

RESOLUTION NO. 4659A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT.

## A. REQUEST:

1. APPLICANT: Rudy Figueroa for Public Storage.
2. APPLICATION FOR: Conditional Use Permit for caretaker's abode for proposed Mini-Warehouse project.
3. LOCATION: 3200 Temple Avenue, Pomona, Calif.

## B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .580, Ordinance 1466, the Planning Commission has heard this request for a Conditional Use Permit and it is hereby found and determined that this request be approved, without prejudice to the other elements of this item, subject to the following conditions:

1. All requirements of the Public Works, Fire and Parks Departments, Building and Planning Divisions, and their respective codes, shall be met.
2. The project should be redesigned to provide a perimeter building design to enclose completely the remainder of the project.
3. Special attention and architectural treatment shall be required for the exterior walls of the building where visible to traffic on Temple Ave. and the Orange Freeway and could include the use of special relief panels, colors, textures, roofline treatments, i.e., facias, mansards, etc.
4. Landscaping shall also be of major importance to enhance the overall design, especially as seen from the freeway.
5. The Planning Commission shall review and approve of the final architectural design, landscaping, site layout, signage, etc. prior to application for construction permit.

REASONS FOR DECISION:

1. The perimeter building design will provide additional security, and will screen from view the unattractive aspects of a mini-warehouse development such as long rows of orange doors.

2. A perimeter building will give the impression of a more substantial development, especially if set back from the street and heavily landscaped the same as an industrial development in an industrial park would be.

3. Good architectural design and good landscaping will present an attractive appearance and give an impression of quality to an important entrance to the City.

4. The solid building, as seen from the Freeway, will also give a much better impression and appearance to the site.

AYES: Crockett, Whitaker, Bess, Kawa, Nabarrete  
NOES: Siler, Hill

VOTE:  
RESOL. #4659

APPROVED AND PASSED this 10th day of January, 1979.

  
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PLANNING COMMISSION CHAIRMAN

ATTEST:

  
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PLANNING COMMISSION SECRETARY

RESOLUTION NO. 4660

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A VARIANCE.

A. REQUEST:

1. APPLICATION FOR: Variance to allow a freestanding sign in front yard for proposed Mini-Warehouse project.
2. APPLICANT: Rudy Figueroa for Public Storage.
3. LOCATION: 3200 Temple Ave., Pomona, Calif.

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .560, Ordinance 1466, the Planning Commission has heard this request for a Variance and it is hereby found and determined that this request be approved subject to the following conditions:

1. The sign shall be consistent with Planning Commission's adopted sign policy.
2. The Variance shall be valid only if the Conditional Use Permit is approved.
3. Development standards of the Conditional Use Permit, in their entirety shall apply equally to this Variance.
4. The Variance request for reduced parking shall not apply, and parking shall meet Zoning Ordinance requirements as specified for the M-2 zone district.

Reason for the Decision:

1. In the judgment of the Planning Commission insufficient reasons were presented to justify approval of a Variance to allow reduced parking.

VOTE:  
RESOL. #4660

AYES: Crockett, Whitaker, Kawa, Nabarrete  
NOES: Siler, Bess, Hill

APPROVED AND PASSED this 10th day of January, 1979.

  
PLANNING COMMISSION CHAIRMAN

ATTEST:

  
PLANNING COMMISSION SECRETARY

RESOLUTION NO.5412

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT.

A. REQUEST:

1. APPLICATION FOR: Conditional Use Permit for 132 unit motel/restaurant complex with on sale liquor.
2. APPLICANT: James Chen for Signal Alpha Corporation.
3. LOCATION: Temple Avenue at the 57 Freeway.

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .580, Ordinance 1466, the Planning Commission has heard this request for a Conditional Use Permit and it is hereby found and determined that this request be approved subject to the following conditions:


- 1) All requirements of all appropriate City departments and their respective codes and regulations shall be met.
- 2) Detailed plot plan, elevation and cross section landscape and irrigation plans shall be submitted for review and approval by the City Planner.
- 3) Detailed plans refining the main entrance way at the Eastern end of the site shall be submitted for review and approval by the City Planner. These plans shall include details for landscaping treatment, pavement treatment and signage.
- 4) Detailed plans for signage shall be submitted for review and approval by the City Planner.
- 5) A median island cut on Temple Avenue, in front of the main entrance way of the proposed development, may be permitted upon review and approval by the Director of Public Works and Officials of other appropriate Government agencies.
- 6) Floor plans for the proposed project shall be submitted for review and approval by the City Planner, prior to submitting detailed working plans for plan check.
- 7) Layout of the parking area shall be re-designed to increase the number of parking stalls and shall be subject to review and approval of the City Planner, prior to submitting detailed plot plans for plan check.
- 8) Project approval is subject to City Council waiving Ordinance #910, Sec. 122, a restriction of driveways to 50 percent or less of street frontage.

Reasons for the Decision:

- 1) The proposed motel-restaurant complex is consistent with the General Plan and in conformance with the Zoning Ordinance.
- 2) The proposed motel-restaurant complex is not in any way detrimental to existing uses or to those permitted in the district.
- 3) The proposed motel-restaurant complex is necessary and beneficial to the development of the community, and to Pomona as a whole.

AYES: Crockett, Weigand, Siler, Carter, Page, Hill  
NOES: None  
ABSENT: None

APPROVED AND PASSED this 18th day of November, 1981.

  
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PLANNING COMMISSION CHAIRMAN

ATTEST:

  
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PLANNING COMMISSION SECRETARY

RESOLUTION NO. 5951

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A VARIANCE.

A. REQUEST:

1. APPLICATION FOR: Variance to reduce front yard setback.
2. APPLICANT: Mark S. Hemstreet.
3. LOCATION: 3200 Temple Avenue, Pomona, CA.

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .560, Ordinance 1466, the Planning Commission has heard this request for a Variance and it is hereby found and determined that this request be approved with the following conditions:

1. Requirements of all City department and their respective codes and regulations shall be met.
2. The project shall occur substantially similar to the plans submitted for this Variance and the Conditional Use Permit.
3. This Variance is for a port cochere to be located just behind the front property line instead of behind the 25' front yard setback only. All other development standards of the City shall be met by the developer.
4. Detailed plans including but not limited to plot plans, building plans, landscape and irrigation drawings shall be subject to review and approval of all appropriate City departments prior to issuance of building permits.
5. Approval of this Variance shall be subject to approval of the Conditional Use Permit for the proposed hotel/restaurant project.

Reasons for the Decision:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties in the same zoning district and neighborhood as follows:
  - Portion of subject site does have very steep torraine.
  - The proposed structure which will encroach into the front yard area is only a port cochere and not a part of the main hotel building.

2. This Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood. The steep terraine of portion of the site reduces the actual site area which is buildable.
3. The granting of this Variance will not be contrary to the objectives of the General Plan.
4. The granting of this Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located as follows:
  - The structure in question is merely a port cochere and not part of the main hotel building. Also the subject site has a very wide street frontage, the structure in question should therefore have limited if any impact on adjacent properties.

AYES: Crockett, Lopez, Carter, Manning, Williams, Page  
NOES: None  
ABSENT: None

APPROVED AND PASSED this 11th day of July, 1984.

  
PLANNING COMMISSION CHAIRMAN

ATTEST:

  
PLANNING COMMISSION SECRETARY

RESOLUTION NO. 5952

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT.

A. REQUEST:

1. APPLICATION FOR: Conditional Use Permit for 162 unit hotel complex and an associated restaurant with on-sale liquor and a dance floor.
2. APPLICANT: Mark Hemstreet for Shilo Inn.
3. LOCATION: 3200 Temple Avenue

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .580, Ordinance 1466, the Planning Commission has heard this request for a Conditional Use Permit and it is hereby found and determined that this request be approved subject to the following conditions:

- 1) All requirements of all City departments and their respective codes shall be met.
- 2) This permit is for a 162 unit hotel/restaurant complex and development shall occur substantially as shown on plans submitted for this hearing.
- 3) The parking area shall be developed at a minimum ratio of 1.1 spaces for every guest room within the motel and 1 space for every 4 seats available within the restaurant. The parking area shall be developed a minimum dimension of 9.5' x 18' and the parking area shall be developed in conformance with all City standards.
- 4) Prior to the issuance of Permits, landscape plans including planting design and irrigation system all of which are prepared by a licensed landscape architect, shall be submitted for the review and approval of the Senior Planner. In approving or denying the landscape plans, the following shall be considered:  
The planting of slopes for stabilization, the fire resistive ability, the durability, size and quality of the proposed plant material, and the aesthetic quality of the planting design.
- 5) All exterior signing shall be by separate permit. Detailed plans depicting the location, setbacks, dimensions, and elevations of all exterior signing shall first be submitted for the review and approval of the Senior Planner prior to the issuance of permits.
- 6) All freeway orientated signing shall be brought back to the Planning Commission for review and approval prior to issuance of building permits.
- 7) The location of all entry ways to the site and any proposed street medium cuts shall be subject to review and approval of the Director of Public works and the Senior Planner.
- 8) Detailed plans, including but not limited plot plan, structural plans, landscape and irrigation drawings shall be subject to review and approval of all appropriate City departments prior to issuance of any City permit.

- 9) The proposed restaurant with on-sale liquor shall be a bonified restaurant.
- 10) Approval of this Conditional Use Permit is subject to approval of the variance submitted together with this application to allow a port cochere to encroach into the front yard set back.

Reasons for the Decision:

1. This proposal is consistent with the General Plan and, and as conditioned is in conformance with the provisions of the Zoning Ordinance.
2. This site, on a knolltop, is in a prominent location that is highly visible from many vantage points throughout the surrounding area. With this highly conspicuous location greater sensitivity and detail must be given to the design concept for this project. The proposal, as conditioned, insures that the project would be developed sensitive to the needs associated with the unique characteristics due to its prime location.
3. This area of Pomona is a hub activity. Within this area are two institutions of higher learning, new industrial development, and four major highway traffic corridors. Yet in spite of the high activity level of this mixed use center, there are no major hotel and restaurant facilities to meet the needs generated within this center. This proposal would prove beneficial to the development of the community in that these needs for service commercial uses would begin to be satisfied.
4. The development of this proposal, as conditioned, would not be result in any significant detrimental effects that would impact the City.

AYES: Crockett, Lopez, Carter, Manning, Williams, Page  
NOES: None  
ABSENT: None

APPROVED AND PASSED this 11th day of July, 1984.

  
PLANNING COMMISSION CHAIRMAN

ATTEST:

  
PLANNING COMMISSION SECRETARY

RESOLUTION NO.5810

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT.

A. REQUEST:

1. APPLICATION FOR: Conditional Use Permit for 106 unit hotel/restaurant complex.
2. APPLICANT: Temple Street Hotel, Ltd.
3. LOCATION: 3200 Temple Avenue.

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .580, Ordinance 1466, the Planning Commission has heard this request for a Conditional Use Permit and it is hereby found and determined that this request be approved subject to the following conditions:

1. All requirements of all City departments and their respective codes shall be met.
2. This permit is for a 106 unit hotel/restaurant complex and development shall occur substantially as submitted subject to modifications as required by the City Planner.
3. The site plan shall be revised to show total site development including the location of all buildings (hotel and restaurant) and a complete parking area and traffic circulation layout.
4. The parking area shall be developed at a minimum ratio of 1.1 spaces for every guest room within the motel and 1 space for every 4 seats available within the restaurant. The parking spaces shall be a minimum dimension of 9.5' x 18' and the parking area shall be developed in conformance to the standards per City Ordinances #2127 & #2678.
5. Loading spaces shall be provided per Section .503-L of the Zoning Ordinance.
6. Prior to the issuance of permits, landscape plans, including planting design and an irrigation system all of which are prepared by a licensed landscape architect, shall be submitted for the review and approval of the City Planner. In approving or denying the landscape plans, the following shall be considered: The planting of slopes for stabilization, the fire resistive ability, the durability, size and quality of the proposed plant material, and the aesthetic quality of the planting design.
7. Prior to the issuance of permits detailed building elevations depicting the architectural design from all directions shall be submitted for the review and approval of the City Planner.
8. If the restaurant complex is to be developed at some future date separate from the hotel, detailed floor plans and building elevations for this restaurant development shall first be submitted for the review and approval of the Planning Commission

- prior to the issuance of permits.
9. All exterior signing shall be by separate permit. Detailed plans depicting the location, setbacks, dimensions, and elevations of all exterior signing shall first be submitted for the review and approval of the City Planner prior to the issuance of permits.
  10. Detailed site development plans shall be submitted to the City for review and approval per established formal site plan review procedures prior to the issuance of permits.

Reasons for the Decision:

1. This proposal is consistent with the General Plan and, and as conditioned is in conformance with the provisions of the Zoning Ordinance.
2. This site, on a knolltop, is in a prominent location that is highly visible from many vantage points throughout the surrounding area. With this highly conspicuous location greater sensitivity and detail must be given to the design concept for this project. The proposal, as conditioned, insures that the project would be developed sensitive to the needs associated with the unique characteristics due to its prime location.
3. This area of Pomona is a hub of activity. Within this area are two institutions of higher learning, new industrial development, new residential development, and four major highway traffic corridors. Yet in spite of the high activity level of this mixed use center, there are no major hotel and restaurant facilities to meet the needs generated within this center. This proposal would prove beneficial to the development of the community in that these needs for service commercial uses would begin to be satisfied.
4. The development of this proposal, as conditioned, would not result in any significant detrimental effects that would impact the City.

AYES: Crockett, Lopez, Manning, Carter, Williams, Page, Hill  
NOES: None  
ABSENT: None

APPROVED AND PASSED this 9th day of November, 1983.

  
PLANNING COMMISSION CHAIRMAN

ATTEST:

  
PLANNING COMMISSION SECRETARY

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RESOLUTION NO. 7740

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING WITH CONDITIONS MODIFICATION OF CONDITIONAL USE PERMIT MCUP 91-174 ON PROPERTY KNOWN AS 3200-3220 TEMPLE AVENUE

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS there has heretofore been submitted by Mark Hemstreet a proposed Modification of Conditional Use Permit, pursuant to Ordinance 1466, on 5.35 acres of land also known as 3200-3220 Temple Avenue in the M-2 zone.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. The Planning Commission hereby finds and determines as follows:

1. Based on the evidence in the Initial Study, the Planning Commission adopts the findings in said study and determines that the project will have no significant adverse effect on the environment and adopts and affirms the submitted Negative Declaration.
2. The site is adequate in size, shape and topography for the proposed use, in that the applicant has incorporated tandem/valet parking program which will provide adequate parking to accomodate the proposed additions.
3. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the the proposed use, in that the restaurant's major access points are from Temple Avenue, a major arterial with 100 feet of width, sufficient access to the various driveway entries of the hotel and restaurant facilities on subject property.
4. The proposed use is deemed to be part of the General Plan and Zoning Ordinance, in that the hotel and restaurant/lounge uses would remain the principle uses on subject property as approved by previous Conditional Use Permit. With approval of parking Variance, the restaurant meets all development standards of the Zoning Ordinance. The use is consistent with the "General Industrial" land use designation.

5. The proposed use will not have an adverse effect upon the use, enjoyment, or valuation of adjacent property in the neighborhood in which it is proposed, or have an adverse effect on the public health, safety and general welfare in that the restaurant additions have met all zoning standards, and shall meet all Building Code requirements prior to occupancy approval.

SECTION 2. Modification of Conditional Use Permit MCUP 91-174, as submitted heretofore, is hereby approved, subject, however to compliance with all existing laws and ordinances of this City and the following specific conditions, violations of which (or failure to complete any of which) shall constitute grounds for denial of the Modification of Conditional Use Permit or any portion thereof:


1. The applicant and each successor in interest to the property use which is the subject of this project shall defend, indemnify and hold harmless the City of Pomona and its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council, or Planning Commission concerning this use, which action is brought within the time period provided for in government Code Section 66499.37.
2. Substantial conformance to submitted plans date-stamped September 30, 1991, except as modified herein.
3. The project authorized by this Modification of Conditional Use Permit be initiated within one (1) year of the date of approval. The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty (30) days prior to the expiration date.
4. The applicant shall provide valet parking Tuesday through Saturday nights from 5:00 p.m. to midnight.
5. The applicant shall provide an additional 52 parking spaces as noted on approved valet parking plan.
6. The applicant shall revise the valet parking plan to indicate proper location of directional signage and circulation control devices, subject to approval of the Fire Department and Traffic Division.
7. The applicant shall not charge a fee to any customer for usage of valet parking.

Reso. No. \_\_\_\_\_  
Page Three

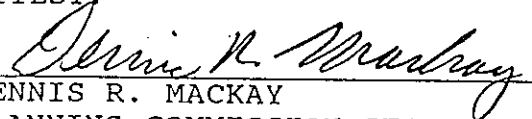
8. The applicant shall provide engineered building plan of the new ground floor dining area and new basement additions, subject to review and approval of the Building Division.
9. The applicant shall remove eighteen (18) seats from the buffet dining room.

SECTION 3. That the Secretary shall certify to the adoption of this Resolution and forward to the City Council.

PASSED, APPROVED, AND ADOPTED THIS 9th day of  
October \_\_\_\_\_, 1991.

  
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ROBERT L. SOTO  
PLANNING COMMISSION CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
DENNIS R. MACKAY  
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID J. OLIVAS  
DEPUTY CITY ATTORNEY

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

AYES: Soto, Warren, Wilkins, Cortez, Marshall  
NOES: Lustro  
ABSTAIN: None  
ABSENT: None

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."

res3200

**PC RESOLUTION NO. 15-016**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (MODCUP 1135-2015) FOR ARCHITECTURAL MODIFICATIONS TO THE EXTERIOR ELEVATIONS OF AN EXISTING MULTI-STORY HOTEL BUILDING AND SINGLE-STORY LOBBY LOCATED AT 3200 WEST TEMPLE AVENUE.**

**WHEREAS**, the applicant, SCG America, has submitted an application for Modification of Conditional Use Permit (MODCUP 1135-2015) for architectural modifications to the exterior elevations of an existing multi-story hotel building and single-story lobby building, including minor modifications to existing onsite hardscape and landscaping areas at 3200 West Temple Avenue;

**WHEREAS**, the subject property is currently located within the “C-4” (Highway Commercial) zoning district;

**WHEREAS**, the subject site is designated as an Transit Oriented District: Neighborhood place type in the City’s General Plan;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on March 25, 2015 concerning Modification of Conditional Use Permit (MODCUP 1135-2015); and

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

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

**SECTION 1.** The Planning Commission, exercising their independent judgement has determined that, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Article 19, Section 15301 (Existing Facilities), because the proposed project consists of exterior and interior modifications to two existing building not resulting in expansion of the use beyond which currently exists.

**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.** Pursuant to Section .580.B of the Pomona Zoning Ordinance (PZO), the Planning Commission must make five findings listed below in order to grant Modification to Conditional Use Permit (MODCUP 1135-2015). 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 Planning Commission 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 project will contribute to the general well-being of the neighborhood and community, in that the revitalization of the hotel buildings will be a positive enhancement and compatible with the existing mix of commercial uses (administrative offices and Cal Poly Pomona) surrounding the general area. The project will be a positive enhancement to the surrounding commercial neighborhood.

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 alter the architectural design type of an existing hotel and will not expand the use beyond which already exists. No changes to the siting of the building, parking layout, circulation pattern, and overall use will result from the project. The proposed project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity; instead, it will have a positive effect on the existing uses by revitalizing the overall aesthetics of the buildings and improving the visual environment of the surrounding area.

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 presently improved with a lobby building and 161-unit hotel building which will remain as a result of the project. The proposed improvements will not significantly alter that site which is of adequate topography, size and shape. The proposed project substantially complies with the development standards and conditions required by the C-4 zoning district and previously approved Conditional Use Permit.

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

The proposed improvements will not alter the existing traffic generated by the hotel use as the modifications will be limited to façade and site improvements only. The building will not be enlarged and the number of units will remain the same. Historically the existing onsite vehicular circulation pattern has not created undue traffic hazards or has the traffic generations significantly impacted level of service along W. Temple Avenue. No impacts are anticipated with the proposed project.

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 proposed project will allow architectural modifications to the exterior elevations of an existing multi-story hotel building and single-story lobby building, including minor modifications to existing onsite hardscape and landscaping areas. Modification of Conditional Use Permit (MODCUP 12-004) is consistent with the General Plan place type of Transit Oriented Development: Neighborhood. Further, the proposed project is consistent with the following goal for Activity Center place types from the General Plan:

*“Distribute land uses throughout the City in a way that takes advantage of the City assets that add value to those uses.”*

The proposed revitalization of an existing hotel provides opportunity within close proximity to the Cal Poly Pomona, Fairplex, and along the SR-51 Freeway. The proposed project improvements are consistent with the surrounding commercial area. Additionally, the project is proposing site improvements that will create an aesthetically pleasing development that is compatible surrounding development. Based on these factors, staff believes the proposed project is consistent with the General Plan.

**SECTION 4.** Pursuant to Section .5809-10 of the Zoning Ordinance, the Planning Commission must make the three findings listed below in order to grant Conditional Use Permit (CUP 12-004) for the development of a hotel. 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 Planning Commission hereby finds as follows:

1. *That the proposed hotel or motel business is compatible with and shall be in no way detrimental to surrounding development.*

The proposed project would allow for improvements to an existing hotel that will include enhancements to the facades of a lobby building and 161-unit hotel building. The surrounding area includes commercial, industrial, and institutional uses and the proposed project is within the close proximity to Cal Poly Pomona and the Fairplex. As such, the proposed hotel would be beneficially compatible with the surrounding development.

2. *That the proposed hotel or motel business will not produce or result in any significant negative environmental effects for the surrounding community.*

The scope of the project is to revitalize an existing hotel by upgrading the facades of the onsite building, including minor site and landscaping improvements. The proposed improvements are not anticipated to result in any significant negative environmental effects for the surrounding community.

3. *That the size, shape, dimensions, and area of the site and the design of the proposed hotel or motel development shall be conducive to accommodate the proposed use in such a way that it is harmonious with the development and traffic movement in that area.*

The proposed improvements will be limited to façade and site improvements only. The building will not be enlarged and the number of units will remain the same. Existing onsite vehicular circulation has not created undue traffic hazards nor has hotel related traffic impacted traffic movements along W. Temple Avenue. Therefore, no impacts are anticipated with the proposed project and all associated improvements will be harmonious with the development and traffic movement in that area.

**SECTION 5.** Based upon the above findings, the Planning Commission hereby approves Modification of Conditional Use Permit (MODCUP 1135-2015) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the conditional use permit or any portion thereof:

## **PLANNING DIVISION**

### **General Conditions**

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on March 25, 2015, and as illustrated in the stamped approved plans dated February 3, 2015. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. This approval shall lapse and become void if construction under a valid building permit has not commenced within two years from the date of this approval (March 25, 2017), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"),

brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

5. In case of 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 a subsequent violations of the conditions of approval and/or City law occurs within ninety 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.
6. The project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
7. Prior to the issuance of building permits, landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval. Landscaping to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. The plans shall conform to the State Model Water Efficient Landscape Ordinance per AB 1881 and landscape requirements contained in Section .503-J of the Pomona Zoning Ordinance.
8. Landscaping shall be provided in accordance with Section .58010-E of the Pomona Zoning Ordinance (PZO).
9. A minimum of one fifteen gallon tree shall be provided for every five parking stalls.
10. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable

from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager.

11. Any graffiti on the lobby or hotel building windows by scratching or acid sketching shall be removed within thirty (30) days.
12. No temporary signs relating to any activity on the premise shall be placed or allowed to remain within landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, and city trees) or other portions on the exterior of the building. The only temporary signs allowed shall be properly permitted banner signs by permit per the City's sign ordinance. Signs placed in any window of the premises shall comply with the City's sign ordinance, and all other conditions under this Conditional Use Permit.
13. The property shall be maintained free of weeds and debris prior, during and after the construction period.
14. The installation of fences and walls that were not contemplated as part of this permit will require the submittal of a "Fence and Wall Permit" for review and approval by the Planning Division.
15. Prior to issuance of a Zoning Clearance and business license, two permanent commercial rated bike racks with the capacity to store a minimum of four bikes each, shall be provided near the main entrance, or in a convenient area, of the hotel location, shall be subject to the review and approval of the Planning Division during the Plan Check review.
16. No storage of recreational vehicles (RV's) shall be permitted. RV parking shall be limited to hotel guests only.
17. No vending machines of any kind shall be installed outdoors within the project site.
18. There shall be no public pay phones installed within or upon any portion of the premises.
19. Loitering and panhandling on the premises shall be prohibited. Signs stating such prohibition shall be posted on the property.
20. Prior to issuance of a Zoning Clearance and business license, interior common area lobby, gym, and exterior site video surveillance equipment shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity on surrounding public rights-of-ways as well the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for

review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.

21. Prior to issuance of a Zoning Clearance and business license, the operator shall submit a security plan for review and approval by the Pomona Police Department.
22. The hotel use for nightly or short term accommodations thirty days or less, shall remain in perpetuity.
23. The hotel use shall not provide long term stay accommodations or be used in such a way in which City of Pomona would be prevented from collecting transient occupancy tax.
24. Prior, during and after the construction period, 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. 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.
26. Prior to issuance of building permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of the parking, driveway, walkway, and common areas. The lighting plan shall include a site plan showing the locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.
27. Prior to issuance of a Zoning Clearance and business license, the existing monument sign shall be removed and replaced with a new sign that complies with the following:
  - a) A minimum 2-foot high base, enclosure, and cap. The base, enclosure, and cap materials should be decorative and match those utilized on the lobby and hotel buildings;
  - b) An opaque or dark translucent background, where only items of information may be internally illuminated or of a channel letter design;
  - c) Located within a landscaped planter 2 feet wider (minimum) than the sign itself; and
  - d) Setback a minimum of 1 foot from the adjacent public right-of-way.

28. All facades of the lobby building shall be re-stuccoed with a light stucco texture. Acceptable finishes include cat face, sand or float, or smooth stucco textures.
29. The existing trash enclosures shall be modified to architecturally blend with the project's overall design. The enclosures shall have a decorative solid roof and solid, double swing, lockable metal gates. Landscaping shall be incorporated into the design of the trash enclosures to screen and deter graffiti.
30. The existing detached accessory building located at the northeasterly portion of the site shall be altered to be architecturally compatible with lobby and hotel building improvements in terms of architecture, materials and colors. The final design shall be approved by the Development Services Manager.
31. The proposed removal of the decorative paving underneath the existing porte-cochere shall be replaced with either stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete with saw cut line patterns.
32. All proposed windows for the lobby building shall be recessed a minimum 3".
33. All wrought iron utilized for the balconies, walkways, and pool fencing enclosure shall be ornamental in design.
34. All windows and doors for the lobby building shall be removed and replaced with ornamental windows and doors, fabricated of a durable metal material for the frames, casings, jambs, and muntins and comply to the following:
  - a) All storefront windows and doors shall replicate Anderson E-Series/Eagle Series window and door styles. They shall be ornamented divided light in a short fractional design pattern.
  - b) All non-storefront windows shall replicate Anderson E-Series/Eagle Series window style. They shall be ornamented divided light in a colonial design pattern.

The final design of the windows and doors shall be submitted to the Planning Division for review and approval by the Development Services Manager.

35. All proposed windows and doors for the hotel building shall be fabricated of a durable metal material for all window/door components which includes, but is not limited to frames, casing, jambs. Such windows and doors shall replicate Anderson E-Series/Eagle Series window style. They shall be ornamented divided light in a colonial design pattern.
36. The proposed ledgestone veneer utilized on the columns of both the lobby and hotel buildings shall be expanded to clad all the areas of the building, including the shaped roof

parapets, proposed to be painted with the “Molasses” paint color. The parapets located above each building roof line shall be allowed to be painted “Molasses”.

37. All wall mounted exterior light fixtures shall be removed and replaced with fixtures appropriate to the architectural style of the building. The final design of light fixtures shall be submitted to the Planning Division for review and approval by the Development Services Manager.
38. All onsite perimeter, garden, and retaining walls shall be stuccoed, painted, and topped with a decorative cap to match the lobby and hotel buildings.
39. Prior to issuance of a Zoning Clearance and business license, the parking lot shall be slurry sealed and restriped to conform to the off-street parking provisions of Pomona Zoning Ordinance Section .503-H. Areas of the parking lot that are unable to be sealed due to disrepair shall be removed and replaced prior to slurry seal.
40. Any decorative architectural elements utilizing pressed foam, including pressed foam infill, along the first floor of the lobby and hotel buildings shall be omitted and replaced with precast concrete.
41. Prior to issuance of a Zoning Clearance and business license, provide landscaping within the empty planter boxes located above the first floor, adjacent to the easterly and westerly exterior staircase of the hotel building. The landscaping shall be ornamental in nature with a growth pattern that allows it to cascade over the building.
42. Prior to issuance of a Zoning Clearance and business license, all existing landscaping located within the planters at the base of the hotel building shall be removed and replaced with ornamental landscaping consisting of ground cover and shrubs.
43. All vehicular driveway entry areas shall be enhanced with decorative paving and ornamental landscaping. Prior to installation, both the paving band material and ornamental landscaping specie type shall be submitted to the Planning Division for review and approval by the Development Services Manager and comply with the the following:
  - a) The decorative paving band shall extend from the street to the first cross aisle; and
  - b) Paving materials shall complement the architectural design. Appropriate paving materials shall include stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete with saw cut line patterns.
44. The landscape planter located along W. Temple Avenue and Foley Way shall be enhanced with decorative landscaping that incorporates the following:

- a) Planting utilizing a three tiered system of grasses and ground covers, shrubs, and trees;
  - b) A maximum 32-inch high evergreen hedge, to create a solid hedge or a maximum 32-inch high earth berm with a slope no greater than 3:5:1; and
  - c) All existing street adjacent trees shall not be removed. The trees shall be maintained and trimmed in accordance with the latest pruning standards established by the American Nation Standard Institute (ANSI), International Society of Arboriculture (ISA) and National Arborist Association (NAA).
45. Prior to issuance of a Zoning Clearance and business license, all existing roof mounted signage shall be removed from the lobby and hotel buildings.
46. The columns utilized on the pool enclosure shall incorporate ledgestone cladding with a decorative cap, and ornamental lighting.
47. Prior to issuance of a Zoning Clearance and business license, all non-decorative bollards shall be removed and replaced with a bollard design that is consistent with the overall project design theme and site furnishings. The final design of bollards shall be submitted to the Planning Division for review and approval by the Development Services Manager
48. Utility and mechanical equipment (e.g., electric and gas meters, electoral panels, transformers and junction boxes shall be screened from view. All screening devices shall be compatible with the architecture, materials and colors of the adjacent structures.
49. Prior to issuance of a Zoning Clearance and business license, remove all dead landscaping from the subject site. This includes any stumps of previously removed tree(s).
50. The applicant shall conform to Section .5809-24 of the Pomona Zoning Ordinance pertaining to public art requirements for private development by complying with one of the following two options:
- a) Placement of an approved Public Art on the Project site.
    - i) 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.
    - ii) 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.

iii) 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 Development and Neighborhood Services 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.

b) Payment of an In-lieu Contribution.

i) 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.

ii) Use of In-lieu Contributions shall comply with the following:

(1) 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.

(2) 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.

**COMMUNITY DEVELOPMENT DEPT. – BUILDING AND SAFETY DIVISION**

51. The design must be reviewed and stamped by an architect licensed in the State of California – (Business and Professions code Sections 5537, 5538 and 6737.1).

52. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply the 2013 California Building Code, Chapters 5, 6, 7, 9, 10, 11, 12, 14, 15 and 25 for non-constructural provisions and Chapter 16, 17, 18, 19, 21, 22 and 23 for structural provisions.

53. All grading shall conform to the 2013 California Building Code, Appendix J, 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.

54. All proposed electrical work shall comply with the provisions of the 2013 California Electrical Code, and all other laws, ordinances, and resolutions governing electrical as adopted by the City of Pomona at the time of installation of improvements.
55. All proposed electrical work shall comply with the provisions of the 2013 California Energy Code, and all other laws, ordinances, and resolutions governing energy conservation as adopted by the City of Pomona at the time of installation of improvements.
56. All proposed mechanical work shall comply with the provisions of the 2013 California Mechanical Code, and all other laws, ordinances, and resolutions governing mechanical as adopted by the City of Pomona at the time of installation of improvements.
57. All proposed plumbing work shall comply with the provisions of the 2013 California Plumbing Code, and all other laws, ordinances, and resolutions governing plumbing as adopted by the City of Pomona at the time of installation of improvements.
58. The proposed project shall comply with the 2013 California Green Building Standards Code mandatory measures and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
59. Prior to final approval of building permits for the hotel renovations, the applicant shall provide proof that all indoor plumbing fixtures within both the lobby building and all hotel rooms shall be replaced with fixtures that are compliant with Chapter 5 of the 2013 California Green Building Standards Code for indoor water use: Water Closets – 1.28 gallons per flush maximum, Urinals – 0.5 gallons per flush maximum, Lavatory faucets – 0.5 gallons per minute @ 60 psi maximum, Showerheads – 2.0 gallons per minute @ 80 psi maximum.

## **PUBLIC WORKS IMPROVEMENT PLANS REQUIREMENT**

### **Improvement plans requirements**

60. Applicant/Developer shall revise and resubmit the **Site Plan** to include the following:
  - a) Removal and reconstruction of the westerly property driveway approach located on Temple Avenue, to comply with the City and ADA standards and requirements.
  - b) Removal and reconstruction of the driveway approach located on Foley Way, to comply with the City and ADA standards and requirements. Additional right-of-way dedication corresponding to the driveway width may be necessary to accommodate the required ADA pedestrian path.
  - c) Removal and reconstruction of all uplifted or cracked sidewalk and replacement with ADA compliant sidewalk along property frontages.

- d) ADA compliant ramp at the northwest corner of Temple Avenue and Foley Way.
  - e) Existing sewer, water and storm drain infrastructure, including laterals.
  - f) Undergrounding of all proposed utility lines will be required as per City of Pomona Municipal Code Section 62-31(b)(1). Applicant/Developer is responsible for all pavement trench restorations due to said undergrounding work.
  - g) Note: "It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements".
  - h) The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
  - i) Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
61. All improvements to the City's **water** system shall be installed at the Developer's expense in accordance with the provisions of the City of Pomona Water Code, Construction Standards and the Federal, State and County Public Health requirements, including payment of all required plan check fees, bonds, connection fees, water meter setting fees and all additional water facilities advance payments. Public water facilities that are existing or proposed to be installed on private property must be approved by the City Engineer prior to the issuance of the building permit.
62. Prior to the approval of the water improvement plans Applicant/Developer shall calculate the new water demand (based on fixture units) to verify that the proposed service(s) can provide the water demand given the size, pressure, and distance of these services from the proposed buildings. This calculation shall include fire and domestic water demands. This calculation shall be submitted to the Water Wastewater Operations Division (WWOD) of the Public Works Department.

If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department. The localized approximate static pressure for the proposed project area is 55-65 psi.

The proposed public water improvement plans shall include:

- a) All existing and new utilities, including existing and proposed water facilities, water meters, service lines, approved backflow devices, water mains and water easements:
  - i) One (1) twelve-inch (12") ACP water main within Temple Avenue.
  - ii) One (1) three-inch (3") compound meter serving the existing property for domestic water service. The 3" compound meter requires a reduced pressure principle assembly (RPPA) for meter backflow protection.

- iii) One (1) eight-inch (8") double check (DC) device, currently used for fire service. The existing DC shall be replaced with a testable 8" above ground double check detector assembly (DCDA).
  - iv) Public fire hydrants within 500 feet of the proposed project site. All proposed onsite hydrants shall be private and be painted red.
  - b) The existing water infrastructure shall also be shown on the Revised Site Plan.
  - c) Water Development plans are for public water improvements only; all private water improvements shall be addressed separately; all private onsite water improvements are the owner's responsibility and not the City's.
  - d) Property address, legal description, property lines, street centerline, curb-line, existing and proposed utility easements, and right-of-way with dimensions.
63. Prior to the approval of the water improvement and/or site plans the Applicant/Developer shall meet all requirements of the Los Angeles County Fire Department (LACFD). Applicant/Developer shall contact LACFD to determine if additional fire hydrants are needed for the proposed development. All new fire hydrants must be placed at least five (5) feet from proposed driveways and off of parking spaces. Proof of LACFD approval is required prior to the final water improvement and/or site plan submittal to the Public Works Department. Contact the LACFD for information at (909) 620-2402.
64. Prior to the issuance of the Certificate of Occupancy Applicant/Developer is responsible for installing approved low-lead (0.25%) Reduced Pressure Backflow Preventers (list brand and model) for the following water lines to the site:
- a) Reduced principal pressure devices are required for all domestic services;
  - b) Reduced principal pressure devices are required for all dedicated irrigation service lines to the proposed site;
  - c) Double check detector assembly devices for all fire sprinkler service lines.
65. All existing public water facilities located on private property shall be installed within a City of Pomona easement of minimum 15-foot width, and will be maintained by the City. Applicant/Developer shall not place buildings, structures or trees on all related water easements, nor within 7 ½ feet of all City maintained water main without prior approval from the City.
66. Access to City water facilities for water operation crews shall be made available at all time for servicing and maintaining the water system and for reading water meters.
67. Easement rights shall hold the City harmless for removal and/or damage to the development improvements within easements during maintenance to, replacement of and/or operation of public water facilities.
68. All project related trench repairs in City maintained streets shall be per City Standard A-26-02. Following completion of all street/utility work, and prior to the issuance of the Certificate of Occupancy Applicant/Developer shall be required to repair all affected

lanes of development street frontages to a condition "as good or better" as required per City Standard A-26-02.

69. All improvements to the City's **wastewater** system shall be installed at the Developer's expense.
70. Prior to issuance of the building permit Applicant/Developer shall submit sewer improvement plans and/or a Revised Site Plan for review and approval by the Public Works Department. Said plans shall include:
  - a) The existing and proposed sewer mains, laterals, manholes and applicable easements (min. 10 ft width):
    - i) One (1) ten-inch (10") VCP sewer main in Temple Avenue.
    - ii) Existing sewer laterals from the public main to the site; said laterals are considered private and shall be maintained by the property owner.
71. Effective January 1, 2015, the City has adopted new service charges for water and sewer services. For further information on how charges are assessed, contact the City's Public Works Business Services Division at 909-620-2241.
72. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic (AutoCAD v. 2010) format. 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 in AutoCAD v. 2010 format.
73. Applicant/Developer shall implement **stormwater** Good Housekeeping Best Management Practices (BMPs) for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.
74. 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 Owner 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.

#### **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.

75. Prior to building permit issuance Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, storm drains, street frontage pavement, sidewalk, drainage and parkway improvements, and driveway approaches.
76. 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.

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

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


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

**APPROVED AND PASSED THIS 25<sup>th</sup> DAY OF MARCH, 2015**



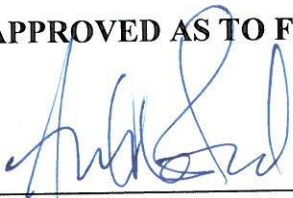
\_\_\_\_\_  
DENTON B. MOSIER  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**



\_\_\_\_\_  
BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**



\_\_\_\_\_  
ANDREW JARED  
ASSISTANT CITY ATTORNEY  
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF POMONA )

PC Resolution No. 15-016  
3200 West Temple Avenue (MODCUP 1135-2015)  
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AYES: Garcia, Arias, Juarez, Mosier, Hemming, and Tharpe.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Starr.

"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."