

PC RESOLUTION NO. 22-012**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEVELOPMENT OF A 269,780 SQUARE-FOOT INDUSTRIAL BUILDING ON A 13.84-ACRE LOT LOCATED AT 4200 W. VALLEY BOULEVARD IN THE M-2 GENERAL INDUSTRIAL ZONING WITH SB330 OVERLAY DISTRICT AND WORKPLACE DISTRICT EDGE PLACE TYPE WITH T4-A TRANSECT**

WHEREAS, the applicant, Andrea Arcilla for CapRock Partners, has filed an application for Conditional Use Permit (CUP 15196-2020) to allow for a 269,780 square-foot industrial building, along with landscape, hardscape, and lighting improvements on a 13.84-acre site located at 4200 W. Valley Boulevard (APN: 8709-026-060);

WHEREAS, the subject site is currently located within the M-2 General Industrial Zoning with SB330 Overlay District;

WHEREAS, the subject site is currently designated “Workplace District Edge” by the City’s General Plan;

WHEREAS, pursuant to Section .580 of the Pomona Zoning Ordinance, the approval of a Conditional Use Permit is required for any new industrial development projects over 20,000 square feet of gross floor area or lots greater than one acre in size within all M Zones (M Zone, M-1 Zone, and M-2 Zone).;

WHEREAS, pursuant to Section .503-H of the Pomona Zoning Ordinance, a parking study may be taken into consideration by the Planning Commission when the proposed development does not adequately provide for off-street parking and shall require approval of the Planning Commission;

WHEREAS, the Planning Commission, after giving notice thereof as required by law, held a public hearing on March 23, 2022, concerning the requested Conditional Use Permit (CUP 15196-2020); and

WHEREAS, the Planning Commission has carefully considered pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed public hearing.

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

SECTION 1. The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed project is eligible for an exemption under State CEQA

Guidelines Section 15183 and a Community Plan Exemption Checklist was prepared. The proposed project (further referenced as Project) is consistent with the development standards analyzed in the GPU EIR. The Project site has a GPU designation of Workplace District Edge and is located within the General Industrial (M-2) zoning district. The M-2 district does not have lot area or density requirements. The Project would result in a FAR of 0.45, which is within the projections of the GPU EIR. As such, the GPU EIR adequately anticipated and analyzed the impacts of this Project, identified applicable mitigation measures necessary to reduce impacts of the Project, and the Project implements the applicable mitigation measures. The Project, therefore, qualifies for an exemption from additional environmental review as set forth in State CEQA Guidelines Section 15183. Therefore, no further environmental review is required.

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 Sections .580.B, of the Pomona Zoning Ordinance (PZO), the Planning Commission must make five (5) findings in order to approve Conditional Use Permit (CUP 14326-2020). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

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

The proposed use of a speculative industrial building located at 4200 W. Valley Boulevard will contribute to the general wellbeing of the surrounding community. The proposed location is within the “M-2” General Industrial Zone with SB330 Overlay District and is designated as Workplace District Edge place type per the General Plan. The Workplace District Edge place type is envisioned as a district that supports light industrial uses and accounts for areas that are designated as appropriate for this use type of development, since they are generally separated from residential and mixed-use areas. Moreover, the proposed speculative industrial building achieves the following General Plan Goal: 6F.G4 “Improve the physical character of workplace districts to complement the transition of the area to lighter industrial/higher technology uses” The proposed project will take the place of an existing heavy industrial manufacturing use that was previously built in 1965, prior to current regulations and requirements of the PZO, and establish a lighter industrial use with significant improvements to the physical character of the site.

2. *That such use will, under the circumstances of the particular case, not 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 use will not 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 is eligible for an exemption under State CEQA Guidelines Section 15183 and a Community Plan Exemption Checklist was prepared, which included a Health Risk Assessment (HRA). The HRA assesses the potential mobile source health risk impacts to the nearest sensitive receptors (residents) and nearest workers to the proposed project. The HRA concluded that based on the proposed speculative industrial use of warehousing, the proposed project will not cause a significant human health risk to nearby residents. Additionally, the proposed use will achieve the following General Plan policy: 6F.P8 “phase out non-conforming heavy industrial and environmentally harmful uses from the area,” by replacing an existing heavy industrial manufacturing use with a speculative industrial building conditioned to only permit industrial land uses that are permitted within the underlying zoning district, and that can be categorized as High Cube Non-Sort Fulfillment Center Warehouse under the Institute of Transportation Engineers (ITE) Manual. Any proposed use seeking a Business License at this location shall be evaluated against the ITE Manual to confirm that it falls within said category; if the proposed use falls under a more intense category as measured in total number of trips, a modification of the Conditional Use Permit shall be required prior to approval.

3. *That the site for 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 in the neighborhood.*

The subject site of the proposed use is of adequate topography, size and shaped to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto. The proposed project meets all of the Property Development Standards of the M-2 Zoning District, Section .503-H Off-street Parking Standards per the provided parking demand analysis, Section .503-L Loading Space Requirements, Section .503-C Trash Facilities, Section .399(r) Architectural Standards, and complies with the Water Efficient Landscape Ordinance.

The project’s parking demand analysis meets the three required findings as follows: the proposed 135 spaces would provide adequate parking for the proposed warehouse industrial building, providing for the anticipated parking needs and will not adversely affect traffic patterns as they exist or as they are outlined in the general plan, and will not be detrimental to the public health, safety or welfare, but will be consistent therewith. Moreover, the parking demand analysis achieves the following General Plan goal: 7D.G26 “aligning the amount of parking available and the amount of parking provided by new development with the real pattern of anticipated parking demand,” since the rate established by the Institute of Transportation Engineers is concluded to be the most appropriate as it is derived from various surveys taken throughout the U.S. from real-world data collected at similar warehouse projects.

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

The subject site is located off of West Valley Boulevard, along the southeast side of the street within the City limits near the western boundary line. Valley Boulevard is classified as a Major Arterial with four lanes, two traveling eastbound and two traveling westbound. The site currently does not have sidewalks or pedestrian connections to the site, the project is conditioned to provide sidewalks and pedestrian connections along the front of the site. The proposed project also includes the addition of two new driveway entrances that conform to City standards and that provide for adequate truck-turning maneuvers, such that all ingress and egress can be started and completed within the adjacent street lane to the project without interfering with the second street lane.

In regards to traffic generations, the proposed project was evaluated as a warehouse use classified under a “High-Cube Non-Sort Fulfillment Center Warehouse,” that when compared to the existing manufacturing facility would generate fewer daily and peak hour vehicle trips. Furthermore, the project is conditioned to require a modification to the Conditional Use Permit for any uses that fall under a more intense category as measured in total number of trips,

5. *That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.*

The granting of such conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the city and conforms to the provisions of the zoning ordinance. The proposed project meets all of the Property Development Standards of the M-2 Zoning District, Section .503-H Off-street Parking Standards per the provided parking demand analysis, Section .503-L Loading Space Requirements, Section .503-C Trash Facilities, Section .399(r) Architectural Standards, and complies with the Water Efficient Landscape Ordinance.

The proposed project is consistent with the goals and policies envisioned for the Workplace District Edge land use designation of the Pomona General Plan. In particular, the proposed project will further the following goal of the General Plan: 6F.G8: “improve the physical character of existing concentrations of industrial and light industrial developments to make them more attractive to new investment...,” by demolishing the existing structure and proposing a development that supports a greater street presence, walkability, and opportunities for on-site private open space that fosters employee interaction and innovation.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 15196-2020) 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:

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

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 23, 2022 and as illustrated in the stamped approved plans. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modification that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Director.
2. This approval shall lapse and become void if the privilege authorized is not utilized within one (1) year from the date of this approval (March, 2023), in accordance with Pomona Zoning Ordinance Section .580.I. The Planning Commission may extend this period for one (1) 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 project is subject to a twenty (20) 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.
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 and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violation of the conditions of

approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Conditional Use Permit.

6. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.
7. The property shall be maintained free of weeds and debris prior, during and after the construction period.
8. Prior to, during, and until construction is completed, the subject property shall be maintained clean and free of debris, trash and clutter at all times, and monitored on a regular basis to ensure compliance with this condition and report any unauthorized trespassing onto the property to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation of this Conditional Use Permit (CUP 15196-2020).
9. Within thirty (30) days of approval of this Conditional Use Permit, the property owner shall execute a trespass authorization letter with the City to allow the Police Department to enforce trespassing on the subject property.
10. 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.
11. Landscaping is to include a variation of trees, shrubs, vines, ground covers, and screening for the parking area. All landscape areas shall be provided with an automated underground irrigation system. Prior to the issuance of any building permits, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, which meets the most current State of California Drought Executive Order Model Water Efficiency Landscape Ordinance (MWELo) and any modification as adopted by the City of Pomona.
12. 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 areas is noticeable distinguishable from the rest of the structure, the property owner shall paint portion of the building to minimize the disparity, subject to the approval of the Development Services Director. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Development Services Director.

13. Any proposed signage on the subject site shall be in compliance with Pomona Zoning Ordinance Section .503-K and subject to review and approval of a Sign Permit by the Planning Division prior to receiving a final sign-off on building permits.
14. No temporary signs related 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 portion on the exterior of the building. The only temporary signs allowed shall be properly permitted banners 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.
15. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351 et seq.
16. There shall be adequate lighting around the property at all times (minimum of 1-foot candle). This shall be done in such a fashion that persons standing outdoors at night are easily identifiable by law enforcement personnel. Prior to the issuance of any building permits, a Photometric plan demonstrating the minimum one foot-candle of illumination of parking, driveway, walkways, and common areas shall be required. The Plan shall identify locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings. Lighting shall be screened so that no spillover occurs on the adjacent properties.
17. Any proposed wall or fencing on the subject site shall be in compliance with Pomona Zoning Ordinance Section .503-I and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.
18. Before issuance of a zoning clearance and business license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - a. They have read and understand all the conditions of approval applicable to their project;
 - b. That they are familiar with the daily operations of the use; and
 - c. That the use will operate in compliance with the conditions of approval.
19. Prior to the issuance of building permits, the project shall comply with the Art in Public Places requirements, per Section .5809-24 of the Pomona Zoning Ordinance; compliance may be met by either placement of an approved public art piece on the project site, or payment of an in-lieu contribution. In lieu fee is calculated as one percent (1%) of building valuation, as determined by Building and Safety. (Ordinance No. 4151)

20. A modification to the Conditional Use Permit shall be required for any intensification of use beyond what is contemplated in this Conditional Use Permit, including but not limited to any change or addition to any uses including heavy industrial, agricultural uses, food processing plants, dairies, fiberglass molding and similar uses that typically result in emissions associated with odor complaints, based on the SCAQMD CEQA Air Quality Handbook.
21. This approval shall only permit industrial land uses that are permitted within the underlying zoning district, and that can be categorized as High Cube Non-Sort Fulfillment Center Warehouse under the Institute of Transportation Engineers (ITE) Manual. Any proposed use seeking a Business License at this location shall be evaluated against the ITE Manual to confirm that it falls within said category; if the proposed use falls under a more intense category as measured in total number of trips, a modification of the Conditional Use Permit shall be required prior to approval.
22. Up to 25 percent of the proposed warehouse space (Maximum of 64,945 square-feet) may be used for cold storage, anything above 25 percent of the proposed warehouse space will require a modification to the Conditional Use Permit.
23. Conduct nesting bird surveys prior to any construction activities, including projects proposed to remove/disturb native and ornamental landscaping and other nesting habitat for native birds during bird breeding season from March 1 through August 31 (as early January 1 for some raptors). If no nesting birds are detected during these surveys, then construction-related activities may proceed. Active nests within and adjacent to the construction zone should be avoided and provided a minimum buffer as determined by a biological monitor (CDFW recommends a 300 foot nest avoidance buffer or 500 feet for all active raptor nests) or consult with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife prior to the commencement of construction.
24. A qualified paleontologist/archeologist shall monitor all grading and/ or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the Planning Division.
25. Notification shall be given to the Native American Tribe, Gabrielino/Tongva San Gabriel Band of Mission Indians, for the requested a Native American monitor to be present for ground disturbing activity during Project construction.
26. All future tenants and operators shall comply with all applicable state and local regulations regarding production, use, storage, and transportation of hazardous materials and waste.
27. Remediation and cleanup, and evaluation of risk prior to reuse, in identified areas where hazardous materials and petroleum products have impacted soil or groundwater shall be required.

28. Future tenants and operators shall require that hazardous materials used in business and industry are transported, handled and stored in accordance with applicable local regulations.
29. The proposed new development shall incorporate features into site drainage plans that would reduce impermeable surface area, increase surface water infiltration and minimize surface water runoff during storm events. Such features may include: Additional landscape areas, or rain gardens; Streets or parking lots with bio-infiltration systems; Permeable paving designs; and Stormwater detention basins.
30. The proposed project shall incorporate Transportation Demand Management (TDM) techniques in the form of bicycle parking, the location shall be appropriate, safe and prominent.
31. The proposed project shall require dust abatement for all new construction.
32. The project shall incorporate, to the extent feasible, the use of water efficient appliances and fixtures in the proposed new development.
33. The two (2) dedicated break areas shall remain open, available, maintained and in good condition. Permanent amenities for seating and shading shall be available at all times for future tenants and operators and is subject to review and approval as part of the Landscape Plan Check.

DEVELOPMENT SERVICES DEPARTMENT – BUILDING & SAFETY DIVISION

34. This project must comply with 2019 California codes
35. The undergrounding of utility facilities is required. (PMC 62-31)
36. 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)
37. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2019 California Building Codes.
38. All grading shall conform to the 2019 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.
39. 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.

40. All proposed work shall comply with the 2019 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
41. Proposed project shall comply with the 2019 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
42. 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.
43. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
44. Fence and wall plan required.

PUBLIC WORKS DEPARTMENT

Land Development Requirements

45. Property Owner shall dedicate a 15-foot wide easement, centered on the existing 36-inch Corrugated Metal Pipe (CMP) public storm drain main line located onsite. The Grant of Easement 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.
46. The Owner shall submit an application to vacate the existing stormdrain easement corresponding to the aforementioned public storm drain main line. The Easement Vacation application shall be submitted to the Public Works Department for review, shall be approved by the Pomona City Council and shall be recorded prior to the issuance of the building permits.

Improvement plans requirements

47. Applicant/Developer shall submit the grading, drainage and erosion control plans for review and approval by the Public Works Engineering, Planning and Building and Safety Division.
 - 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.
48. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications to the next adjacent (non-City) property owners as indicated on the Conditional Use Permit [CUP] meeting notification list regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public services (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development and outline the City approval process (City review, public notification, CUP approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.
49. 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.
50. Prior to issuance of the grading permit the Applicant/Developer shall submit a soils and geologic report to address the soil's stability and geological conditions of the site.
51. 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.
52. Prior to issuance of the grading permit Applicant/Developer shall develop and obtain the City approval of the final Standard Urban **Stormwater** Mitigation Plan (SUSMP) for the proposed project. The project involves a Significant Redevelopment that adds or replaces 5,000 or more square feet of impervious surface and is therefore classified as a Priority Project in accordance with the Los Angeles Region NPDES Permit No. CAS004004, Order No. R4-2021-0105. The SUSMP shall be prepared in accordance with the City of Pomona's Low Impact Development (LID) Ordinance, the City of Pomona's Green Streets Policy and the Los Angeles Region NPDES MS4 Permit No. CAS004004, Order No. R4-2021-0105, which includes:
 - a. Site Design BMPs;
 - b. Source Control BMPs; and
 - c. Treatment Control BMPs.

Applicant/Developer shall utilize the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (published February 2014) as a guidance document for the design of applicable Best Management Practices (BMPs) proposed for the project and for the elements that are required to be included in the SUSMP. The site geotechnical investigations shall comply with the Los Angeles County Guidelines GS200.1, 6/30/2021 Revision.

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

Applicant/Developer shall utilize the County of Los Angeles Department of Public Works' HydroCalc program described in the LID Manual to calculate these design flows and volumes. The program download can be found at <http://dpw.lacounty.gov/wrd/publication/>.

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

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

53. Prior to the issuance of the grading permit, Applicant/Developer shall submit public street improvement plans to include the following items and are responsible for the construction thereof. The street improvement plan shall be reviewed and approved by the Public Works Engineering Division.
- a. New driveway approaches, total of two (2), per City standards and ADA requirements. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - b. New full width sidewalk (from curb to property line) where none exists and to replace the existing aprons (total of two) proposed for removal.
 - c. New curb and gutter to replace all damaged and/or cracked curb and gutter sections.
 - d. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Valley Boulevard property frontage, ARHM (Asphalt Rubberized Hot Mix) overlay paving shall occur in accordance with the City standard A-26-02.
 - e. Street Lights - To address site access safety and required City standard upgrades, the following are required:

- i. A lighting analysis must be prepared and submitted to the Public Works Department for review and approval. The study area will be along Valley Boulevard project frontage, to ensure the roadway illumination design meets the IES RP-8 requirements; the owner is responsible for the compliance (design & installation) with all mitigation measures.
 - ii. The installation of the new street lights shall comply with the City standards. A separate public street lights improvement plan is required for more than three (3) new street lights installation.
 - f. Removal of the existing frontage chain link fence that encroaches in the public right-of-way.
 - g. Parkway drains per City standards.
 - h. Existing sewer, water and storm drain infrastructure, including laterals.
 - i. Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plan.
 - j. 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.
 - k. 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.
 - l. 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.
54. The demolition or relocation of any public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by Public Works Engineering Division.
55. 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.
56. 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 Division.

57. Prior the issuance of the grading permit and if new lateral connections are proposed to the existing onsite public storm drain system, Applicant/Developer shall submit a public stormdrain improvement plan for review and approval by the Public Works Engineering Division.
58. Traffic:
 - a. The existing parking restriction signage and curb striping shall be replaced in-kind to reinforce the “no parking” mandate along the entire Valley Boulevard site frontage.
 - b. All truck maneuvering and queuing must be completed on-site. No trailer drop-offs or queuing within the public right-of-way are permitted.
 - c. The proposed project driveways, total of two (2), shall be designed and constructed in conformance with City of Pomona standards, including provisions for sight distance and truck turning path requirements.
 - i. Truck turning movements shall be limited to the applicable travel lane and shall not impact the adjacent travel lane traffic.
 - ii. The truck turning templates shall be included as part of the street improvement plan.
 - iii. The design of the proposed project driveways shall be based on the truck sizes used for the project’s operations and on the City approved truck turning templates.
 - d. The existing Valley Boulevard medians may need to be reconstructed to comply with the traffic mitigation measures, upon their approval by the City. At the minimum, reconstruct raised median to eliminate left turn movements at the westerly driveway.
59. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements, public safety improvements.
60. Prior to issuance of the building permits applicant/developer is responsible for paying the development tax associated with the proposed project.
61. Prior to the issuance of the Certificate of Occupancy, Applicant/Developer is responsible for the payment of any/all applicable City sewer and stormdrain impact fees and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.
62. 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. This requirement applies to Assessor Parcel Number 8709-026-060.

63. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. Following construction and prior to acceptance of the improvements by the City, the project engineer shall provide hand drafted "AS BUILT" corrections on the original approved Mylars of the final constructed improvements to the satisfaction of the City Engineer. A corrected "AS BUILT" plan shall also be provided to the City on disk in AutoCAD v. 2010 and .pdf formats.
64. The plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property owner, address, legal description, property lines, street centerline, curb-lines, existing and proposed utilities (water, sewer, and storm drain), utility easements, and the public right-of-way areas with dimensions.

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.

65. Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, existing and proposed overhead lines undergrounding, sewer, street lights and traffic improvements.
66. 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.
67. Permittee shall pay fees associated with and possess the City of Pomona Business License.
68. 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.

WATER RESOURCES DEPARTMENT

Sewer and Storm

69. There currently exists the following sewer infrastructure adjacent to the proposed project site:
- a. Eight-inch (8") VCP sewer main onsite. There is an existing sewer lateral serving the building.
 - b. Thirty-six inch (36") CMP storm main onsite. There are existing drains connecting to the main.
 - c. Due to the City's historic protective practices, a fifteen-foot (15') wide easement is required for any existing public main. This easement is comprised of 7.5' on each side of the centerline of the pipe alignment. This easement is used for the City's public infrastructure maintenance/repair access.
 - d. The required horizontal separation from the proposed building foundation edge shall be determined based on geotechnical resultant building force calculations. These calculations shall be wet or electronically stamped and signed by a licensed State of California civil engineer. Soils data shall at a minimum include the class, type, bearing capacity, for the development area. These calculations are required to document the structural forces and their associated geotechnical resultant active earth pressure that may detrimentally affect the structural integrity of the existing main.
 - e. These calculations must be submitted to the Building Division and WRD as an attachment to the building plan structural calculations.
70. The applicant/developer shall calculate the expected wastewater generated by the building to properly size the sewer lateral(s) to serve the new site.
71. Final sizes and types of storm and wastewater service(s) to this project are dependent upon the developer's discharge calculations and requirements. These calculations/reports shall be submitted to the WRD for review and acceptance.
72. Due to the additional wastewater discharge volume anticipated by this development, a flow meter test (at a location approved by the WRD) is required. This test is needed in order to identify the existing capacity of the system.
73. New sewer laterals must be constructed per Standard Drawing numbers S5 and S6. Construction shall also comply with the Public Works Standard Drawing A-26-02.
74. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
75. The applicant/developer shall submit and include the following items in the sewer development plan:

- a. The proposed sewer main and lateral(s) with a plan and profile.
- b. Construction Notes: The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.

PUBLIC WORKS DEPARTMENT – SOLID WASTE DIVISON

76. Solid waste recycling and organics services are to be provided by the City's approved commercial solid waste non-exclusive franchise hauler.

LOS ANGELES COUNTY FIRE DEPARTMENT

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

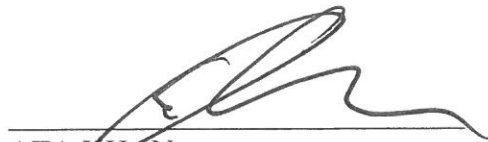
SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

PASSED AND APPROVED THIS 23rd DAY OF MARCH, 2022.



YESENIA MIRANDA MEZA
PLANNING COMMISSION CHAIRPERSON

ATTEST:



ATA KHAN
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:


MARCO A. MARTINEZ
ASSISTANT CITY ATTORNEY

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

AYES: Miranda Meza, Gomez, Camacho, Urey, Kercheval, and Brown.

NOES: None.

ABSTAIN: None.

ABSENT: VanderMolen.

"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 California Code of Civil Procedure Section 1094.6."