

CC RESOLUTION NO. 2024-121

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA APPROVING DEVELOPMENT PLAN REVIEW (DPR 72-2024) TO DEVELOP A 5.5 ACRE SITE WITH 289 DWELLING UNITS WITHIN TWO, FOUR-STORY BUILDINGS WITH PRIVATE AND COMMON OPEN SPACES, SUBTERRANEAN PARKING, GARAGE PARKING, SURFACE PARKING, COVERED PARKING, LANDSCAPING, TRASH FACILITIES, AND A PRIVATELY OWNED PUBLIC LINEAR PARK ON A PROPERTY LOCATED AT 3101-3191 N. GAREY AVENUE (APN: 8370-010-016, 8370-009-038).**

**WHEREAS**, the applicant, Matthew Cobo, AIA as agent for AC Martin, has submitted an application for Development Plan Review (DPR 72-2024) to develop a 5.5-acre site, with 289 dwelling units within two, four-story buildings with private and common open spaces, partial subterranean parking, garage parking, surface parking, covered parking, landscaping, trash facilities, privately owned public open space, as well as associated off-site improvements on a property located at 3101-3191 N. Garey Avenue (APN: 8370-010-016, 8370-009-038);

**WHEREAS**, the subject property is currently located within the City Gateway Segment of the Pomona Corridors Specific Plan (PCSP);

**WHEREAS**, the subject property has a General Plan Place Type designation of Neighborhood Ede Place Type;

**WHEREAS**, the subject property has a General Plan Transect Zone designation of “T4-B” allowing up to 40 dwelling units per acre;

**WHEREAS**, the proposed project is requesting a 30% Density Bonus, which proposes to set aside twenty units for very low income and nine units for moderate income, resulting in a total density of 52.4 dwelling units per acre ;

**WHEREAS**, the Development Services Director of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 16, 2024, concerning the requested Development Plan Review (DPR 72-2024) and remanded the project to the Planning Commission meeting on June 12, 2024;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 12, 2024, concerning the requested Development Plan Review (DPR 72-2024);

**WHEREAS**, the Planning Commission carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing and approved the request for a housing development project (DPR 72-024) at 3101-3191 N. Garey Avenue, subject to a 20 day

appeal period;

**WHEREAS**, Councilmember Torres filed an appeal of the Planning Commission’s approval decision on June 27, 2024;

**WHEREAS**, the City Council did not uphold the Planning Commission’s approval decision and directed the matter to a public hearing on June 15, 2024; and

**WHEREAS**, the City Council carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing on August 5, 2024, and approved the request for a housing development project (DPR 72-024) at 3101-3191 N. Garey Avenue;

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

**SECTION 1.** In compliance with the California Environmental Quality Act (CEQA) guidelines, the City Council has determined that the proposed project meets the criteria for an exemption under Section 15182 (Projects Pursuant to a Specific Plan) of CEQA, where a public agency has prepared an EIR on a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity to that specific plan is exempt from CEQA if the project meets the requirements of State CEQA Guidelines Section 15182(c). Therefore, no further action is required and a Notice of Exemption will be filed indicating that the project is eligible for an exemption under CEQA Guidelines Section 15182.

**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 Pomona Corridors Specific Plan, the approving body shall make the findings below in order to approve Development Plan Review (DPR 72-2024). 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 City Council hereby finds as follows:

1. *The project is consistent with the City of Pomona General Plan and all applicable requirements of the Pomona City Code.*

The project site has a General Plan Place Type designation of Neighborhood Edge Type, which includes “grand scale buildings, compatible with medium scale multi-family housing and townhomes in areas envisioned to have a more residential character.” The proposed project is consistent with the General Plan as it proposes the redevelopment of a blighted commercial property to residential units, including the use of State Density Bonus, consistent with the following General Plan policy:

*Policy 6D.P6: “Provide incentives to redevelop blighted commercial properties along the corridors. Consider allowing density or intensity bonuses, reduced impact fees or property tax, tax increment financing funds, joint public/private development, or City-funded infrastructure improvements to help support redevelopment;.”*

Furthermore, the General Plan Transect designation for the subject property is T4-B which allows a maximum of 40 units per acre and 3-stories. The project is proposing 52.4 dwelling units per acre and 4-stories. While the proposed number of stories exceeds the three-story maximum in the General Plan per Title 7 of the California Government Code Section 65915-65918, any applicant who meets the requirements of the state law is entitled to receive a density bonus and other benefits as a matter of right, these benefits include, incentives/concessions, waiver or reduction of standards, and special parking standards. The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. In addition, in no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted. Per Government Code Section 65915-65918, the project is requesting a concession on maximum height and is requesting increase in height by 1-story.

The applicant is requesting the following two concessions:

1. Maximum Height
2. Maximum Building Length

The project is requesting the following waivers and reductions:

1. Reduction of Building Massing Requirements along Grove Street
2. Reduction of Side yard Setback
3. Reduction of Frontage Coverage – along Drake Street
4. Reduction of 25% of required Public Open Space and Requirements
5. Reduction of Minimum Carport Dimensions
6. Waiver of Building Orientation to Street/Public Open Space
7. Waiver of Private Frontage Type Requirements
8. Waiver of Front Yard Setback
9. Waiver of Build to Corner Requirement

The requested waivers and reductions are due to the site constraints created by the length and width of the site, the size of the lot, the sewer and utility easements at the rear of the site, the existing cell tower maintained in place, and the inclusion of private public open space along the frontage of the site.

In granting of the aforementioned concession per California State law, the project is allocating 9% of the maximum number of units permitted under the General Plan for very low income residents. In order to satisfy this percentage, 20 of the 289 units to be set aside for very low income tenants, granting a 30% density bonus.

2. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood;*

The proposed project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood, as the project is consistent with the following General Plan goals:

*Goal 6D.G.1: "Improve the physical character, economic vitality, and mobility function of the City's most visible and well-traveled corridors."*

*Goal 6D.G.6: "Enhance Landscape buffering, streetscape quality, and pedestrian-friendliness of wider arterial streets to make environments more conducive to residential living and more flattering to the City's image."*

The proposed project will enhance landscape buffering by providing a privately-owned linear park across the frontage of the project facing Garey Avenue and it will improve the overall physical character and economic vitality of the site.

3. *The project will not adversely affect the Circulation Plan of this Specific Plan;*

The proposed project will not adversely affect the Circulation Plan of this Specific Plan, as the project intends to reduce the vehicular circulation of the current existing site and implement a network of pedestrian walkways to connect the subject site to the surrounding public right-of-ways. Additionally, the project will implement the following policy from the General Plan:

*Policy 6D.P21. "Require developers to provide pedestrian amenities along with new development and focus on connections between parks, transit and surrounding properties."*

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

The proposed project complies with the applicable provisions of the Pomona Corridors Specific Plan and other applicable regulations, as it is requesting concessions, waivers and reductions per the State Density Bonus.

**SECTION 4.** Based upon the above findings, the City Council hereby approves Development

Plan Review (DPR 72-2024) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the Development Plan Review or any portion thereof:

## **PLANNING 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 August, 2024 and as illustrated in the stamped approved plans dated August 5, 2024 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 Development Services Director.
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 Development Services Director.
5. This approval shall lapse and become void if the privilege authorized is not utilized within one year from the date of this approval (June 12, 2025). A maximum of one additional 12-month time extension may be requested from the designated approving body. Such requests shall be submitted in writing by the applicant, property owner(s), and/or authorized designee a minimum of 30 days prior to the expiration of the Development Plan Review. If the applicant has not obtained grading or building permits or diligently pursued necessary permits for construction approved under the Development Plan Review within the approved or extended time period, the Development Plan Review shall be terminated.
6. Within thirty (30) days of approval of this Development Plan Review, the property owner shall execute a trespass authorization letter with the City to allow the Police Department to enforce trespassing on the subject property.
7. Prior to, during, and until construction is completed, the subject property shall be maintained clean and free of debris, trash and clutter at all times, and monitored on a regular basis to ensure compliance with this condition and report any unauthorized trespassing onto the property to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation of this DPR.

***Plan Check***

8. The applicant shall include all conditions of approval from Development Plan Review on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the PCSP as applicable.
9. 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.

10. 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.
11. 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 PCSP requirements for signage.
12. Prior to the issuance of any building permits, 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, and applicable portions of the PCSP. 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.
13. A 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.
14. All required external mechanical equipment shall be adequately screened to the extent feasible, subject to the review of the Planning Manager.
15. 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.
16. Public Art proposed in the approved conceptual landscaping plan in the form of interactive sculptures shall be pursued through a Final Design Plan during the building plan check process; a request to deviate from this standard may be made to the Development Services Director by a) proposing an alternative amenity and b) satisfying the in-lieu fee requirements for Art in Public Places.
17. An Affordable Housing Agreement in a form approved by the City must be recorded against Inclusionary Units or the Residential Development in its entirety, as deemed appropriate by the City Manager in consultation with the City Attorney, prior to the issuance of any building permit for the Residential Development.
18. The applicant shall photo document the existing commercial shopping center, subject to the review and approval of the Planning Manager, prior to demolition of the center. A copy of the photo documentation shall be submitted to the City's library archives.
19. The applicant shall comply with City of Pomona Ordinance No. 4295, pertaining to Inclusionary Housing.



20. Before issuance of a zoning clearance and business, 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.

### ***Site Development & Maintenance***

21. Applicant shall enter into a licensing and maintenance agreement, on a template as provided by the City of Pomona, and to be recorded against the property, to identify the requirements and mechanisms to install and maintain the privately owned public open space as proposed in the approved site plan and as regulated by the Pomona Corridors Specific Plan.
22. 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.
23. Temporary noise barriers and/or blankets with a minimum height of eight feet shall be constructed along the entire northern, southern, and eastern project site. Applicant shall request an inspection from the Planning Division of said barriers and/or blankets.
24. 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.
25. The construction area shall be kept clean at all times prior to, during, and after construction.
26. 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.

27. 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.
28. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Development Plan Review (DPR 72-2024).
29. The property shall be maintained free of weeds and debris prior, during and after the construction period.

### **BUILDING & SAFETY DIVISION**

30. This This project must comply with 2022 California Building Codes
31. The undergrounding of utility facilities is required. (PMC 62-31)
32. The design must be reviewed and stamped by an architect or engineer licensed in the State of California – (Business and Professions code Sections 5537, 5538 and 6737.1)
33. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2022 California Building Codes.
34. 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.
35. Geotechnical and/or soils reports required in order to obtain a grading permit shall be submitted to the Building Official for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the City of Pomona.
36. All proposed work shall comply with the 2022 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
37. 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.
38. Project must comply with Bicycle Parking requirements as designated on the California Green Building Standards. Section 5.106.4. This include Short-term and Long-term bicycle parking.
39. Project must comply with EV Charging requirements as designated on the

California Green Building Standards. Section 5.106.5.3

40. 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.
41. 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.
42. Separate demolition permit, if applicable, will be required. NOTE: AQMD clearance report for the abatement of asbestos containing material required prior to the issuance of demolition permit.
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 shall be required.

**PUBLIC WORKS – 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 laws. Applicable Codes to include but not be limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual.

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.

### **Land Development requirements:**

46. Property Owner shall dedicate to the City of Pomona all necessary easements, minimum 15' wide by 10' deep, along Garey Avenue property frontage, for public water improvements purposes. The Water Grant of Easement applications shall be submitted to the Public Works Department for review and approval and shall be recorded prior to the issuance of the building permits.
47. Property owner shall dedicate to the City of Pomona the necessary ADA continuous path of travel easements at the southwest corner of Garey Avenue and Drake Street and at the northwest corner of Garey Avenue and Grove Street, to ensure that both corner ramps are fully located within the public right-of-way. The ADA Path of Travel Easement applications shall be submitted to the Public Works Department for review and approval and shall be recorded prior to the issuance of the building permits.

### **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.
  - i. 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.
  - ii. One-foot topographic contours of the site must extend a minimum of **15 feet** beyond the boundary lines.
  - iii. 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.
  - iv. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
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 Development Plan Review [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, DPR approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.

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 Significant Redevelopment that adds or replaces 5,000 or more square feet 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/>.

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 (SWPPP) to the Public Works Engineering Division.

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. Removal of all existing driveway approaches, total of five (5): one (1) on Grove Street, one (1) on Drake Street and three (3) on Garey Avenue.
  - b. Two (2) new driveway approaches, one (1) each on Grove and Drake Streets, per City standards and ADA requirements. Unobstructed visibility (line of sight) shall be ensured at all intersections and driveways along the project boundaries.
    - i. *No obstructions taller than 30 inches are allowed within the visibility triangles and within the sight distance restricted areas.*
  - c. New sidewalk bulb out at the northwest and southwest corner of Garey Avenue and Grove Street.
  - d. New sidewalk bulb out at the northwest and southwest corner of Garey Avenue and Drake Street.
  - e. New sidewalk, curb and gutter along Garey Avenue, Grove Street and Drake Street property frontages, per City standards and ADA requirements, to replace (i) the existing driveway approaches proposed for removal and (ii) any/all cracked and damaged sections of the existing sidewalk, curb and gutter.
  - f. The existing mid-block raised median left turn pocket shall be closed and replaced with a continuous, raised landscaped/hardscaped median, to match existing.
  - g. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Grove Street, Garey Avenue and Drake Street property frontages, ARHM (Asphalt Rubberized Hot Mix) overlay paving shall occur in accordance with the City standard A-26-02, and as follows:
    - i. Grove Street – is under paving moratorium conditions until the summer of 2028.
    - ii. Drake Street - Due to the current poor condition of the street pavement, a core sample analysis is necessary; based on the results, and if the cold planing process is not supported due to the reduced thickness of the existing Asphalt Concrete layer, full depth repaving is required, along the lot frontage and over the entire street width.

- iii. Garey Avenue – full street width repaving is required for the area corresponding to the section of the proposed raised median and of the intersection with Grove Street.
  - h. To address site access safety and required City standard upgrades, a **lighting analysis** must be prepared and submitted to the PW Department for review and approval. The study areas will be along Garey Avenue property frontage and along Drake and Grove Streets, between Garey Avenue and Thompson Creek, to ensure the roadway illumination design meets the IES RP-8 requirements and the Pomona Corridors Specific Plan – City Gateway Segment requirements, for vehicles and pedestrians; the owner is responsible for the compliance (design & installation) with all mitigation measures, including all upgrades to LED luminaires, along the lot boundaries. If more than 3 new street lights are deemed necessary, a separate public street lighting plan is required.
  - i. Stormwater sheet flow over the driveway approach is not allowed.
  - j. Existing sewer, water and storm drain infrastructure, including laterals.
  - k. 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.
  - l. Undergrounding of all proposed overhead utility lines located along the property frontages 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.
  - m. 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.
  - n. 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.
  - o. The parkway landscaping shall be maintained by the property owner per City of Pomona Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plan.
55. **Traffic:**
- a. Pedestrian improvements at Garey Avenue and Grove Street.
    - 01. New traffic signal upgrade at the northwest corner of Garey Avenue and Grove Street by replacing both existing 1A with Type 15TS poles.
    - 02. Upgrade existing push buttons to accessible pedestrian signals (APS) for Garey Avenue and Grove Street.

- 03. Upgrade the existing traffic signal controller to enable Lead Pedestrian Interval (LPI).
- b. Pedestrian Improvements at Garey Avenue and Drake Street.
  - 01. Install a new high-visibility crosswalk for the south leg, including necessary signal equipment (i.e. ped head, wiring, conduits, and push buttons) to enable this pedestrian phase.
  - 02. Upgrade all existing crosswalks to high-visibility crosswalks.
  - 03. Upgrade existing push buttons to accessible pedestrian signals (APS) for Garey Avenue and Drake Street.
  - 04. Upgrade the existing traffic signal controller to enable Lead Pedestrian Interval (LPI).
- c. Traffic Calming Measures for potential neighborhood cut-through traffic.
  - 01. Install 2 AC-powered speed radar feedback signs on Drake Street.
  - 02. Install 2 AC-powered speed radar feedback signs on Grove Street.
  - 03. Install 2 AC-powered speed radar feedback signs on Garey Avenue.
- d. Parking Management Plan (PMP) to minimize overflow of on-street parking.
  - 01. Prepare and submit to the City for review and approval.
  - 02. Implement recommendations from the PMP.
- 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 issuance of the building permits Applicant/Developer is responsible for paying the **development tax** associated with the proposed project.
- 60. Prior to issuance of the building permit, Applicant/Developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, public safety improvements and parks.



61. Prior to the issuance of the building permit, Applicant/Developer is responsible for the payment of any/all applicable City water, sewer, stormdrain and parks impact **fees** and shall make proof of payment of the **Los Angeles County Sanitation District fees** associated with the proposed development.
62. Prior to the issuance of the building permits 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 Applicant/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.
63. 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.
64. 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.
65. Prior to the issuance of the Certificate of Occupancy Applicant/Developer is responsible for the project's compliance with the USPS Delivery Growth Management Program; related information is available at <https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/residential-delivery.htm>

### **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.

66. **Prior to the issuance of (i) the building permits or (ii) the offsite improvements permits, whichever occurs first, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approaches, curb, gutter, sidewalk, street paving, sewer, water, storm drain, streetlights, raised street median (landscaping and hardscape to match existing) and undergrounding improvements.**
67. 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.

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

### **PUBLIC WORKS – SOLID WASTE DIVISION**

- 70. Solid waste, recycling and green waste services are to be provided by the City's approved commercial franchise hauler.

### **WATER RESOURCES DEPARTMENT**

#### **Water**

- 71. The site is within the City of Pomona's water service area, Hydraulic Zone 9.
- 72. The following water mains are in the immediate vicinity of the project:
  - a) There is an existing 6-inch City AC water main located on the west side of N Garey Avenue (City Drawing No. CO-1426).
  - b) There is an existing 8-inch City AC water main located on the north side of W Grove St (City Drawing No. CO-1703).
  - c) There is an existing 6-inch City AC water main located within a private drive immediately west of the subject property on the south side (City Drawing No. CO-2223).
  - d) There is an existing 8-inch City AC water main located within a private drive immediately west of the subject property on the north side (City Drawing No. CO-2735).
- 73. There is are two existing water services each with a 2-inch (2") water meter serving the property (Meter Nos. 21510037 & 21510052).
- 74. Static water pressure at the site is approximated at 59 psi at an elevation of 1138 feet. A fire hydrant flow test may be requested via the Public Works Department to verify water pressure.

75. There are four existing fire hydrants along the perimeter of the property – one at the southwest corner of the property, two along N Garey Avenue, and one at the northeast corner of the property.
76. A hydraulic analysis shall be conducted to verify the projected water demand for the proposed improvements can be accommodated by the City’s existing water infrastructure. At a minimum, analysis shall include water calculations for domestic, irrigation, and fire flow demands. Calculations and reports shall be submitted to WRD for review.
77. Domestic water service(s) shall be separate from fire and irrigation services, shall be sized in accordance with the California Plumbing Code, and shall be installed per City Standard Drawings.
78. Water meters up to two inches (2”) in size shall be installed by the City. Water meters three inches (3”) and larger shall be installed by the Contractor. Contact WRD at 909-620-2212 or wrd\_engineering@pomona.gov for information regarding water service and meter installation fees.
79. Either of the existing water services may be reused to serve the new development, provided it has adequate backflow prevention.
80. Any existing domestic service that is not to be reused shall be cut, capped, and abandoned in coordination with WRD.
81. Contact Los Angeles County Fire Department (LACoFD) to determine fire flow demand for the property, location and number of fire hydrants, and fire sprinkler system requirements. A copy of Fire Department conditions and requirements shall be provided to WRD.
82. As required by LACoFD, new fire hydrants shall be installed per City Standard Drawing 2 and 2A and shall be located at least 5 feet (5’) from new or existing driveways and parking stalls.
83. Backflow devices shall be low-lead (0.25%), testable, and identified on the “USC List of Approved Backflow Prevention Assemblies”. Product information (manufacturer, model, size) shall be supplied to the City prior to installation. Backflow devices are required as follows.
  - a) Domestic water services shall be equipped with a reduced pressure principle backflow assembly (RPBA) downstream of the water meter.
  - b) Irrigation water services shall be equipped with an RPBA downstream of the water meter.
  - c) Fire protection services shall be equipped with a double check detector assembly (DCDA) per City Standard Drawing 14.

84. A 15-foot easement will be required for new hydrants, backflow assemblies, and water meters within the property.
85. A civil plan for the proposed water system improvements will be required and must be prepared by a Professional Engineer registered in the State of California. The water plan shall include new services, meters, and backflow devices, with details for proposed connection(s) to the existing water main.
86. 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.

### **Wastewater**

87. The site is within the City of Pomona's wastewater service area.
88. There is an existing 8-inch City VCP wastewater main located in an easement along the western edge of the properties and extending to the southern-most property line (City Drawing No. FB-974).
89. There is an existing 8-inch AC wastewater main located along the western edge of N Garey Avenue (City Drawing No. FB-441).
90. There are multiple existing sewer laterals serving the property that shall be cut and capped as close to the sewer main as practicable and no more than five feet (5') from the main. Sewer laterals shall also be cut and capped five feet (5') from the building envelope.
91. A sewer study shall be conducted to verify the projected sewer flows for the proposed improvement can be accommodated by the City's existing wastewater infrastructure. Analysis shall include water discharge calculations based on fixture units and a flow meter field test (at a location approved by WRD) to determine the available capacity of the existing sewer system. Calculations and reports shall be submitted to WRD for review.
92. New sewer laterals shall be installed per City Standard Drawings S5 and S6.
93. Sewer main and lateral separation distances from water mains and services shall comply with the requirements of California Code of Regulations (CCR), Title 22.
94. A civil plan for the proposed sewer improvements will be required and must be prepared by a Professional Engineer registered in the State of California. The sewer

plan shall include plan and profile for proposed public sewer main(s) and lateral(s) with details for proposed connection(s) to the existing sewer main.

**Stormwater**

- 95. There are existing catch basins along N Garey Avenue that connect to a perforated pipe in the center of N Garey Avenue for localized stormwater infiltration in the public right-of-way.

**LACFD**

- 96. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit is required for this project prior to building permit issuance. Additional water and access requirements will be determined at this time. Please contact the Fire Prevention Engineering Section at 909 569-0758 for additional information and EPICLA submittals.

**SECTION 5.** The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

**CITY OF POMONA:**

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Tim Sandoval  
Mayor

**APPROVED AS TO FORM:**

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Sonia Carvalho  
City Attorney

**ATTEST:**

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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 August 5, 2024 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Rosalia A. Butler, MMC  
City Clerk