for all fire sprinkler service lines.

### **SEWER**

57. Within Tenth Street there exists an eight-inch (8") VCP sewer main.
58. **The applicant/developer shall calculate the expected wastewater generated by the buildings to properly size the sewer lateral(s) to serve the new site. This report shall be submitted to the WRD for review and acceptance.**

### **FIRE**

59. 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 at 323 890-4125 for review and approval prior to installation.
60. Verification for compliance will be performed by the Building Department prior to

building permit issuance.

**SECTION 5.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

**APPROVED AND ADOPTED THIS 24TH DAY OF JULY, 2019.**

---

DR. KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

---

ANITA D. GUTIERREZ, AICP  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

---

MARCO A. MARTINEZ  
ASSISTANT CITY ATTORNEY

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 California Code of Civil Procedure Section 1094.6."