

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP 12520-2019) TO ALLOW FOR THE CONSTRUCTION OF THREE, TWO-STORY CONDOMINIUM UNITS ON A 0.21-ACRE PROPERTY LOCATED AT 1325 W. GRAND AVENUE (APN 8333-030-005) WITHIN THE R-2 LOW DENSITY MULTIPLE-FAMILY AND SUPPLEMENTAL USE OVERLAY DISTRICTS.

WHEREAS, the applicant, Yueming Li, has submitted an application for Conditional Use Permit (CUP 12520-2019) to allow for the construction of three attached condominium units located at 1325 W. Grand Avenue, Assessor's Parcel Number 8349-026-036;

WHEREAS, the applicant has concurrently submitted an application for Tentative Parcel Map (PARCEL MAP 12521-2019) to subdivide one property for condominium purposes on a property located at 1325 W. Grand Avenue, Assessor's Parcel Number 8349-026-036;

WHEREAS, the subject property has a General Plan Place Type designation of Residential Neighborhood within the T-3 Transect Zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 11, 2019, concerning the requested Conditional Use Permit (CUP 12520-2019); 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 35 exemption for in-fill development, in that the project is located in an urbanized area and consists of the construction of three condominium units. Therefore, no further environmental review is required.

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 12520-2019). 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 wellbeing of the neighborhood or community.*

The proposed use of the subject site for residential development, specifically, the development of three condominium units 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 both the R-2 and Supplemental Use Overlay districts. 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 rectangular and relatively flat with an existing area of approximately 0.38 acres and proposed area of 0.21 acres. Therefore, the site has the adequate topography, size and shape to accommodate the proposed project.

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 Grand Avenue, a collector street, and is of adequate width and improvement to carry traffic generations typical of 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 use is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map. The project would also promote Goal 7B.G5 of the General Plan, which is to maximize property values throughout the City. In addition, the project is consistent with the Housing Element of the General Plan as it increases the City’s supply of housing.

SECTION 4. Based upon the above findings, the Planning Commission hereby recommends the City Council approve Conditional Use Permit (CUP 12520-2019) 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 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 recommended for approval by the Planning Commission on December 11, 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.
2. These entitlements are granted based upon the maps, plans and elevations submitted by Yueming Li, and dated December 11, 2019. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the above–noted entitlements and that is not reflected in the map, plans, and drawings approved with this action shall require review and approval 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. The property shall be maintained free of weeds and debris prior, during and after the construction period.
6. 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 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.
7. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the 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.

8. Any proposed wall or 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
9. Permit by the Planning Division prior to receiving a final sign-off on building permits.

Building and Safety Division

10. Submittals after December 31, 2019 will be required to be submitted under the 2019 California Codes.
11. The undergrounding of utility facilities is required. (PMC 62-31)
12. 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)
13. 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.
14. 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.
15. 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.
16. All proposed work shall comply with the 2016 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
17. Proposed project shall comply with the 2016 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
18. Proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
19. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction.

(Ordinance 3506)

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

Water Resources Department

Water

22. Currently there is an existing eight-inch (8") DIP water main within Grand Avenue. The localized approximate static pressure for the proposed project area is 60-70 psi. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
23. There is an existing 5/8" water meter associated with 1325 W. Grand Avenue. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required they shall be placed at least five feet (5') from proposed driveways and parking spaces.
24. The applicant/developer shall calculate the proposed water demand based on fixture units. The proposed service(s) shall provide the water demand given the size, pressure, and distance of these services from the proposed buildings. These calculations shall include fire and domestic water demands.
25. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:
 - a. Reduced pressure principle assembly (RPPA) devices are required for dedicated irrigation service lines to the proposed site, and
 - b. Reduced pressure principle assembly (RPPA) devices are required for all domestic services; and
 - c. Double check detector assembly (DCDA) devices for all fire sprinkler service lines.
26. Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains.

Sewer

27. An existing eight-inch (8") ACP sewer main is within Grand Avenue. The existing sewer

infrastructure shall be shown on the site plan. The existing thirty-six inch (36") RCP trunk sewer main shall not be connected to for any purpose.

28. The applicant/developer shall calculate the expected wastewater generated by the buildings to properly size the sewer lateral(s) to serve the new site.
29. Submit sewer development plans to the City for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes.

Public Works Department - Solid Waste

30. Curbside services to be provided by the City of Pomona. Placement shall be located on Grand Avenue.

Public Works Department- Land Development

The following conditions and public improvements, as well as all 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 laws¹.

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.

Improvement plans requirements

31. 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.
32. 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.
33. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.
34. 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.
35. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
36. 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.

37. 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.
38. 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.
39. 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 Grand Avenue driveway approach in compliance with the City standards and ADA requirements.
 - b. New sidewalk, curb and gutter to replace (i) the existing driveway apron proposed for removal and (ii) all damaged cracked and uplifted sections along Grand Avenue lot frontage.
 - c. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Grand Avenue property frontage, grind and overlay street repaving shall occur in accordance with the City standard A-26-02.
 - d. To address site access safety and required City standard upgrades, the following modification shall be made to the street lights: Refurbish one (1) street light luminaire with an LED luminaire on Grand Avenue.
 - e. Parkway drains per City standards.
 - f. New parkway landscaping.
 - g. Existing and proposed sewer, water and storm drain infrastructure, including laterals.
 - h. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries and a note to this effect shall be added to the public street improvement plan.
 - i. 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.
 - j. 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

- k. Undergrounding of the existing (along Grand 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.
- l. 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.
- m. 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.
- n. 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.
- o. 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.
- p. 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.
- q. 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.
- r. 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.
- s. Prior to issuance of the building permits Applicant/Developer is responsible for paying the development tax associated with the proposed project.
- t. 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.

40. 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.

41. 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, street light, parkway landscaping, water, sewer, storm drain improvements, existing and proposed overhead lines undergrounding.
42. 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.
43. Permittee shall pay fees associated with and possess the City of Pomona Business License.
44. 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.

Los Angeles County Fire Department

45. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.
46. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.

47. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the City of Pomona, Public Works and the County of Los Angeles Fire Code.
48. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.
49. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
50. The required fire flow for the public fire hydrants on this residential development is 1500 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
51. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
52. 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 for review and approval prior to installation.
53. This project will require an additional review by the Fire Prevention Engineering Unit during the Building Plan Check phase.

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 DECEMBER 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

PC Resolution No.
CUP 12520-2019 & PARCEL MAP 12521-2019
1325 W. Grand Avenue
Page 12 of 12

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.

I:\Development Services\Planning_Case Files_Case Files\Current\Grand Ave\West\1325\CUP 12520-2019
PARCELMAP 12521-2019\Staff Report and Resolution

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP (PARCEL MAP 12521-2019) TO SUBDIVIDE ONE PROPERTY FOR CONDOMINIUM PURPOSES LOCATED AT 1325 W. GRAND AVENUE (APN 8349-026-036).

WHEREAS, the applicant, Yueming Li, has submitted an application for Tentative Parcel Map (PARCEL MAP 12521-2019) to subdivide one property for condominium purposes located at 1325 W. Grand Avenue, Assessor's Parcel Number 8349-026-036;

WHEREAS, the applicant has concurrently submitted an application for Conditional Use Permit (CUP 12520-2019) to allow for the construction of three attached condominium units on a property located at 1325 W. Grand Avenue, Assessor's Parcel Number 8349-026-036;

WHEREAS, the subject property has a General Plan Place Type designation of Residential Neighborhood within the T-3 Transect Zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 11, 2019, concerning the requested Tentative Parcel Map (PARCEL MAP 12521-2019); 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 15315, Class 15 exemption for minor land divisions as the project involves the subdivision of one property for condominium purposes. Therefore, no further environmental review is required.

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 seven findings in order to approve Tentative Parcel Map (PARCEL MAP 12521-2019). 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. *The proposed map is consistent with the general plan and applicable specific plan.*

The project is located in the Residential Neighborhood, T-3 Transect General Plan Land Use Type, which allows for a variety of small scale, single-family housing types and limited attached housing types that are sensitively designed and compatible with adjacent homes. The proposed three attached condominium units meet the maximum allowable height of 2.5 stories. The subdivision will further promote Goal 7B.G5 of the General Plan, which is to maximize property values throughout the City. In addition, the project is consistent with the Housing Element of the General Plan as it increases the City's supply of housing.

2. *The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.*

The design and improvements of the proposed subdivision are consistent with the General Plan as the project is subject to public improvements such as the installation of a new driveway approach, sidewalk, curb and gutter, and parkway landscaping.

3. *The site is physically suitable for the type of development.*

The proposed subdivision will accommodate three condominium units that will enhance the general area. Further, the site is relatively flat and is surrounded multi family and single family housing; therefore, the site is physically suitable for the type of development.

4. *The site is physically suitable for the proposed density of development.*

The site is physically suitable to accommodate the proposed density allowed by the T-3 Transect Zone, which allows up to 20 dwelling units per acre.

5. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed subdivision will comply with the policies and regulations of the Pomona City Code, General Plan and all local or regional plans, policies, regulations, including requirements by the California Department of Fish and Game. Based on these factors, the proposed subdivision will not cause substantial environmental damage or injure wildlife or their habitat.

6. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The proposed project consist of a subdivision to allow for condominium purposes and is not likely to cause serious public health problems.

7. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby recommends the City Council approve Tentative Parcel Map (12521-2019) 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 Tentative Parcel Map 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 December 11, 2019, and as illustrated in the stamped approved plans dated December 11, 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 two years from the date of this approval (December 11, 2021), in accordance with Pomona Subdivision Ordinance section 29-49, et seq. The Planning Commission may extend this period not to exceed an aggregate of three years 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 fifteen day appeal period. Written appeals may be filed with the City Clerk within fifteen 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 fifteen 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 Tentative Parcel Map.
6. Pursuant to City Code Section 70-66 et seq., 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.
7. The applicant shall make a reduction of the approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to Plan Check submittal.
8. These entitlements are granted based upon the maps, plans and elevations submitted by Yueming Li, and dated December 11, 2019. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the above-noted entitlements and that is not reflected in the map, plans, and drawings approved with this action shall require

review and approval by the Planning Commission.

9. The applicant shall submit CC&Rs for a condominium project to the Planning Division, and the form and content of the CC&Rs must be approved by the Planning Division and the City Attorney, at the expense of the applicant, prior to approval of a final map for condominium purposes. The CC&Rs shall be recorded in the office of the Los Angeles County Registrar-Recorder concurrently with the filing of the final map. The applicant has represented to the City that it intends to lease or rent the units to the public until an unknown date in the future when applicant intends to sell condominium units. The applicant must submit a Condominium Plan to the City for review and approval by the Planning Division and City Attorney prior to the sale of any condominium unit. The CC&Rs must state that the applicant does not intend to actively market units to the public until sometime in the future, and that prior to the sale of the first condominium unit, applicant or its successor, if any, will comply with these conditions of approval, California Government Code Section 66459, obtain a Final Subdivision Public Report from the California Department of Real Estate, form a Condominium Homeowners Association, file articles of incorporation for the Condominium Homeowners Association with the California Secretary of State (or other appropriate organizational document), adopt bylaws, comply with the Davis Sterling Common Interest Development Act, the Subdivided Lands Act and any successor or other statutes that may apply.
10. The CC&Rs shall state that the Condominium Homeowners Association shall be responsible for ongoing maintenance of buildings and grounds related to the project including roadways, retaining walls, drainage facilities, and water and sewer systems.
 - a. **Street Maintenance.** All private streets within the Condominium Development shall be owned by and the cost of repairing and maintaining them shall be borne by an established Condominium Homeowner's Association. Street maintenance shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance;
 - b. **On-Site Easements.** The cost of establishing any on-site easements shall be borne by the subdivider and the cost of maintaining any on-site easements shall be borne by an established Condominium Homeowner's Association. All private on-site easements shall be addressed in the CC&Rs and shall not be dedicated to the City;
 - c. **Storm Drain Maintenance.** The on-site storm drainage system shall be owned by and the cost of repairing and maintaining it shall be borne by an established Condominium Homeowner's Association. Maintenance of the storm drain system shall be addressed in the CC&Rs and shall not be dedicated to the City. The CC&Rs shall provide that the City have a right to make necessary repairs to any drainage facilities that are the responsibility of the Condominium Homeowner's Association, have an impact on property outside of the boundaries of the area owned by or under the control of the

- Condominium Homeowner's Association when the Association has been advised in writing of the need to make repairs and has not done so;
- d. **Parking Space Use and Maintenance.** All on-site guest parking spaces shall be owned by and the cost of repairing and maintaining them borne by an established Condominium Homeowner's Association. Parking spaces, restrictions and enforcement of the restrictions shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance. The CC&Rs shall include and provide for the expenses associated with the monitoring and towing of illegally parked vehicles owned by any member. The CC&Rs shall clearly define the permitted use of guest parking spaces and prohibit the parking of resident vehicles in guest spaces;
 - e. **On-Site Parking.** The CC&Rs shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. "Recreational vehicle" includes, but is not limited to, a motor home, travel trailer, truck camper, or camping trailer, with or without motive power designed for human habitation for recreational or emergency occupancy, boats and other watercraft;
 - f. **Lighting Maintenance.** The Condominium Homeowner's Association shall be responsible for maintenance of exterior, on-site lighting and shall promptly replace nonfunctioning lights and broken or damaged lighting devices;
 - g. **Garage Use.** The CC&Rs shall stipulate that garages shall, at all times, be available for the parking of vehicles assigned to the applicable condominium unit. Storage within garages shall be allowed only to the extent such storage does not impede access to the parking space(s) within the garage.
- 11. The CC&Rs shall also provide for the continuing maintenance by the Condominium Homeowners Association of all common areas and facilities, including the roads, autocourts, speed bumps, traffic control signs and traffic control devices, common landscaping and irrigation, including the perimeter landscaping adjacent to public streets and all perimeter walls.
 - 12. The CC&Rs shall contain provisions permitting, but not obligating, the City to enforce the maintenance obligations of the HOA in the event it fails to carry them out, including the power, after proper notice, to lien both association and individual properties for costs of maintenance and enforcement.

Building and Safety Division

- 13. Submittals after December 31, 2019 will be required to be submitted under the 2019 California Codes
- 14. The undergrounding of utility facilities is required. (PMC 62-31)

15. 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)
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
23. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
24. Fence and wall plan required.

WATER

25. Currently there is an existing eight-inch (8") DIP water main within Grand Avenue. The localized approximate static pressure for the proposed project area is 60-70 psi. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
26. There is an existing 5/8" water meter associated with 1325 W. Grand Avenue. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required they shall be placed at least five feet (5') from proposed driveways and parking spaces.
27. The applicant/developer shall calculate the proposed water demand based on fixture units. The proposed service(s) shall provide the water demand given the size, pressure, and distance of these services from the proposed buildings. These calculations shall include fire and domestic water demands.
28. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:
 - a. Reduced pressure principle assembly (RPPA) devices are required for dedicated irrigation service lines to the proposed site, and
 - b. Reduced pressure principle assembly (RPPA) devices are required for all domestic services; and
 - c. Double check detector assembly (DCDA) devices for all fire sprinkler service lines.
29. Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains.

SEWER

30. An existing eight-inch (8") ACP sewer main is within Grand Avenue. The existing sewer infrastructure shall be shown on the site plan. The existing thirty-six inch (36") RCP trunk sewer main shall not be connected to for any purpose.
31. The applicant/developer shall calculate the expected wastewater generated by the buildings to properly size the sewer lateral(s) to serve the new site.
32. Submit sewer development plans to the City for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes.

Public Works Department - Solid Waste

33. Curbside services to be provided by the City of Pomona. Placement shall be located on Grand Avenue.

Public Works Department - Land Development

The following conditions and public improvements, as well as all 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 laws¹. 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.

34. Tentative **Parcel Map** shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
35. The tentative parcel map shall be recorded and developed as one parcel map, but may be developed in phases.
36. All existing and proposed water, sewer, drainage, ingress/egress easements, roadway dedications, traveled ways and drainage courses must be clearly shown on the map; the completion of any/all proposed easement vacations needs to be performed as part of the final parcel map. Prior to recordation the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the parcel map to be resubmitted for further consideration.
- Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
37. Prior to the parcel map approval, the Title Company must submit a **Final Subdivision Guarantee** to the Engineering Department.
38. All subdivisions must have centerline ties and survey property monuments set by a licensed Professional Civil Engineer or Land Surveyor as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the parcel map recordation; adequate **monumentation bond** is required prior to the final parcel map approval.
39. Prior to the parcel map approval or the issuance of the building permits, whichever occurs first, Applicant/Developer shall post **surety bonds** for the proposed public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving,

streetlights, parkway landscaping, water, sewer, storm drain improvements, existing and proposed overhead lines undergrounding.

40. Prior to the issuance of the Certificate of Occupancy Applicant/Developer shall provide proof of the parcel map recordation. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.

Los Angeles County Fire Department

41. The Final Map shall be submitted to our office for review and approval prior recordation.
42. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.
43. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
44. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the City of Pomona, Public Works and the County of Los Angeles Fire Code.
45. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.
46. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
47. The required fire flow for the public fire hydrants on this residential development is 1500 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
48. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
49. 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 for review and approval prior to installation.
50. This project will require an additional review by the Fire Prevention Engineering Unit during the Building Plan Check phase.

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

PC Resolution No.
CUP 12520-2019 & PARCEL MAP 12521-2019
1325 W. Grand Avenue
Page 11 of 12

the original to the City Clerk.

APPROVED AND ADOPTED THIS 11TH DAY OF DECEMBER 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GUSTAVO N. GONZALEZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)

PC Resolution No.
CUP 12520-2019 & PARCEL MAP 12521-2019
1325 W. Grand Avenue
Page 12 of 12

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.

I:\Development Services\Planning_Case Files_Case Files\Current\Grand Ave\West\1325\CUP 12520-2019
PARCELMAP 12521-2019\Staff Report and Resolution