

DPR RESOLUTION NO.

A RESOLUTION OF THE DEVELOPMENT SERVICES DIRECTOR OF THE CITY OF POMONA APPROVING DEVELOPMENT PLAN REVIEW (DPR 11935-2019) FOR INTERIOR IMPROVEMENTS AND EXTERIOR FACADE RENOVATIONS TO AN APPROXIMATELY 10,900 SQUARE FOOT EXISTING BUILDING AND CONSTRUCTION OF A NEW 594 SQUARE FOOT ADDITION ON AN APPROXIMATELY 2.42 ACRE SITE LOCATED AT 2130 N. GAREY AVENUE (APN 8365-016-038).

WHEREAS, the applicant, ATC Design Group c/o Lerik Silva, has filed an application for Development Plan Review (DPR 11935-2019) for interior improvements and exterior facade renovations to an approximately 10,900 square foot existing building and the construction of a new 594 square foot addition located at 2130 N. Garey Avenue;

WHEREAS, the subject site is currently zoned within the Pomona Corridors Specific Plan (PCSP) "Workplace Gateway Segment" and designated "Neighborhood Edge" by the City's General Plan;

WHEREAS, in accordance with Section 2.0.5.C of the PCSP a Development Plan Review (DPR) is required for any project in which an exterior facade renovation is clearly visible from public rights of ways;

WHEREAS, the Development Services Director of the City of Pomona has, after giving notice thereof as required by law held a public hearing on August 8, 2019, concerning the requested Development Plan Review (DPR 11935-2019);

WHEREAS, the Development Services Director 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 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(d) & (e)(1), Class 1 (Existing Facilities). The Development Services Director finds that restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment are proposed to meet current standards of public health and safety and the proposed addition to the existing structure will not result in an increase of more than fifty percent of the floor area of the structure before the addition.

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 11935-2019). Based on consideration of the whole record before her, including but not limited to, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Development Services 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 "Neighborhood Edge" place type. Policy 6D states: "...Buildings will be set back a moderate distance from the sidewalk with doors and windows opening out toward Garey Avenue across green landscaped setbacks. Planting strips with street trees and lighting between the curb and sidewalk will help buffer pedestrians from traffic moving along the thoroughfare..." The proposed project is anticipated to revitalize an under-utilized site while maintaining a compatible scale with the adjacent sites. The proposed renovation will provide an improvement to the surrounding context.

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.*

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 as the project will comply with all development and design standards of the "Workplace Gateway Segment" of the PCSP. The project, as conditioned, is not anticipated to generate noise, traffic, lighting, and privacy impacts detrimental to residents, occupants, and properties within the surrounding area and is 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 and La Verne Avenue. The site includes three (3) existing driveway approaches which are adequate and accommodate the existing uses and proposed use.

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

The project has been thoroughly reviewed and meets all applicable provisions of the PCSP and other applicable regulations without the need for any variances and/or other exceptions.

SECTION 4. Based upon the above findings, the Development Services Director hereby

approves Development Plan Review (DPR 11935-2019) 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 August 8, 2019, and as illustrated in the stamped approved plans. 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.
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 (August 8, 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 time 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.
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 the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the

City shall cooperate with applicant in the defense of the Action.

4. 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 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 Development Plan Review.
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. A valid commercial property rental license shall be obtained with the City of Pomona Business License Division within 30 days from the date of this approval for all businesses operating at the subject site (APN 8365-016-038) pursuant to Pomona City Code Section 50-331, et. seq.

Plan Check:

7. The applicant shall include all conditions of approval from Development Plan Review (DPR 11935-2019) on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the PCSP Section 2.1.8 – Workplace Gateway Segment.
8. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
9. 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” application for review and approval by the Planning Division.
10. Prior to the issuance of any building permits, the following must be completed:
 - a) A *Landscape Plan Check* in substantial conformance to the conceptual landscaping

plan submitted as part of the Development Plan Review Process to be prepared by a licensed landscape architect. Plan should further conform to the State Model Water Efficient Landscape City Council Ordinance No. 4232, landscape requirements in the PCSP, and applicable portions of Section .503-J of the Pomona Zoning Ordinance. Landscaping to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. A landscaping maintenance bond shall be required and held for a period of one year to ensure the project's compliance with the approved landscaping, at an amount to be determined by the Planning Manager.

- b) A *Photometric* plan demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and common areas. Plan shall identify locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings. There shall be adequate lighting around the property at all times (minimum of 1 foot-candle). This shall be done in such a fashion that persons standing outdoors at night are easily identifiable by law enforcement personnel. Lighting shall be screened so that no spillover occurs onto the adjacent properties. Parking lot light standards shall not exceed a height of 20-feet. The applicant shall install decorative light standards, in a design that is consistent with the Corridors Specific Plan, within the parking area, final location and design to be approved by the Planning Division during the Plan Check process.
11. Pursuant to City of Pomona Ordinance No. 3506, prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees". Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.

Site Development & Maintenance:

12. 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 a.m. and 8:00 p.m., 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.
13. 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.

14. The construction area shall be kept clean at all times prior to, during, and after construction. The property shall be maintained free of all weeds and debris and secured during all phases of construction of the project.
15. 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 Planning 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 Planning Manager.
16. Any graffiti on the store front windows by scratching or acid sketching shall be removed within thirty (30) days.
17. No temporary signs relating to any activity on the premise shall be placed or allowed to remain within landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, and city trees) or other portions on the exterior of the building. The only temporary signs allowed shall be properly permitted banner signs by permit per the City's sign ordinance. Signs placed in any window of the premises shall comply with the City's sign ordinance, and all other conditions under this Development Plan Review permit.
18. All proposed trash enclosures shall be provided with a low-profile trellis top consistent with the existing trash enclosures.
19. The property owner shall provide regular maintenance and cleaning of all exterior walkways, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351.
20. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Development Plan Review (DPR 11935-2019).
21. Before issuance of a zoning clearance and business license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - a) They have read and understand all the conditions of approval applicable to their project.
 - b) They are familiar with the daily operations of the use; and
 - c) The use will operate in compliance with the conditions of approval.
22. No overnight parking of recreational vehicles (RV's) shall be permitted.

23. No subletting or leasing of parking areas for vehicle storage or other similar equipment activities.
24. Any outdoor activities, including, but not limited, Christmas tree sales, pumpkin sales and clearance sales shall require the approval of a Temporary Use Permit pursuant to Section .583.
25. No vending machines of any kind shall be installed outdoors within the Project Site.
26. There shall be no public pay phones installed within or upon any portion of the premises.
27. Parking lot video surveillance equipment shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity on surrounding public rights-of-ways as well the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.
28. The placement of outdoor storage bins (including containers, trailers, or enclosures) on the Project Site shall be prohibited, except during the construction process pursuant to an active building permit. If outdoor storage bins are proposed for a temporary period of time (i.e. seasonal storage), the operator shall require the approval of a Temporary Use Permit pursuant to Section .583.
29. Prior to issuance of a Certificate of Occupancy, the block wall located along the easterly property line shall be repaired in accordance with the requirements of Section .503-I of the Pomona Zoning Code.
30. The parking lot curbed landscape islands located throughout the site shall be planted with trees, shrubs, and groundcover. The wall trellises located along the north elevation of the existing structure shall be planted with climbing vines. Required landscaping subject to the approval of a Landscape Plan Check.

BUILDING & SAFETY

31. The undergrounding of utility facilities is required. (PMC 62-31)
32. 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)
33. 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.

34. 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.
35. 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.
36. 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.
37. All proposed work 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.
38. 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.
39. Provide precise location of new construction (594 sq. ft.) and show connection to existing structure and ADA path of travel from all required public areas.
40. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

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

41. Fire Protection facilities; including access, must be provided prior to and during construction.

WATER RESOURCES

Water:

42. Low-lead reduced pressure principle assembly (RPPA) devices are required for all domestic and irrigation meters serving the site. Double check detector assembly (DCDA) devices are required for sprinkler backflow protection. Install the required backflow devices. A certificate of occupancy will not be issued until the backflow devices have been installed and tested.

SOLID WASTE

43. Solid waste services to be provided by a non-exclusive commercial solid waste franchise hauler approved by the City of Pomona; compliance with the AB 341 recycling law is mandatory. Trash enclosure shall be secured.

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

APPROVED AND PASSED THIS 8^h DAY OF AUGUST 2019

APPROVED BY:

Anita D. Gutierrez, AICP
Development Services Director

Date: