

RESOLUTION NO. 2023-233

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP-018542-2022) FOR THE CREATION OF A DRIVE-THROUGH CONFIGURATION FOR A RESTAURANT ON A PROPERTY LOCATED AT 110 E. FOOTHILL BOULEVARD IN THE NEIGHBORHOOD CENTER SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN AND ACTIVITY CENTER AND URBAN NEIGHBORHOOD PLACE TYPES WITH T4-A AND T5 TRANSECTS (APN 8367-001-062)

WHEREAS, the applicant, Gabriela Marks for Marks Architects, Inc., has submitted an application for the Conditional Use Permit (CUP-018542-2022) for the creation of a drive-through configuration for a restaurant to become a “Popeye’s” on a property located at 110 E. Foothill Boulevard (APN: 8367-001-062);

WHEREAS, the subject property is located within the Neighborhood Center Segment of the Pomona Corridors Specific Plan;

WHEREAS, the subject property is on a parcel designated as Activity Center and Urban Neighborhood Place Types by the Pomona General Plan;

WHEREAS, pursuant to Section 2.1.6 of the Pomona Corridors Specific Plan, the approval of a Conditional Use Permit by the Planning Commission is required for drive-through configurations within the Neighborhood Center Segment of the Pomona Corridors Specific Plan;

WHEREAS, the Planning Commission of the City of Pomona, has, after giving notice thereof as required by law, held a public hearing on November 6, 2023, concerning the requested Conditional use Permit (CUP-018542-2022) and Development Plan Review (DPR-018543-2022) and carefully considered all pertinent testimony and the staff report offered in the case presented at the public hearing, and did not approve the applicant’s request on a 3-3-0-1 vote;

WHEREAS, the applicant submitted an application to appeal the decision of the Planning Commission to not approve the requested Conditional use Permit (CUP-018542-2022) and Development Plan Review (DPR-018543-2022);

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 4, 2023 concerning Conditional Use Permit (CUP-018542-2022); and

WHEREAS, the City Council 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 City Council of the City of Pomona, California, as follows:

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SECTION 1. The City Council, exercising their independent judgment, has determined that, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Section 15301, Class 1 exemption for existing facilities, from further environmental review because the proposed project involves the remodel of an existing office building into an eating and drinking establishment with a drive-through configuration and a 141 square foot addition.

SECTION 2. In 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. Pursuant to Section .580.B of the Zoning Ordinance, the City Council must make the five findings listed below in order to modify a Conditional Use Permit (CUP-018542-2022). Based upon a 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 City Council hereby finds as follows:

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

The proposed use at the particular location will contribute to the general wellbeing of the neighborhood and community as it is activating an existing structure that has sat vacant since at least 2020. The proposed use as an eating and drinking establishment will provide a beneficial service to nearby neighborhoods and to the public. The alteration of the building by creating a second entrance establishes the structure as having a “Neighborhood Center” configuration, which would potentially allow more than one tenant to occupy the building in the future. The creation of this tenant space will provide additional commercial opportunities to local residents. The establishment of an eating and drinking establishment with a drive-through configuration, along with the creation of a second potential tenant space, will strengthen the Activity Center and will contribute to the general wellbeing of the neighborhood and community.

2. *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 proposed project will not be detrimental to the health, safety, peace, and general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood as the proposed use will convert an existing vacant building previously used as an office space to the more street-oriented and active use of an eating and drinking establishment with a supplemental double drive-through configuration. The establishment of this use will at this particular location will contribute to the general welfare of the vicinity as it is activating an existing structure that has sat vacant since at least 2020 and that is located on a corner lot bounded by two arterial streets within an Activity Center. The existing single-tenant building will be modified into a “Neighborhood Center” configuration, as described

by the Pomona Corridors Specific Plan, to have a second entrance and tenant frontage which would potentially allow more than one tenant to occupy the building in the future. The establishment of an eating and drinking establishment with a drive-through configuration, along with the conversion of the single-tenant building into a “Neighborhood Center” configuration, will strengthen the Activity Center and will provide a beneficial service to nearby neighborhoods and to the public and will provide additional commercial opportunities to local residents.

3. *The site of the proposed use is of adequate topography, size and shape 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 is of adequate topography, size, and shape to accommodate the proposed use. There is a shared parking agreement that is recorded between the subject properties and the adjacent properties, allowing parking on adjacent lots to be utilized for the proposed use. The new drive-through queue will accommodate eleven vehicles and will be configured to be in such a way to prevent any potential vehicle overspill from obstructing the public right of way. Designated loading spaces, a new trash enclosure, and significantly increased landscaping are proposed for by the site to make the project compatible to the neighborhood

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use;*

The subject site is located along a minor arterial street, Garey Avenue, and a principal arterial street, Foothill Boulevard, both of which are capable of accommodating any additional vehicle trips that may be generated by the proposed use. The site will have multiple dedicated pedestrian access points, one on Garey Avenue and three on Foothill Boulevard, and will be entirely separated from vehicular traffic navigating the site. Bicycle racks will be provided as well along North Garey Avenue. Additionally, Foothill Boulevard is serviced by the Foothill Transit 188 bus and Garey Avenue by the Foothill Transit 291 bus, with both routes having stops nearby.

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 proposed project as conditioned is consistent with the Pomona General Plan and all and all applicable requirements of the Pomona City Code. The proposed request is within the “Activity Center” and “Urban Neighborhood” Place Type designations under the Pomona General Plan. The proposed project specifically meets Pomona General Plan Goal 6A.G8 for “Activity Center,” which reads encourages new developments to “*improve the physical quality of existing neighborhood centers throughout the City, particularly those within or next to residential neighborhoods.*” This goal is being satisfied as the project will establish an inherently more active use through an eating and drinking establishment, as well as create a second tenant space, both of which are particularly important at the corner of two arterial streets and within the mixed-use zones of the specific plan. Orienting the primary entrance of the establishment toward Foothill Boulevard and having dedicated pedestrian entrances separate from vehicular access

points will encourage a pedestrian environment, in addition having a drive-through configuration, further implementing the intent of the respective designated place types.

SECTION 4. Based on the above findings, the City Council hereby approves Conditional Use Permit (CUP-018542-2022) subject to the following conditions:

PLANNING DIVISION

General Conditions

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the City Council on December 4, 2023, and as illustrated in the stamped approved plans dated December 4, 2023 and as conditioned. 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. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.
3. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Conditional Use Permit.

4. The project is subject to a twenty (20) calendar day appeal period. Written appeals may be filed with the City Clerk within twenty (20) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within twenty (20) calendar days from the date of action by the Planning Commission.
5. This approval shall lapse and become void if the privilege authorized is not utilized within 12 months from the date of this approval (September 27, 2024), in accordance with Pomona Zoning Ordinance (PZO) 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.
6. Within six months from the date of approval, Applicant shall file for a Conditional Use Permit Inspection Request and pay applicable fees. Upon receipt of such Inspection Request, the Development Services Director shall conduct an inspection of the proposed operation and review any complaints received on the property. The Director shall determine if the applicant is satisfactorily in compliance against all conditions of approval identified in this Resolution. The Development Services Director may, at his or her discretion, approve or deny Inspection Requests. If noncompliance is determined, the Director may schedule the matter for review by Planning Commission to consider bringing revocation proceedings. Applicant shall file for subsequent Conditional Use Permit Inspection Requests on an annual basis.

Plan Check

7. The applicant shall include all conditions of approval from Conditional Use Permit (CUP-018542-2022) and Development Plan Review (DPR-018543-2023) on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the PZO and Pomona Corridors Specific Plan (PCSP) as applicable.
8. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and electric 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, utilities and/or equipment must be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
9. The installation of fences will require the submittal of a "Fence and Wall Permit" application for review and approval by the Planning Division. Block wall/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 extent

feasible. The applicant shall coordinate with the adjacent property owner(s) and make reasonable attempts to construct one common property line wall.

10. The installation of signage shall require the submittal of a “Sign Permit” application for review and approval by the Planning Division. Any proposed signs shall be consistent with Pomona Corridors Specific Plan.
11. Prior to the issuance of any building permits, a *Landscape Plan Check* in substantial conformance to the conceptual landscaping plan shall be submitted as part of the Conditional Use Permit Process. The Landscape Plan should further conform to the City of Pomona Water Efficient Landscape Ordinance, and applicable portions of Section .503-J of the PZO. 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 Director.
12. All parking spaces shall have either concrete wheel stops or a three-foot landscaped planter with a six-inch-high concrete curb.
13. A six-inch-high curb is required around all landscaped areas.
14. Access points to the site, including the vehicular drive-way and the pedestrian pathway, should be composed of decorative paving.
15. At landscaped areas by parking areas adjacent to streets or adjoining a side or rear property line shall have trees at a rate of one for every twenty linear feet of landscaping. Parking areas shall include the drive-through lane.
16. Bicycle racks must be provided on-site per the approval of the City Planner.
17. The proposed trash facility shall meet all applicable requirements of the PZO.
18. To screen vehicles using the drive-through facility and minimize associated headlight impacts, a minimum, continuous, and 42-inch-high landscape screen shall be established along the outer edge of the drive-through aisles between the drive-through lane and the public right of way. Screening materials may include a combination of plant materials, raised planters, and other screening as approved by the Director.
19. At least two parking spaces shall be dedicated to mobile orders and should be properly identified.

Site Development & Maintenance

20. During demolition, grading, site development, and/or construction, all requirements of the PZO and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to

Monday through Saturday, between 7:00 a.m. and 8:00 p.m., and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.

21. 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.
22. The construction area shall be kept clean at all times prior to, during, and after construction.
23. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Planning Manager.
24. 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.
25. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Conditional Use Permit (CUP-018542-2022) and Development Plan Review (DPR-018543-2023).
26. The applicant shall provide verification to Staff during the Plan Check process that the current placement of the menu board is the best location and if the queuing of vehicles behind the menu board will not encroach into the driveway isles.
27. Trash enclosure shall have a person door installed with numbered keypad to prevent illegal dumping on the premises.
28. The applicant shall conform to Section .5809-24 of the PZO pertaining to public art requirements for private development by complying with one of the following two options:
 - I. Placement of an approved Public Art on the Project site.
 - a) The Applicant may decide to place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), shall be in an amount equal to or in excess of the Public Art Allocation.
 - b) A Final Design Plan of the Public Art to be installed on Project site shall be approved by the Commission before issuance of a building or grading permit for the Project.
 - c) The Public Art shall be installed on the Project site before issuance of a Certificate of Occupancy, including any temporary Certificate of Occupancy, for the Project.

In cases where the Public Art cannot be installed on the Project site before issuance of a Certificate of Occupancy, the Applicant may post a cash bond to assure installation of the Public Art. The cash bond shall be in an amount equal to the Public Art Allocation or an amount based on any remaining, unexpended artwork budget as determined by the Community Development Director. The bond shall not be released until the Public Art has been completed and installed on the Project site in accordance with the approved Final Design Plan.

- II. Payment of an In-lieu Contribution.
 - a) Rather than place an approved Public Art on the Project site, the Applicant may choose to pay an In-lieu Contribution. The In-lieu Contribution shall be submitted to the City and deposited into the Public Art Fund before issuance of any building or grading permit for the Project.
- III. Use of In-lieu Contributions shall comply with the following:
 - b) In-lieu Contributions shall be used for the acquisition and installation of Public Art on public or private property in the City, except that up to 1/3 of the In-lieu Contribution may be used for maintenance of the proposed Public Art or an existing Public Art that is listed on the City's registry of Public Art.
 - c) In-lieu Contributions may be aggregated with other funds contained in the Public Art Fund for the purpose of providing a single qualifying Public Art project.
- 29. A photometric lighting plan will be submitted to Public Works for review of the proposed area of lighting that meets the minimum 1 FC requirement, including information of the light source type (ie LED) and Kelvin temperature. The plan shall be stamped and signed by a registered Professional Civil/Electrical Engineer in the State of California.
- 30. Before issuance of a zoning clearance and business license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - a. They have read and understand all the conditions of approval applicable to their project;
 - b. That they are familiar with the daily operations of the use; and
 - c. That the use will operate in compliance with the conditions of approval.
- 31. The property shall be maintained free of weeds and debris prior, during and after the construction period.

BUILDING AND SAFETY DIVISION

- 32. This project must comply with 2022 California Building Codes.
- 33. The undergrounding of utility facilities is required. (PMC 62-31)
- 34. 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)

35. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2022 California Building Codes.
36. All grading shall conform to the 2022 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.
37. 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.
38. All proposed work shall comply with the 2022 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
39. Proposed project shall comply with the 2022 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
40. A separate demolition permit is required.
41. Project must comply with **Grading and Paving** requirements designated on the California Green Building Standards. Section 5.106.10. These include the following:
 - a) Swales
 - b) Water collection and disposal systems.
 - c) French drains.
 - d) Water retention gardens.
 - e) Other measures which keep surface water away from other buildings and aid in ground water recharge.
 - f) **Exception:** Additions and alterations not altering the drainage path.
42. Proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing sprinklers as adopted by the City of Pomona.
43. Development Impact Fees shall be according to Ordinance #4309 and Resolution #'s 2021-57 & 2021-89. For more information contact The Department of Planning (909) 620-2191
44. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
45. Fence and wall plan required.

PUBLIC WORKS DEPARTMENT

46. 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 laws

47. 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

48. 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.
 - e. The proposed development shall accept the conveyance of the existing offsite drainage.
49. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications** to the (non-City) property owners as indicated on the Conditional Use Permit/Development Plan Review [CUP/DPR] 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, CUP/DPR approval, plans of record, etc.)
50. 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.
51. 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.
52. 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. 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.

53. 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 project involves a Restaurant where the land area of development is 5,000 square feet or more of impervious surface. The project is therefore classified as a Priority Project in accordance with the Los Angeles Region NPDES Permit No. CAS004004, Order No. R4-2021-0105. 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. CAS004004, Order No. R4-2021-0105, 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 and for the elements that are required to be included in the SUSMP.

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. The site geotechnical investigations shall comply with the Los Angeles County Guidelines GS200.1, 6/30/2021 Revision.

Applicant/Developer shall 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 BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.

54. Prior to the issuance of the grading permit, Applicant/Developer shall submit public street improvement plans to include the following items and are responsible for the construction thereof:
- a. New sidewalk, curb and gutter to replace all damaged and/or cracked, uplifted sections along Garey Avenue and Foothill Boulevard lot frontages. Caltrans permit is required for all proposed work along Foothill Boulevard.
 - b. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Garey Avenue and Foothill Boulevard property frontages, ARHM (Asphalt Rubberized Hot Mix) overlay paving shall occur in accordance with the City standard A-26-02 (Case III- Pavement Moratorium). Caltrans permit is required for all proposed work along Foothill Boulevard.

- c. Street Lights - To address site access safety and required City standard upgrades, the following are required:
 - i. A lighting analysis must be prepared and submitted to the Public Works Department for review and approval. The study area will be along Garey Avenue and Foothill Boulevard property frontages, to the nearest intersections, to ensure the roadway illumination design meets the IES RP-8 requirements; the owner is responsible for the compliance (design & installation) with all mitigation measures.
 - d. Site runoff shall be intercepted on site and directed to the public storm drain system by use of parkway drains designed and built in compliance with the City standards. Stormwater sheet flow over the driveway approach is not allowed.
 - e. Existing sewer, water and storm drain infrastructure, including laterals.
 - f. Unobstructed visibility shall be ensured at all intersections with the proposed project frontages and a note to this effect shall be added to the public street improvement plan.
 - g. Undergrounding of all proposed overhead utility lines serving the development shall 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.
 - h. 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.
 - i. 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.
55. Traffic: Onsite traffic signing and striping improvements shall be depicted on the construction plans. These traffic improvements include installation of stop signs, stop bars and stop legends.
56. 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.
57. 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.

58. 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.
59. Prior to the issuance of the building permits Applicant/Developer shall make proof of payment of the **Los Angeles County Sanitation District fees** associated with the proposed development.
60. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's impact fees for (i) traffic signals and control devices, (ii) road and highway improvements and (iii) water improvements, as applicable.
61. 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.
62. 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

63. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
64. **Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: sidewalk, street paving, sewer, water, storm drain, street lights, and dry utility undergrounding improvements.**
65. 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.

66. Permittee shall pay fees associated with and possess the City of Pomona Business License.
67. 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/Developer.

WATER RESOURCES DEPARTMENT

68. The City of Pomona Water Resources Department (WRD) has completed its review of the proposed drive-through Popeye's restaurant. **More specific comments from the WRD shall be generated throughout the project development process as required.**
69. **A full set of water and sewer development plans or improvements must be submitted to the Public Works and Water Resources Departments for this project. WRD requests that final versions of these plans be sent in both hard copy and electronic (saved as AutoCAD or PDF) format.** Please contact the Water Resources Department at (909) 620-2212 for any questions regarding water, sewer, and stormwater requirements or these comments.

Water

70. There currently exists the following water infrastructure adjacent to the proposed site:
 - Sixteen-inch (16") DIP main within Foothill Avenue.
 - Six-inch (6") ACP main within Garey Avenue

The localized approximate static pressure for the proposed project area within is 50-60 psi.
71. Per City billing records there an existing 1" water meter and service associated with 110. E. Foothill Boulevard. Identify if this existing meter will be used within the proposed development.
72. A low-lead (0.25%) reduced pressure principle assembly (RPPA) is required for any existing or proposed meter. An above-ground low-lead (0.25%) double check detector assembly (DCDA) is required for onsite fire demand services.
73. The applicant/developer shall calculate the new water demand (based on fixture units) to verify that the proposed or existing service can provide the water demand given the size, pressure, and distance of these services from the proposed buildings.
74. These calculations shall include fire, irrigation, and domestic water demands. These calculations shall be submitted to the WRD.
75. Contact the Los Angeles County Fire Department and their respective Building, Sprinkler, and Land Development Units regarding this project and their proposed requirements.

Sewer

76. There currently exists the following sewer infrastructure adjacent to the proposed site:
- Ten-inch (10") VCP main owned and maintained by Los Angeles County Sanitation Districts (LACSD) within Garey Avenue.
 - Eight-inch (8") ACP City main within Garey Avenue
77. There is an existing sewer lateral serving the existing site. Verify if the existing sewer lateral has the capacity to serve the proposed development. Identify if this existing lateral will be used for the proposed development.
78. Sewer discharge calculations are required for this development. Submit all calculations to the WRD.

Stormwater

79. There currently exists a fifteen- inch (15") RCP trunk owned and maintained by Los Angeles County Flood Control District (LACFCD) within Foothill Boulevard
80. The applicant/developer shall calculate the new stormwater discharge rate for this development
81. Submit stormwater improvement, onsite capture, and treatment details within the proposed building plans. Identify those stormwater design details within the submitted grading plan
82. Additional stormwater requirements may be developed for this project. There may be additional stormwater pollution prevention plan (SWPPP) and standard urban stormwater mitigation plan (SUSMP) documents required for this project
83. City of Pomona stormwater best management practices (BMPs), low-impact development (LID) design, and soil erosion control plan may be required for the proposed project.

SOLID WASTE DIVISION, PUBLIC WORKS DEPARTMENT

84. Trash enclosure shall allow a 3-yard bin for trash and recycle. A 95 gallon cart will be added to meet that state mandate for SB 1383.

FIRE PREVENTION DIVISION

85. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required for this project prior to building permit issuance. Please contact the Fire Prevention Engineering Section at 909 569-0758 for additional information and EPICLA submittals.

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

PASSED, APPROVED AND ADOPTED this 4th day of December, 2023.

CITY OF POMONA:



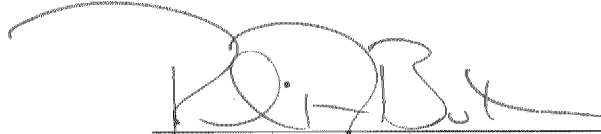
Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:



Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on December 4, 2023 by the following vote of the Council:

- AYES: Nolte, Preciado, Lustro, Sandoval
- NOES: Garcia
- RECUSED: Ontiveros-Cole, Torres
- ABSTAIN: None
- ABSENT: None



Diana Robles
Deputy City Clerk