

PC RESOLUTION NO. 17-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING CONDITIONAL USE PERMIT (CUP 4850-2016) FOR DEVELOPMENT OF TWO SINGLE-FAMILY RESIDENCES AT TWO STORIES IN HEIGHT, EACH ON A SEPARATE 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, Roslyn Amparo for Yenny Ng Architects, has submitted an application for Conditional Use Permit (4850-2016) to allow construction of two single-family two story dwellings, each on a separate lot. Residence A, proposed at 1428 W. Tenth Street, is proposed at 3,837 square feet in floor area on a property that is approximately 8,131 square feet in size. Residence B, is proposed at 1422 W. Tenth Street, and is proposed with a floor area of 3,845 square feet on property that is approximately 10,120 square feet in size. 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 subject site is vacant from any development;

WHEREAS, the subject property is on a parcel designated as "Residential Neighborhood" on the 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 January 11, 2017, concerning the requested Conditional Use Permit (CUP 4850-2016); and

WHEREAS, the Planning Commission 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 independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15332 of the California Public Resources Code, which exempts in-fill developments located in urbanized settings. The Planning Commission finds that the project meets the following criteria listed in the exemption: 1) the proposed project is consistent with the General Plan and Zoning Ordinance of the City; 2) the parcel is smaller than five acres; 3) the project site has

no value as habitat for endangered, rare or threatened species; 4) the project will not have significant effects upon the environment; and 5) the site can adequately be served by utilities and public services.

SECTION 2. 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 4850-2016). Based on 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 proposed use of the subject site for residential development, specifically, the development of two new, two story residences, at this particular location will contribute to the general well being of the neighborhood and the community by expanding housing opportunities for residents 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 and R-1-7,200 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 of 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 and R-1-7,200 zone while compatible with other uses in the vicinity.

4. *That the site abuts streets and highways are 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 9th Street and 11th 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 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 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 (goal 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 upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 4850-2016), 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 January 11, 2017, and as illustrated in the stamped approved plans dated January 11, 2017. 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.
2. The approved Conditional Use Permit (CUP 4850-2016) 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 11, 2018. 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
3. 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.

4. 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.
5. 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.
6. The applicant or property owner shall retain a copy of this resolution on the premises at all times and shall be prepared to produce it immediately upon the request of any City representative.
7. 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.

Conditional Use Permit Conditions

8. 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.
9. The applicant shall provide stamped concrete or decorative pavers for the first 25 feet driveway length for Residence B, as provided on the site plan prior to issuance of permits.
10. The property shall be maintained free of weeds and debris prior, during and after the construction period.
11. 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.
12. 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.
13. 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 Development Services Manager. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Development Services Manager.
14. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.).
15. Property line boundaries for both lots shall be provided with six foot high decorative block walls and cap instead of a six foot high wooden fencing, subject to the review and approval of the Planning Division. Double walls shall be prohibited.
16. 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.

17. Window and wall trim shall be provided with durable treatment material subject to the review and approval of the Development Services Manager. No foam trim shall be installed on the first floor portions of any structures.

BUILDING AND SAFETY DIVISION

18. The undergrounding of utility facilities is required (PMC 62-31).
19. 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).
20. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with 2016 California Building Codes.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction (Ordinance 3506).
27. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
28. <Condition Removed>

LOS ANGELES COUNTY FIRE DEPARTMENT

29. Submit two sets of architectural plans to the Fire Prevention Engineering Office located at 590 S. Park Avenue, Pomona, CA 91768.
30. The applicant is required provide the Information of Fire Flow Availability for Building Permit (Form 195) completed by the Water Purveyor.
31. Show all existing and public and private on-site fire hydrants on the site plan. Include the location of all public fire hydrants within 300 feet of the lot frontage on both sides of the street. Specify size of fire hydrant(s) and dimension(s) to property lines. Additional fire hydrant requirements may be necessary after this information is provided.

Water & Wastewater Operations Department

32. There is currently an existing eight-inch (8") DIP water main within 10th Street. The existing localized approximate static pressure for the proposed project area is 55-60 psi.
33. Due to 2010 State of California Residential Code (Title 24) regulations, all new single-family homes shall be equipped with residential fire sprinklers.
34. The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the extent of proposed public main within the proposed project area.
35. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
36. Any private onsite water improvements are the owner's responsibility and not the City's.

Domestic and Fire Service Line

37. Currently, there are no existing meters serving 1422 and 1428 W. 10th Street. The proposed development requires a 1" meter for fire and domestic service.
38. Contact the Public Works Department at (909) 620-2281 for information regarding meter installation fees.
39. The Contractor for the project is responsible for installing meters greater than two inches (2") in the public right-of-way.

40. There is a public fire hydrant within 500 feet of the proposed project site.
41. 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.
42. 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.
43. 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 Standard Numbers 11 and 12 of 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.
44. 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.
45. Contact the Public Works Department for information regarding all applicable meter fees. The City will install meters less than or equal to two inches (2") in size.
46. Effective January 1, 2017, 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.
47. Approved backflow devices (list the brand and model) are required for the following service lines to the site:
 - a) Reduced pressure principle assembly devices are required for dedicated irrigation service lines to the proposed site, and
 - b) Reduced pressure principle assembly devices are required for all domestic services; and
 - c) Double check detector assembly devices for all fire sprinkler service lines.
48. Submit water development plans to the City's Public Works Department for review. The plan shall include water meters, service lines, approved backflow devices, and proposed/existing water mains. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

SEWER

49. Within 10th Street, there exists an eight-inch (8") VCP sewer main.
50. The applicant/developer shall calculate the expected wastewater generated by the buildings to properly size the sewer lateral(s) to serve the new site. Due to the additional discharge volume anticipated by this development, the applicant/developer shall conduct a study for the existing sewer main in Phillips Boulevard. This report shall be submitted to the WWOD for review and acceptance.
51. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
52. New sewer laterals must be constructed per Standard No. B-8-61 per City of Pomona Public Works Department Standard Drawings March 2006 (Public Works Standards). Construction shall also comply with the Public Works Standard No. A-26-02 for trench pavement restoration.
53. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
54. Effective January 1, 2017, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.
55. 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.
56. Submit sewer development plans to the Public Works Department showing all existing and proposed sewer mains, laterals, and manholes. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

PUBLIC WORKS DEPARTMENT

57. The following conditions and public improvements, as well as any 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 laws, including, but not limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual.
58. 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

59. Applicant/Developer shall submit an application for a lot line adjustment between the lots associated with Assessor Parcel Numbers (APNs) 8349-018-058 & -059 to allow the public street access for the currently land locked parcel designated as APN 8349-018-058. The lot line adjustment shall be approved and recorded prior to the issuance of the project's building permits.

Improvement Plans Requirements

60. Applicant/Developer shall submit the grading, drainage and erosion control plans for review and approval by the Public Works, Planning and Building and Safety Divisions.
- a) The scale used for the plans needs to be large enough (1"= 10' is preferred) 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.

61. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications of adjacent property owners 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. The proposed development shall accept the conveyance of the existing offsite drainage.
62. 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.
63. 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.
64. Applicant/Developer shall submit public street improvement plans to include the following:
 - a) New driveway approach in conformity with the City standards and the ADA requirements.
 - b) New sidewalk, curb and gutter.
 - c) Cul-de-sac paving:
 - (1) Full depth paving of the currently unpaved area, and
 - (2) Grind and overlay paving of the remainder cul-de-sac area, at the minimum to correspond to the property frontage; additional paving may be necessary, based on the required dry utility cuts.
 - d) Existing sewer, water and storm drain infrastructure.
 - e) Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - f) Undergrounding of all proposed utility lines per City of Pomona Municipal Code Section 62-31(b).
 - g) 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.

- h) Note: The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
 - i) 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.
- 65. 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.
 - 66. Applicant/Developer shall implement 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.
 - 67. 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, and public safety improvements.
 - 68. Prior to issuance of the building permits applicant/developer is responsible for paying the development tax associated with the proposed project.
 - 69. 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 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 (Assessor Parcel 8331-04-047).
 - 70. 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.

71. 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 is subject to review, approval, and permitting requirements of Public Works Department.

72. Prior to the issuance of the building permit, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: streets, sewer, water, and storm drains.
73. 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.

74. Permittee shall pay fees associated with and possess the City of Pomona Business License.
75. 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.

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


APPROVED AND ADOPTED THIS 11TH DAY OF JANUARY, 2017.



CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

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Conditional Use Permit 4850-2016
1422 and 1428 West Tenth Street
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ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES: Brown, Arias, Hemming, and Juarez.

NOES: Ursua and Ramos.

ABSTAIN: Grajeda.

ABSENT: None.

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.