

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 10351-2018) FOR THE CONSTRUCTION OF FOUR (4) NEW DWELLING UNITS ON AN APPROXIMATELY 0.41 ACRE PROPERTY LOCATED AT 1476 SOUTH SAN ANTONIO AVENUE IN THE R-2 (LOW DENSITY MULTI-FAMILY) ZONE AND SUPPLEMENTAL OVERLAY DISTRICT

WHEREAS, the applicant, Julian Decierdo, has submitted an application for Conditional Use Permit (CUP 10351-2018) to construct four detached, two-story dwellings, on an approximately 0.41 acre property located at 1476 S. San Antonio Avenue; Assessor's Parcel Number 8327-001-004;

WHEREAS, the applicant has concurrently submitted an application for Tentative Parcel Map No. 82597 (TPM 11370-2019) to subdivide for condominium purposes on an approximately 0.41 acre property located at 1476 S. San Antonio Avenue; Assessor's Parcel Number 8327-001-004;

WHEREAS, the subject property is located within the R-2, Low Density Multi-Family zone and Supplemental Use Overlay district;

WHEREAS, the subject property has a General Plan, Place Type designation of Residential Neighborhood as well as a Transect Zone designation of T3 Typical;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on August 14, 2019, concerning the requested Conditional Use Permit (CUP 10351-2018); 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:

SECTION 1. Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt, under Section 15332, Class 32 exemption for in-fill development projects, is exempt from further 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 findings in order to approve Conditional Use Permit (CUP 10351-

2018). 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 four new dwelling units at this particular 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 district. 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 rectangular in shape and relatively flat with an area of approximately 17,920 square feet. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project.

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 San Antonio Avenue (a Minor Arterial), which is of adequate width and improvements to carry traffic generations typical of 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.

Goal 6G.G8: “Ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods.”

The project will include private open space and common open space consisting of landscaping and decorative hardscape, pedestrian access to the adjacent sidewalk along San Antonio Avenue, as well as a Craftsman style influenced two-story dwellings incorporating human-scale elements through the use of varying materials. 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. Therefore, 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.

SECTION 4. Based upon the above findings, the Planning Commission hereby recommends the City Council approve Conditional Use Permit (CUP 10351-2018) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the conditional use permit or any portion thereof:

Planning Division

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 August 14, 2019, and as illustrated in the stamped approved plans dated August 14, 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 Planning Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within one year from the date of this approval (August 14, 2020), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one 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. The project is subject to a twenty 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.

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. 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.
5. 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.
6. The applicant shall make a reduction of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to Plan Check submittal.

7. The property shall be maintained free of weeds and debris prior, during and after the construction period.
8. Landscaping is 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. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall apply for and obtain the approval from the Planning Division of a Landscape Plan Check, the plans must be prepared by a licensed Landscape Architect, which meet 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.
9. 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. 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.
10. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.).
11. 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.
12. Window and wall trim shall be provided with durable treatment material subject to the review and approval of the Planning Manager. No foam trim shall be installed on the first floor portions of any structures.
13. The project driveway shall not be used for the repair of vehicles.
14. The provided "Common Open Space" shall be available to all residents of the project and their guests.
15. Interior common open space amenities, such as but not limited to a picnic table or permanent grill, shall be incorporated into the building plan check submittal, subject to Planning Manager review and approval. Future modifications to the originally approved interior

common open space amenities and areas shall be subject to review and approval from the Planning Manager.

16. Blockwall/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 adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Additionally, the applicant must provide proof of attempted coordination in the form of certified mail receipt, correspondence from the adjacent property owner denying such coordination, or similar to the Planning Division. 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 residential property and construction of new common walls shall include approval by the property owners of adjacent property. The plans shall identify materials, seep holes and drainage.
17. The majority of the hardscape within the interior community courtyard, shall be provided with decorative elements to include, but not limited to, patterned stained/colored concrete, stamped concrete, stone, concrete overlays or other similar treatment.
18. Prior to the issuance of building permits, Planning Manager approval, during the Plan Check process, shall be obtained for the design and materials of the hardscape decorative paving to be installed within the interior community courtyard.
19. Garage areas shall not be used for storage to the exclusion of parking of vehicles.
20. Red paint and "No Parking" indications shall be applied to curb areas along the project driveway. No vehicles shall be parked at any time within "no parking" areas and red curb areas.
21. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351, et seq., also known as the City of Pomona Water Conservation and Water Supply Shortage Program.
22. 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.

23. Prior to issuance of building permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and common areas. The lighting plan shall include a site plan showing the 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.

Building & Safety Division

24. 2016 California codes for plans submitted to the building department prior to 2020.
25. The undergrounding of utility facilities is required. (PMC 62-31)
26. 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).
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. Proposed project shall be sprinkered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.

33. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
34. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
35. Fence and wall plan required.

Public Works Department – Transportation and Development Division

Improvement Plans Requirements

36. 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.
37. 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.
38. 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.

39. 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.
40. Prior to the approval of the parcel map, Applicant/Developer shall submit public street improvement plans to include the following items and are responsible for the construction thereof:
 - a. New driveway approach per City standards and ADA requirements. Unobstructed visibility shall be ensured at the intersection of the project driveway and San Antonio Avenue.
 - b. New sidewalk, curb and gutter to replace the existing apron proposed for removal and all damaged cracked and uplifted sections.
 - c. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the San Antonio Avenue frontage, overlay paving shall occur in accordance with the City standard A-26-02.
 - d. Parkway drains per City standards.
 - e. New parkway landscaping.
 - f. Existing and proposed sewer, water and storm drain infrastructure, including laterals.
 - g. 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.
 - h. 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
 - i. Undergrounding of the existing (along San Antonio Avenue) and 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.
 - j. 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.
41. The demolition or relocation of any 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 Public Works Engineering Department.
42. 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.
 43. 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.
 44. Solid Waste: Solid waste residential collection services will be provided as part of the Curbside Collection Program; all containers shall be placed at the curb, along the San Antonio Avenue property frontage.
 45. Applicant/Developer shall implement storm water Good Housekeeping BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.
 46. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting District 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. This requirement applies to Assessor Parcel Number 8327-001-004.
 47. 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.
 48. 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.
 49. Prior to issuance of the building permits Applicant/Developer is responsible for paying the development tax associated with the proposed project.
 50. 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.

51. 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

52. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
53. Prior to the parcel map approval or the issuance of the building permits, whichever occurs first, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving, parkway landscaping, water, sewer, storm drain improvements, existing and proposed overhead lines undergrounding.
54. 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.

55. Permittee shall pay fees associated with and possess the City of Pomona Business License.
56. 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.

Public Works Department – Solid Waste Division

57. Solid waste curbside collection services to be placed at the curb on San Antonio for service.

Water & Wastewater Operations Department

Water & Sewer

58. There currently exists an eight-inch (8") ACP water main within San Antonio Avenue. There currently exists an eight-inch (8") VCP sewer main within San Antonio Avenue. The localized approximate static pressure for the proposed project area is 55-60 psi. The existing public infrastructure shall be shown on the site plan.
59. The proposed site is currently being served by a 5/8" domestic meter. Define if this existing meter will be used in the proposed development. Please provide plumbing calculations based on fixture units to prove the adequacy of continued use of the existing domestic meter. This site may be served by either individual meters or one compound meter.
60. Low-lead (0.25%) reduced pressure principle assembly (RPPA) and double check detector assembly (DCDA) backflow devices are required for the site.

Los Angeles County Fire Department

61. The final map must be submitted for review and approval to the Fire Department Land Development Unit prior to recordation.

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

APPROVED AND ADOPTED THIS 14th DAY OF AUGUST, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

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ATTEST:

GUSTAVO N. GONZALEZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY 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.