

**PC RESOLUTION NO. 17-054****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 4635-2016) FOR A TRUCK BODY ASSEMBLY FACILITY OF 30,000 SQUARE FEET ON A PROPERTY LOCATED AT 1131 EAST SECOND STREET.**

**WHEREAS**, the applicant, Jose Magana, has submitted an application for Conditional Use Permit (CUP 4635-2016) for a truck body assembly facility of 30,000 square feet on a property located at 1131 East Second Street;

**WHEREAS**, the subject property is currently located within the M-1 (Light Industrial) zoning district;

**WHEREAS**, the subject property is on a parcel designated as "Urban Neighborhood" on the General Plan Land Use Map;

**WHEREAS**, the approval of a conditional use permit by the Planning Commission is required for the development of an industrial facility of over 20,000 square feet of gross floor area in all M zoning districts;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 13, 2017 concerning the requested Conditional Use Permit (CUP 4635-2016); and

**WHEREAS**, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the City of Pomona, California:

**SECTION 1.** The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15332 of the California Public Resources Code, which exempts in-fill developments located in urbanized settings. The Planning Commission finds that the project meets the following criteria listed in the exemption: 1) the proposed project is consistent with the General Plan and Zoning Ordinance of the City; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) the project will not have significant effects upon the environment; and 5) the site can adequately be served by utilities and public services.

**SECTION 2.** 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

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force and effect. To this end, the provisions of this resolution are severable.

**SECTION 3.** In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make five (5) findings in order to approve Conditional Use Permit (CUP 4635-2016). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *That the proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

The proposed use of the subject site for industrial development, specifically, the development of a truck body assembly facility, will contribute to the general well-being of the neighborhood and the community by providing a job-generating land use to neighboring residents.

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.*

As conditioned, the applicant's request 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 substantial conformance with the development standards and use requirements of the Pomona Zoning Ordinance. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity as the proposed use of a truck body assembly does not create any significant nuisance or externality to surrounding properties, and is a use that is compatible with the underlying zoning district.

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 site will undergo a lot line adjustment and merger with adjacent properties to sufficiently accommodate parking, loading, drive aisle width, and other site requirements, which would allow it to be compatible with surrounding land uses.

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 takes access from Second Street and First Street, each secondary streets with

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two lanes for each direction going east and westbound, that is capable of handling any additional vehicle trips generated by the proposed use.

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 project is consistent with the City's General Plan in that the proposed industrial use is consistent with the "Urban Neighborhood" place type site shown on the General Plan Land Use Map. In particular, Goal 6E.G1 of the Urban Neighborhood place type states: "Preserve stable neighborhoods by focusing new intensity and activity in clusters at major crossroads and areas of existing intensity throughout the city. The construction of a truck body assembly facility is proposed on a parcel in an area of existing industrial intensity, thereby being in conformance to this goal.

Goal 7B.G10 of the Economic Development section of the General Plan states: "Encourage expansion of existing businesses and extend efforts at business retention." The proposed truck body assembly facility represents an expansion of a business that has operated in Pomona over several years, thereby being in conformance to this goal as well.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 4635-2016) 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**

### *General Conditions:*

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on December 13, 2017, 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 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 13, 2019), 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.

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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 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.

*Plan Check:*

1. The applicant shall include all conditions of approval from Conditional Use Permit (CUP 4635-2016) on the title sheet of construction plans prior to plan check submittal.
2. The site plan shall include all utility apparatus, such as but not limited to, backflow devices

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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.

3. The installation of fences and walls that were not contemplated as part of this permit will require the submittal of a "Fence and Wall Permit" for review and approval by the Planning Division. 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 the adjacent property owner(s) and make reasonable attempts to construct one common property line wall. If coordination with the adjacent property owner(s) cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private property and construction of a new common wall shall include approval by the adjacent property owner(s). The plans shall identify materials, seep holes, and drainage.
4. 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. Plan should further conform to the State Model Water Efficient Landscape Ordinance, landscape requirements in the PCSP, and applicable portions of Section .503-J of the Pomona Zoning Ordinance. 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 Development Services 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.
  - c) Compliance with *Art in Public Places* requirements, per Section .5809-24 of the Pomona Zoning Ordinance, which is applicable to residential developments over 10

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units; compliance may be met by either placement of an approved public art piece on the project site, or payment of an in-lieu contribution.

- d) A *Mechanical* plan demonstrating the location, type, size, and appropriate screening of all ground-mounted and roof-mounted mechanical equipment. All mechanical equipment shall be screened from public view.
- e) A *Sign Permit* will be required for any installation of new signage.

*Site Development & Maintenance:*

- 6. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.
- 7. 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.
- 8. The construction area shall be kept clean at all times prior to, during, and after construction.
- 9. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager.
- 10. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Conditional Use Permit 4635-2016. Prior to removing or replacing any landscaped areas, check with the Planning Division. Substantial changes may require approval by the Development Services Director.

**COUNTY OF LOS ANGELES FIRE DEPARTMENT**

- 1. Install one (1) public hydrant on 1<sup>st</sup> Street as noted on the site plan by the Fire Department, prior to construction of the proposed building.

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2. All on-site Fire Apparatus Access Roads shall be labeled as “Private Driveway and Fire Lane” on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
3. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction.
4. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
5. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
6. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official.
7. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders and an unobstructed vertical clearance “clear to sky” Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building.
8. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface.
9. Provide approved signs or other approved notices or markings that include the words “NO PARKING-FIRE LANE”. Signs shall be a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance of such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector.
10. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building’s exterior walls shall be provided for firefighting and rescue purposes.
11. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

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12. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official.
13. Security barriers, visual screen barriers or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides.
14. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.
15. All fire hydrants shall be measured 6" x 4" x 2 ½" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles fire Department Regulation 8.
16. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction.
17. The required fire flow for the public fire hydrants for this project is 2000 gpm at 20 psi residual pressure for 2 hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow.
  - a) The fire flow is reduced based on the installation of an approved automatic fire sprinkler system is required for the proposed building within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

### **BUILDING & SAFETY**

1. The undergrounding of utility facilities is required (PMC 62-31)
2. This project falls under Section .5809-24 of the Zoning Code "Public Art requirement for private development – Public Art Allocations." (Ordinance No. 4151)
3. 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)
4. 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.



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5. 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 and Safety Division prior to commencing any grading or site excavation.
6. 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 a grading geotechnical/soils reports as approved by the City of Pomona.
7. 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.
8. 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.
9. Proposed project shall be sprinklered and comply with all other relevant all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
10. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

### **WATER RESOURCES**

1. There is currently an existing eight-inch (8") DIP water main within Second Street. The existing localized approximate static pressure for the proposed project area is 50 psi.
2. **The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WRD regarding the extent of proposed public main within the proposed project area.**
3. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
4. Any private onsite water improvements are the owner's responsibility and not the City's.
5. Any existing public water facilities located on private property shall be installed within a City of Pomona easement, and will be maintained by the City.

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**Domestic and Fire Service Line**

1. There is an existing 1" meter located at the proposed project site. **There shall be a 1" low-lead (0.25%) reduced pressure principle assembly (RPPA) installed as meter protection for the existing meter.**
2. Contact the Public Works Department at (909) 620-2281 for information regarding meter installation fees.
3. The Contractor for the project is responsible for installing meters greater than two inches (2") in the public right-of-way.
4. There are public fire hydrants within 500 feet of the proposed project site.
5. Contact the Los Angeles County Fire Department to determine if additional public fire hydrants are required for this site. If new fire hydrants are required they shall be placed at least five (5) feet from proposed driveways and parking spaces.
6. All newly installed water lines shall be disinfected per the *City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006* before connection to the existing water main.
7. Contact the Public Works Department for information regarding all applicable meter fees. The City will install meters less than or equal to two inches (2") in size.
8. Effective January 1, 2017, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.
9. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:
  - Reduced pressure principle assembly devices are required for dedicated irrigation service lines to the proposed site, and
  - Reduced pressure principle assembly devices are required for all domestic services; and
  - Double check detector assembly devices for all fire sprinkler service lines.
10. **Submit water development plans to the City's Public Works Department for review. The plan shall include water meters, service lines, approved backflow devices, and proposed/existing water mains. WRD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

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### SEWER

1. Within Second Street there currently exists an eight-inch (8") VCP sewer main.
2. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
3. Effective January 1, 2017, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.
4. **Submit sewer development plans to the Public Works Department showing all existing and proposed sewer mains, laterals, and manholes. WRD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

### PUBLIC WORKS DEPARTMENT

#### Land development requirements

8. Property Owner shall submit a **Lot Merger** application for the consolidation of Assessor Parcel Numbers (APNs) 8326-005-007, -008 and 8326-006-004 into one lot; the application shall be submitted to the Public Works Department, for review and approval and shall be recorded prior to the issuance of the building permits.
9. Property Owner shall submit a **Lot Line Adjustment** application to allow the westerly forty feet of APN 8326-006-006 to be added to APN 8326-006-004; the application shall be submitted to the Public Works Department, for review and approval and shall be recorded prior to the issuance of the building permits.
10. Property Owner shall **dedicate up to 4-foot** strips of land along First Street property driveway approaches, to accommodate the required ADA pedestrian continuous travel pathway.

#### Improvement plans requirements

11. 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 scale used for the plans needs to be large enough (1"= 10' is preferred) to clearly show all the details; the plans shall be submitted on 24" x 36" sheet size with a standard City title block.
  - b. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.

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- 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.
12. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications of adjacent property owners regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public services (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development. The proposed development shall accept the conveyance of the existing offsite drainage.
13. 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.
14. 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.
15. Applicant/Developer shall submit **public street improvement plans** to include the following:
- a. (i) Removal and reconstruction of three (3) driveway approaches, two (2) along Second Street and one (1) along First Street, (ii) removal of two (2) unused driveway approaches along Second Street and (iii) construction of one (1) additional driveway approach along First Street, in conformity with the City standards and the ADA requirements.
  - b. New sidewalk along the property frontages, to replace the unused driveway aprons and all exiting uplifted, damaged sidewalk sections.
  - c. New curb and gutter to replace (i) the approximately 45-foot "curb only" section along Second Street and (ii) all cracked, damaged curb and gutter sections.
  - d. Street paving:
    - 01. Second Street - grind and overlay from gutter to street centerline or over the entire street width, subject to the required wet and/or dry utility pavement cuts associated with the proposed development.
    - 02. First Street – grind and overlay from gutter to street centerline to repair the longitudinal pavement cuts associated with the construction of the proposed driveway approaches.
  - e. Street lights:

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01. Refurbish all existing street lights located along the property frontages, total of four (4), with LED fixtures.
  02. Install one (1) new street light on Second Street, in conformity with the City standards.
  - f. Placement of all traffic access gates at a minimum 20-foot distance beyond the property line.
  - g. Parkway drains built in compliance with the City standards.
  - h. Existing sewer, water and storm drain infrastructure.
  - i. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
  - j. Undergrounding of all existing and proposed utility lines per City of Pomona Municipal Code Section 62-31(b).
  - k. Note: It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements.
  - l. Note: The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
  - m. The demolition or relocation of all public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by the Engineering Division of the Public Works Department.
16. 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.
  17. 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.
  18. **Traffic:** Vehicles over 40 feet long are not allowed to enter and exit the site unless applicant provides turning templates for access and circulation including all driveways. Applicant shall be responsible for implementing any potential turning/vehicle restrictions.
  19. Applicant/Developer shall prepare a detailed **hydrology study** based on a 50-year storm event and a hydraulic analysis of the existing and proposed drainage conveyance capacity.

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The Developer is responsible to comply with the approved hydrology/hydraulic study recommendations necessary to meet minimum Federal, State, County and City requirements. The hydrology/hydraulic study shall be approved prior to the approval of the grading plan.

20. Prior to issuance of the grading permit Applicant/Developer shall develop and obtain the City approval of the final Standard Urban **Stormwater** Mitigation Plan (SUSMP) for the proposed project. The SUSMP shall be prepared in accordance with the City of Pomona's Low Impact Development (LID) Ordinance, the City of Pomona's Green Streets Policy and the Los Angeles Region NPDES MS4 Permit No. CAS004001, Order No. R4-2012-0175 which includes:

- a. Site Design BMPs;
- b. Source Control BMPs; and
- c. Treatment Control BMPs.

Applicant/Developer shall utilize the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (Published February 2014) as a guidance document for the design of applicable Best Management Practices (BMPs) proposed for the project.

Post-construction Structural and/or Treatment Control BMPs, shall be designed to mitigate (infiltrate or harvest and use) storm water run-off from the 85th percentile 24-hour rain event or 0.75-inch, 24-hour rain event, whichever is greater. The comparison must be provided in the SUSMP.

Applicant/Developer Utilize the County of Los Angeles Department of Public Works' HydroCalc program described in the LID Manual to calculate these design flows and volumes.

The program download can be found at <http://dpw.lacounty.gov/wrd/publication/>.

Applicant/Developer shall implement Good Housekeeping Best Management Practices (BMPs) for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.

The project involves soil-disturbing activities in excess of 1 acre therefore Applicant/Developer shall apply for a State General Construction Permit (Order No. CAS000002) and submit a copy of the Stormwater Pollution Prevention Plan to the Public Works Engineering Division.

21. Property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the **City's Street Lighting and Landscaping Maintenance District**. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.

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22. Prior to issuance of the building permits applicant/developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, and public safety improvements.
23. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
24. 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.
25. 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.

26. **Prior to the issuance of the grading permit, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: street paving, curb, gutter, sidewalk, driveway approaches, sewer, water, storm drains and street lights.**
27. 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.

28. Permittee shall pay fees associated with and possess the City of Pomona Business License.
29. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

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

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the original to the City Clerk.

**APPROVED AND ADOPTED THIS 13TH DAY OF DECEMBER, 2017.**

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LUIS JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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MARK LAZZARETTO  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

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

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this



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action must be sought is governed by California Code of Civil Procedure Section 1094.6.

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