

DRAFT ZA RESOLUTION NO. 24-004

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF POMONA APPROVING DEVELOPMENT PLAN REVIEW (DPR-000288-2024) FOR DEVELOPMENT OF A NEW 100% AFFORDABLE, 160-UNIT, SIX-STORY HOUSING DEVELOPMENT PROJECT WITH ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS ON A 1.32-ACRE SITE LOCATED AT 221 W. HOLT AVENUE WITHIN THE POMONA CORRIDORS SPECIFIC PLAN, DOWNTOWN GATEWAY SEGMENT (APNS: 8336014016, 8336014017, 8336014027)

WHEREAS, the applicant, Holt & Main, LP, has filed an application for Development Plan Review (DPR) for the development of a new 100% affordable, 160-unit, six-story housing development project with associated on-site and off-site improvements on a 1.32-acre site located at 221 W. Holt Avenue;

WHEREAS, the subject property is located within the Pomona Corridors Specific Plan (PCSP), Downtown Gateway Segment;

WHEREAS, the subject property has a General Plan Place Type designation of "TOD: Neighborhood";

WHEREAS, the subject property has a General Plan Transect Zone designation of "T5" allowing up to 80 dwelling units per acre;

WHEREAS, in accordance with Section 2.0.5.C of the PCSP a Development Plan Review (DPR) is required for any new development projects located within the plan area;

WHEREAS, the proposed project is subject to the provisions of Housing Crisis Act of 2019 also known as Senate Bill 330 (SB 330);

WHEREAS, the proposed project is subject to the provisions of the city's Inclusionary Housing Program (Ordinance No. 4295);

WHEREAS, the Zoning Administrator of the City of Pomona has, after giving notice thereof as required by law held a public hearing on September 4, 2024, concerning the requested Development Plan Review, DPR-000288-2024;

WHEREAS, the Zoning Administrator 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 Zoning Administrator of the City of Pomona, California:

SECTION 1. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Zoning Administrator finds that the proposed project is exempt from further environmental review

pursuant to State CEQA Guidelines, Section 15182 based on the following findings of fact:

- A. In March 2014, the City Council certified and approved the EIR for the General Plan Update and Pomona Corridors Specific Plan.
- B. The proposed project is a housing development project consisting of 160 units and is undertaken pursuant to and in conformity with the Pomona Corridors Specific Plan. The proposed residential units were contemplated in the EIR and were evaluated as part of that environmental analysis.
- C. None of the conditions in State CEQA Guidelines, Section 15162 are present. Specifically,
 1. Substantial changes are not proposed in the project that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

The density, design, and infrastructure plan of the proposed development are consistent with the adopted Specific Plan in that the level and intensity of the proposed development are consistent with the PCSP as well as the General Plan. Therefore, this event is not applicable to the proposed project.

2. Substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and

Staff has no evidence of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, for all environmental impact categories identified in the Certified Final EIR. There are no known nearby properties that have been developed since 2014 along the Holt Avenue corridor that have significantly deviated from the PCSP and General Plan, which could have necessitated a study of new significant environmental impacts, nor any General Plan or Specific Plan Amendments adopted since 2014 in the project area that have increased the potential of new significant environmental impacts or previously identified significant effects, this event is not applicable to the proposed project.

3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and

would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

At the time of adoption of the Certified Final EIR, traffic impacts were analyzed using a Level of Service (LOS) model that studied roadway capacity on Holt Avenue for potential traffic and transportation impacts. Since that time, traffic impacts for CEQA purposes are now analyzed using a Vehicle Miles Traveled (VMT) model. Thus, the City Council subsequently adopted VMT thresholds in May of 2020. In addition, the City prepared a VMT Substantial Evidence Memo in May of 2021 to support the City's screening criteria. Pursuant to the findings of the VMT Substantial Evidence Memo, multi-family residential projects of 200 units or less are considered to not exceed the assumed to have a less than significant impact on regional VMT. Therefore, because the project contains 160 units, there is no evidence of any significant traffic-related CEQA impacts not previously studied in the Certified Final EIR. There is also no evidence that the project would result in different or more severe impacts not previously studied in the Certified Final EIR, and therefore this event is not applicable to the proposed project.

- D. Based on these findings and all evidence in the record, the Zoning Administrator finds that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15182 and no additional environmental review is required in connection with the City's consideration of Development Plan Review, DPR-000288-2024 for the proposed 160-unit housing development project.

SECTION 2. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 3. In accordance with Section 2.0.5.A.(4) of the PCSP, the Zoning Administrator must make findings in order to approve Development Plan Review, DPR-000288-2024. Based on consideration of the whole record before it, including but not limited to, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Zoning Administrator hereby finds as follows:

- A. The project is consistent with the City's General Plan and all applicable requirements of the Pomona City Code; and

The granting of the Development Plan Review to allow the project as conditioned is consistent with the Pomona General Plan and all applicable requirements of the Pomona City Code. The project site has a General Plan Place Type designation of TOD: Neighborhood, which is intended for development types of greater intensity than surrounding areas.

The project is consistent with Goal 6.B.G2 of the Pomona General Plan, which is to locate higher intensity transit oriented development around existing and future Metrolink, Metro Gold Line, High Speed Rail, BRT, and other transit stations. The proposed project will focus new intensity along Holt Avenue within one-half mile of the Pomona Transit Center.

The project will meet all applicable City Codes and standards, with the approval of a Development Plan Review and will have appropriate conditions of approval to ensure that the development will not be detrimental to the health, safety or general welfare of the community. The project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

- B. 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; and

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 as the development will comply with all development and design standards of the Downtown Gateway Segment of the PCSP. The project, as conditioned, is not anticipated to generate noise, traffic, lighting, and privacy impacts detrimental to residents, occupants, and properties within the surrounding area and is consistent with the subject property's applicable development standards.

- C. The project will not adversely affect the Circulation Plan of the Corridors Specific Plan; and

The project is designed with pedestrian access along Holt Avenue and vehicular access from Gordon Street. As conditioned, the project not adversely affect the Circulation Plan of the Corridors Specific Plan.

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

The project has been thoroughly reviewed and meets all applicable provisions of the PCSP and other applicable regulations.

SECTION 4. In accordance with Section 2.0.5.F of the PCSP, the Zoning Administrator may approve the Request for Deviation in whole or in part upon determining that the project is consistent with the intent of the Specific Plan and otherwise meets the required findings of a Development Plan Review. Based on consideration of the whole record before it, including but not limited to, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Zoning Administrator hereby finds that significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met, is consistent with the intent of the Specific Plan, and meets required findings of a Development Plan Review as established in Section 3 above granting the following deviations:

- A. A decrease in Minimum Residential Unit Size (PCSP Sec. 2.2.3) of not more than 20 percent;
- B. A decrease in Building Massing (PCSP Sec. 2.3.5) of not more than 20 percent.

This finding is based on the project's proposed number of affordable housing units and high-quality architectural design that meets the standards and intent of the PCSP.

SECTION 5. The applicant is seeking a density bonus as well as relief, incentives/concessions, and waivers/reductions as identified below. The project is eligible for five (5) incentives/concessions per Government Code (GC) Sec. 65915(b)(1)(G) and unlimited waivers/reductions per GC 65915(e). The housing development project is utilizing four (4) of the five (5) eligible incentives/concessions and three (3) waivers/reductions. The City has granted the requested density bonus, relief, incentives/concessions, and waivers/reductions in compliance with GC Sections 65915-65918.

A. Density increase per GC Sec. 65915(f)(3)(D)(ii)

1. This provision precludes the imposition of maximum controls on density if the project is located within one-half mile of a major transit stop. In this case the project is located within one-half mile of the Pomona Transit Center.

B. Parking relief per GC Sec. 65915(p)(3)(a)

1. This provision precludes the imposition of vehicular parking standards if the project is located within one-half mile of a major transit stop. In this case the project is located within one-half mile of the Pomona Transit Center.

C. Height/Story increase per GC Sec. 65915(d)(2)(D)

1. This provision allows for a height increase of up to three stories or 33-feet if the project meets the criteria of GC Sec. 65915(b)(1)(G) and is located within one-half mile of a major transit stop. In this case the project meets the criteria required by GC Sec. 65915(b)(1)(G) is located within one-half mile of the Pomona Transit Center.

D. Incentives/Concessions

1. To provide relief from PCSP 2.4.2(c)(ii) Multi-family residential buildings featuring common lobby entry treatments shall have a common lobby entry at least every 100 feet.
2. To provide relief from PCSP 2.6.3 Provision of Private Open Space.
3. To provide relief from PCSP 2.7.2(D) Parking Structure – Exposed.
4. To provide relief from Utility Undergrounding per Pomona City Code Section 62-31.

E. Waivers/Reductions

1. To provide relief from PCSP 2.3.4(A) Limited Corner Building.
2. To provide relief from PCSP 2.6.1 Provision of Public Open Space.
3. To provide relief from PCSP 2.6.4 Public Open Space Type.

SECTION 6. Based upon the above findings, the Zoning Administrator hereby approves Development Plan Review (DPR-000288-2024) 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

1. Approved Plans and Modifications. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Zoning

Administrator on September 4, 2024 and as illustrated in the stamped approved plans dated September 4, 2024. Any major modifications to the approved project plans shall be reviewed and approved by the Zoning Administrator 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 Zoning Administrator or their designee.

2. **Approval Period and Time Extension.** This approval shall lapse and become void if construction has not commenced under a valid building permit, within twelve (12) months from the date of this approval (September 4, 2025), in accordance with PCSP Section 2.0.5(A)(6). The Planning Division may extend this period for a maximum of two, one (1) year extensions upon receipt of an application for a Time Extension request submitted by the applicant at least thirty (30) days before the expiration date of this approval, consistent with PCSP Section 2.0.5(A)(6).
3. **Indemnification.** 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.
4. **Violation of Conditions.** 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 Development Plan Review.
5. **Appeals.** 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 Zoning Administrator.

6. Conditions of Approvals on Plans. Prior to plan check submittal, the applicant shall include all conditions of approval from Zoning Administrator Resolution No. 24-004 on the title sheet of the construction documents.
7. Utility and Mechanical Equipment on Plans. Prior to plan check submittal, the applicant shall ensure the site plan identifies 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.
8. Fence and Wall Permit. The installation of any walls and/or fences will require the submittal of a Fence and Wall Permit application for review and approval by the Planning Division. The plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) shall be in substantial conformance with the grading plan and any other applicable plans submitted as part of the Development Plan Review. The plans shall identify materials, seep holes, and drainage.
9. Fence and Wall Material. All perimeter walls proposed in the Fence and Wall plan shall utilize split-face decorative block with decorative caps.
10. Sign Permit. The installation of any signage shall require the submittal of a Sign Permit application for review and approval by the Planning Division.
11. Landscape Plan Check. Prior to issuance of a building permit, the applicant shall submit an a Landscape Plan Check application for review and approval by the Planning Division. The plans shall be in substantial conformance with the conceptual landscaping plan and other applicable plans submitted as part of the Development Plan Review. The landscape design shall comply the State Model Water Efficient Landscape Ordinance, and applicable landscaping standards.
12. Landscape Maintenance Bond. Prior to issuance of a certificate of occupancy, the applicant shall submit a landscape maintenance bond to the Planning Division to be held for a period of one year to ensure the project's compliance with the approved landscaping plans, at an amount to be determined by the Zoning Administrator or their designee.
13. Art in Public Places. The applicant shall comply with the Art in Public Places Policy and Guidelines Manual pertaining to public art requirements for private development. The applicant shall meet compliance by choosing one of the following two options:

- a. Option 1. Placement of approved Public Art on the Project site.
 - i) The Applicant may 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 the Project site shall be approved by the Cultural Arts Commission prior to the issuance of a building permit for the Project.
 - iii) The Public Art shall be installed on the Project site prior to the 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 prior to the 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 Zoning Administrator. 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. Option 2. Payment of an In-lieu Contribution.
 - i) 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 prior to the issuance of any building or grading permit for the Project.
 - c. Use of In-lieu Contributions.
 - i) 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.
 - ii) 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.
14. Inclusionary Housing Program. The applicant shall comply with City of Pomona Ordinance No. 4295, pertaining to Inclusionary Housing.
15. Affordable Housing Agreement. 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 project. The project will consist of 158 units that shall be reserved for low-income households with rents not to exceed 80% of Area Median Income, as those rents are determined by the California Tax Credit Allocation Commission as well as two (2) units that will be set aside as manager's units and will not be rent restricted.

16. Noise During Construction Activity. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 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.
17. Noise and Vibration, General. 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.
18. Maintenance During Construction. The property, including all construction areas, shall be kept clean at all times prior to, during, and after construction.
19. Maintenance During Operations. 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.
20. Maintenance of Private Balconies. The private balcony areas shall be kept free and clear of any unnecessary debris and maintained in an orderly fashion at all times.
21. Maintenance of Landscaping. All landscaping shall be maintained in a neat and clean manner, and in conformance with the stamped approved plans associated with this project.
22. Removal of Graffiti. 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 Zoning Administrator or their designee.
23. Recessed Windows. All windows shall be recessed a minimum of 3 inches.
24. Outdoor Amenities. Prior to building permit issuance, all proposed outdoor amenities and equipment intended for communal use shall be incorporated into the building plan check submittal, subject to review and approval by the Zoning Administrator or designee.
25. Parking Garage Security. The proposed parking garage shall conform to the following and be incorporated into the building plan check submittal:
 - a. Parking garage lighting shall illuminate directly between parking stalls as well as in the center of parking aisles.
 - b. The interior of parking structures shall be painted light colors such as white to reflect light to interior the of the structure.

- c. Surveillance cameras shall be installed and placed at entrances and exits as well as interior areas and at elevator waiting areas and stairwells. Cameras should record 24 hours a day and 7 days a week with clear signs indicating their operation.
26. Air Quality Conditions.
- a. Demolition, Grading, and Construction Activities: Compliance with Provisions of SCAQMD Rule 403. The project shall comply with all applicable standards of the Southern California Air Quality Management District (SCAQMD), including the following provisions of Rule 403:
 - i) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD Rule 403. Wetting could reduce fugitive dust by as much as 61 percent.
 - ii) The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - iii) All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), in order to prevent excessive amounts of dust.
 - iv) All dirt/soil shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
 - v) All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - vi) General contractors shall maintain and operate construction equipment to minimize exhaust emissions.
 - vii) Trucks having no current hauling activity shall not idle but be turned off.
 - b. Odors: Compliance with Provisions of SCAQMD Rule 402. The project shall comply with the following provision of SCAQMD Rule 402. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
 - c. Architectural Coatings: Compliance with SCAQMD Rule 1113. The project shall comply with SCAQMD Rule 1113 limiting the volatile organic compound (VOC) content of architectural coatings, through use of low VOC coatings as issued by the contractor.
 - d. Engine Idling. In accordance with Section 2485 of Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
 - e. Emission Standards. In accordance with Section 93115 of Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
 - f. Air Filters. In accordance with the 2022 California Energy Code Subchapter 7,

Section 150(m), the installation of MERV 13 air filters in the building ventilation systems shall be required for all new sensitive use structures.

27. Biological Resources Conditions.

- a. Biological Survey. Conduct presence/absence biological surveys for sensitive plant and animal species during the appropriate time of year and time of day in natural areas prior to any construction activities proposed adjacent to or in natural areas. If no special-status species are detected during these surveys, then construction-related activities may proceed. If listed special-status species are found in the construction zone, then avoid these species and their habitat or consult with U.S. Fish and Wildlife prior to the commencement of construction.
- b. Nesting Bird Survey. As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as March 1 through August 31 (as early as January 1 for some raptors). If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If no nesting birds are detected during surveys, then construction-related activities may proceed. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Buffers may be as large as 300 feet (500 feet for raptors) or as determined by the qualified biologist. The biologist shall act as monitor to determine when the nest is no longer active and remove the avoidance buffer.

28. Cultural Resources Conditions.

- a. Donation Of Paleontological or Archaeological Findings. In the event scientifically valuable paleontological or archaeological materials are identified on the subject site, those materials shall be donated to a responsible public or private institution with a suitable repository, located within Pomona, or Los Angeles County, whenever possible.
- b. Procedures If Buried Cultural Materials Encountered. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register, plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:
 - i) Historic artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
 - ii) Historic structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
 - iii) Prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates;

- iv) groundstone artifacts, including mortars, pestles, and grinding slabs;
Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks.
- c. Procedures If Human Remains Encountered. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

BUILDING & SAFETY DIVISION

- 29. This project must comply with 2022 California Building Codes.
- 30. 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)
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. 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.
- 36. Project must comply with Bicycle Parking requirements as designated on the California Green Building Standards, as applicable.
- 37. Project must comply with EV Charging requirements as designated on the California Green Building Standards. Section 5.106.5.3

38. 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.
39. 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.
40. 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
41. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
42. Fence and wall plan shall be required.

PUBLIC WORKS DEPARTMENT

Land Development Requirements

43. Property Owner shall submit a Lot Merger application for the consolidation of four (4) legal lots (APNs 8336-014-016, -017 & -027) into one lot; the application shall be submitted to the Public Works Department, for review and approval and shall be recorded prior to the issuance of the building permits.
44. Property Owner shall dedicate to the City of Pomona all necessary Grant of Easements, minimum 15' wide by 10' deep, along the applicable property frontage(s), for public water improvements purposes. The water 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

45. Applicant/Developer shall submit the grading, drainage and erosion control plans for review and approval by the Public Works, Planning and Building and Safety Departments.
 - a. The plans shall be a minimum of 1" = 10' scale to clearly show all the details; the plans shall be submitted on 24" x 36" sheet size with a standard City title block.
 - b. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.

- c. The plans shall include sufficient cross sections to show all block wall locations, parkway width and all permanent facilities that might require maintenance and access easements.
 - d. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
46. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications to the neighboring (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, Planning Commission approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.
47. 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.
48. Prior to issuance of the grading permit, the Applicant/Developer shall submit a soils and geologic report to address the soil's stability, infiltration rate and geological conditions of the site.
49. 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.
50. The project involves a Significant Redevelopment that adds or replaces 5,000 or more square feet of impervious surface on an existing site with 10,000 square feet or more of impervious surface. The project is therefore classified as a Priority Project in accordance with the Los Angeles Region NPDES Permit No. CAS004004, Order No. R4-2021-0105. Prior to issuance of the grading permit Applicant/Developer shall develop and obtain the City approval of the final Standard Urban Stormwater Mitigation Plan (SUSMP) for the proposed project. The SUSMP shall be prepared in accordance with the City of Pomona's Low Impact Development (LID) Ordinance, the City of Pomona's Green Streets Policy and the Los Angeles Region NPDES MS4 Permit No. 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. (Important note: if drywells are proposed as stormwater BMPs, only the circular/bottom area of the wells may be considered in the calculations).

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

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

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

Additionally, 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 construction BMPs as required by the GCP/SWPPP.

51. Concurrent with the submittal of the grading/building plans, Applicant/Developer shall submit public street improvement plans to include the following items and is responsible for the construction thereof:
 - a. Main Street:
 - i) New sidewalk, curb and gutter per City standards, to replace the existing driveway approaches proposed for removal and any/all damaged cracked and uplifted sections along the lot frontage.
 - ii) Based on the project related hardscape, wet and/or dry utility pavement cuts, Asphalt Rubberized Hot Mix (ARHM) overlay paving shall occur in accordance with the City standard A-26-02 (at the minimum, from gutter line to the centerline of Main Street, along the lot frontage). Due to the current poor condition of the Main Street pavement, a core sample analysis is necessary; based on the results, and if the cold planning process is not supported due to the reduced thickness of the existing Asphalt Concrete layer, full depth repaving may be required.
 - b. Holt Avenue:

- i) New sidewalk, curb and gutter per City standards, to replace the existing driveway approaches proposed for removal and any/all damaged cracked and uplifted sections along the lot frontage.
 - ii) New ADA ramp at the northwest corner of Holt Avenue and Main Street.
 - iii) Reconstruction of the street spandrel at the northwest corner of Holt Avenue and Main Street.
 - iv) Based on the project related hardscape, wet and/or dry utility pavement cuts, Asphalt Rubberized Hot Mix (ARHM) overlay paving shall occur in accordance with the City standard A-26-02 (moratorium repaving may be required in conjunction with the City's upcoming City Capital Improvement Plan paving project along Holt Avenue).
- c. Alley paving: Reconstruct the entire portion of the alley, from 20' north of the northern property line to Gordon Street, including a new center concrete v-gutter and an alley approach at Gordon Street. The design shall conform to City Standard A-5-06 and ensure a positive flow along the alley centerline.
- d. Street lights: 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 Holt Avenue, between Main and Gordon Streets, and along Main Street, between Holt Avenue and Pearl Street, to ensure the roadway illumination design meets the IES RP-8 requirements for vehicles and pedestrians; the owner is responsible for the compliance (design & installation) with all mitigation measures, along the property boundaries.
- e. Street Landscaping:
 - i) The parkway landscaped areas along the Holt Avenue and Main Street project frontage shall be designed and installed in compliance with the "Grand Boulevard" requirements of the Pomona Corridors Specific Plan.
 - ii) The parkway landscaped area shall be designed to comply with the City standard A-34-11 (Intersection Sight Distance) and a note to this effect shall be added on the public street improvement plan.
 - iii) The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plan.
- f. Site runoff shall be intercepted on site and directed to the public storm drain in compliance with the City standards.
- g. Existing and proposed sewer, water and storm drain infrastructure, including laterals and easements.
- h. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries, and a note to this effect shall be added to the public street improvement plan.
- i. 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.

- j. The property abutting sidewalk, parkway and alley, as applicable, shall be maintained free of weeds, rubbish and refuse by the property owner, as required by the City's Municipal Code Section 18-261 and a note to this effect shall be added to the public street improvement plan.
52. The demolition or relocation of all public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by the Engineering Division of the Public Works Department.
53. 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.
54. 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.
55. Traffic:
 - a. Based on the upcoming City Capital Improvement project along Holt Avenue, a raised median will be proposed and subsequently all left turn movements will be eliminated at Main Street.
 - b. All project parking is to be accommodated onsite, including all pick-up/drop-off spaces.
 - c. Install red curbs along (i) the entire Holt Avenue property frontage and (ii) along Main Street lot frontage as needed, to meet the sight distance requirements.
56. Prior to the issuance of the Certificate of Occupancy Applicant/Developer is responsible for the payment of any/all applicable City water, sewer and stormdrain connection fees and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.
57. Prior to issuance of the Certificate of Occupancy, 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.
58. Prior to issuance of the Certificate of Occupancy, Applicant/Developer is responsible for paying the project's development tax fee.
59. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting District and Landscaping Maintenance District. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.

60. 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.
61. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. Following construction and prior to acceptance of the improvements by the City, the project engineer shall provide hand drafted "AS BUILT" corrections on the original approved Mylars of the final constructed improvements to the satisfaction of the City Engineer. A corrected, "AS BUILT" plan shall also be provided to the City on disk in AutoCAD v. 2010 and .pdf formats.
62. 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

63. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
64. Prior to the issuance of the building permits or the approval of the public improvements plans, whichever occurs first, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, storm drains, street paving and striping, alley repaving, curb and gutter, sidewalk, corner ramp, parkway landscaping, street lighting, and traffic improvements.
65. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - a. Commercial General Liability;
 - b. Automobile Liability;
 - c. Worker's Compensation as required by the State of California. Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
66. Permittee shall pay fees associated with and possess the City of Pomona Business License.
67. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the Applicant/Developer.

WATER RESOURCES DEPARTMENT

Water

68. The site is within the City of Pomona's water service area, in Hydraulic Zone 7.
69. The following City-owned water mains are located within the vicinity of the subject property:
 - a. 10-inch steel water main located within the northern portion of W Holt Ave (City Drawing No. CO-390).
 - b. 6-inch asbestos cement (AC) water main located within the western portion of N Main St (City Drawing No. CO-1479).
70. There is a 1 ½-inch water meter (Meter No. 6981417) located at the subject property that may be reused if it is adequately sized for proposed water demands; otherwise the service shall be abandoned in accordance with City requirements.
71. Static water pressure at the site is approximated at 50 psi at an elevation of 875 feet. A fire hydrant flow test may be requested to verify water pressure.
72. The following fire hydrants are located near the subject property:
 - a. Northeast corner of W Holt Ave and N Main St, 70 feet east of the property (Hydrant No. F-04426).
 - b. Northeast corner of W Holt Ave and N Gordon St, 200 feet west of the property (Hydrant No. F-05211).
73. 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 water main extensions, new services, meters, and backflow devices, with details for proposed connection(s) to the existing water main.
74. 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. Analysis, methodology, and calculations shall be included in a Water Report and shall be submitted to WRD for review.
75. The site shall be served via above-ground master domestic water meter(s) located within a security cage per City Standard Drawings 13A through 13C. Separate services shall be installed for commercial and residential uses.
76. Water meters up to two inches (2") in size shall be installed by the City and shall be located in the public right-of-way. Water meters three inches (3") and larger shall be installed by the Contractor and shall be located at the property line on private property. Contact WRD for information regarding water service and meter installation fees.
77. 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.

78. As required by LACoFD, new public 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.
79. Backflow devices are required as follows:
 - a. Domestic water services shall be equipped with a reduced pressure principle backflow assembly (RP) downstream of the meter.
 - b. Irrigation water services shall be equipped with an RP downstream of the meter.
 - c. Fire protection services shall be equipped with a double check detector assembly (DCDA) per City Standard Drawing 14.
 - d. Backflow devices shall be low-lead (0.25%), testable, and shall be identified on the "USC List of Approved Backflow Prevention Assemblies". Product information (manufacturer, model, size) shall be supplied to the City prior to installation.
 - e. Backflow devices shall be installed on private property as close as practicable to the water meter and/or public right-of-way. Backflow devices may be installed within the building for constrained sites; these conditions will be reviewed on a case-by-case basis.
80. A 15-foot easement will be required for new water main, water services, water meters, fire hydrants, and DCDA backflow devices on private property.
81. 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

82. The site is within the City of Pomona's wastewater service area.
83. The following City-owned sewer main is located within the vicinity of the subject property:
 - a. 10-inch vitrified clay pipe (VCP) sewer main located within W Holt Ave (City Drawing No. FB-588).
 - b. 8-inch vitrified clay pipe (VCP) sewer main located within N Main St (City Drawing No. AD-16).
84. Any existing sewer laterals serving the property that are not to be reused shall be cut and capped as close to the sewer main as practicable and no more than five feet (5') from the main.
85. 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.
86. A sewer study shall be conducted to verify that 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 metered flow monitoring field test (at locations approved by WRD) to determine the available capacity of the existing sewer system. Analysis, methodology, and calculations shall be included in a Sewer Report and shall be submitted to WRD for review.

87. New sewer laterals shall be installed per City Standard Drawings S5 and S6.
88. Sewer main and lateral separation distances from water mains and services shall comply with the requirements of California Code of Regulations (CCR), Title 22.
89. A 15-foot easement will be required for new sewer main, public sewer laterals, public cleanouts, and public manholes on private property.

Stormwater

90. Calculations for stormwater discharge rates to public right-of-way shall be provided for the proposed development.

COUNTY OF LOS ANGELES FIRE DEPARTMENT, FIRE PREVENTION DIVISION

91. 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. Contact the Fire Prevention Engineering Unit at 909 569-0758 for additional Fire Department requirements and EPICLA submittal instructions.

SECTION 7. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 4TH DAY OF SEPTEMBER, 2024.

ATA KHAN
ZONING ADMINISTRATOR

ATTEST:

GEOFFREY STARNES
ZONING ADMINISTRATOR HEARING SECRETARY