

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 5490-2016) FOR THE DEVELOPMENT OF A FIVE-STORY, 149 ROOM HOTEL AND A TYPE 47 (ON-SALE GENERAL) ABC LICENSE ON A 3.05 ACRE SUBJECT PROPERTY LOCATED ON RANCHO VALLEY DRIVE (APN: 8344-024-040)

WHEREAS, the applicant, Grace Hu, has submitted an application for Conditional Use Permit (CUP 5490-2016) for the construction of a five-story, 149 room hotel development with on-site alcohol sales on Rancho Valley Drive (APN: 5490-2016);

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

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

WHEREAS, the approval of a conditional use permit by the Planning Commission is required for the development of hotels and motels and for on-sale of alcoholic beverages, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 12, 2017, concerning Conditional Use Permit (CUP 5490-2016); and

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

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

SECTION 1. In compliance with Section 15164 of the California Environmental Quality Act (CEQA) guidelines, an Addendum to Environmental Impact Report (EIR) (SCH#2012051007) has been prepared for this project with the purpose of comparing and contrasting potential environmental impacts of the modified project and the approved project. On April 12, 2017, the Planning Commission has determined that although the project will not exacerbate the unavoidable significant effects on the regional air quality, local noise and transportation identified in the certified Final EIR (SCH#2012051007). Additionally, the Planning Commission has also determined that all other potential environmental impacts will result in a less than significant with the implementation of mitigation measures outlined in the Mitigation Monitoring Program.

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

SECTION 3. Pursuant to Section .580.B of the Zoning Ordinance, the Planning Commission must make the five findings listed below in order to grant Conditional Use Permit (CUP 5490-2016). Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

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

The proposed project will contribute to the general well-being of the neighborhood and community, in that the proposed use is compatible with the mix of commercial uses (Rio Rancho Towne Center – Retail shops and restaurants) surrounding the general area. The project will be a positive addition to the surrounding commercial neighborhood.

The California Department of Alcoholic Beverage Control (ABC) Type 47 on-sale of alcoholic beverages will enhance the existing restaurant by providing a service and convenience to the public. The sale of alcohol will be incidental to the primary use, which is a hotel with convenience store, dining, bar, and meeting space. Furthermore, the addition of alcohol to the services provided will help ensure the economic viability of the hotel use, thus increasing the likelihood that the business will continue operating. The ABC Type 47 on-sale alcohol license will not negatively affect the general welfare of the neighborhood.

2. *Such use will not, under the circumstances of the particular case be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity;*

The proposed development is permitted in the C-4 (Highway Commercial) zone, and is compatible with the adjacent uses, all of which are also permitted within the C-4 zone. The proposed project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity; instead, it will have a positive effect on the existing uses by increasing the aesthetics and the improvements in the vicinity.

As conditioned, the applicant's request will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in substantial conformance with the development standards and use requirements of the Pomona Zoning Ordinance. Based on the proposed project, it is not anticipated that the configuration of the site or activities associated with the use will generate noise or other impacts that will be detrimental. To this end, a condition has been included that prohibits any sound that exceeds the City noise ordinance standards. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is located within a commercial area with uses compatible to those proposed.

3. *The site of the proposed use is of adequate topography, size and shape to accommodate said use as well as all yards spaces, walls, fences, parking, loading, landscaping and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto;*

The site is of adequate topography, size and shape to accommodate the proposed 149-room, five-story hotel development with surface parking. The proposed project meets the development standards of the C-4 (Highway Commercial) zoning district and the Pomona Zoning Ordinance section .5809-10 pertaining to standards and criteria for hotels. The proposed on-sale of alcohol is an ancillary use for the dining room, bar, and meeting space for the hotel consistent with .5809.4.

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

The traffic generated by the proposed 149-room, five story hotel was analyzed in the EIR Addendum. A trip comparison analysis was prepared as part of the EIR addendum to evaluate whether the proposed hotel would result in additional significant impacts that were not anticipated as part of the Certified EIR Traffic Study. The proposed hotel use along with the uses evaluated for the Rio Rancho Towne Center EIR resulted in a total of 15,918 daily trips while the Certified Rio Rancho Towne Center EIR projected and analyzed the impacts associated with a project that generated 15,577 total daily trips. The difference is 341 total trips, which represents a two percent increase in overall traffic and considered negligible from a traffic engineering standpoint.

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

The proposed development will allow the construction of a new, five-story, 149-room hotel. Conditional Use Permit (CUP 5490-2016) is consistent with the General Plan place type of Neighborhood Edges. Further, the proposed project is consistent with the following goals for Transit Oriented Development Neighborhood place types from the General Plan:

“Establish a pattern of development that takes advantage of local and regional transportation infrastructure”

“Ensure that higher intensity transit oriented development is built with the care and quality that reflects the City’s values and community pride”

“Create evenly spaced and well-distributed activity cluster destinations that anchor the east ends of the Holt Avenue corridor and the SR60/71 to strengthen the gateway function of these locations”

The proposed development proposes new lodging opportunity within close proximity to the Rio Rancho Towne Center and the 71 Freeway. The proposed project is consistent with the surrounding commercial neighborhood. Additionally, the project is proposing site improvements that will create an aesthetically pleasing development that is compatible with the surrounding development. The proposed on-sale of alcohol for the hotel would further enhance the hotel's services to guests. Based on these factors, staff believes the proposed project is consistent with the General Plan.

SECTION 4. Pursuant to Section .5809-10 of the Zoning Ordinance, the Planning Commission must make the three findings listed below in order to grant Conditional Use Permit (CUP 5490-2016) for the development of a hotel. Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

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

The proposed development would allow for the construction of a new five-story, 149 room hotel. The surrounding area includes commercial uses (retail shops and restaurants) and the proposed project is within the close proximity to the 71 Freeway. As such, the proposed hotel would be beneficially compatible with the surrounding development.

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

The proposed hotel would not result in or cause any new significant impacts, substantively increased or substantively different environmental impacts than those previously addressed in the Certified EIR for the 2012 Rio Rancho Towne Center project. There are no changes or new information requiring preparation of an EIR based on the proposed projects potential to: degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; result in impacts that are individually limited, but cumulatively considerable; or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. No changes or additions to the Certified EIR analysis are necessary.

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

The subject site, at 3.05 acres in size, is conducive for a new 149-room, five-story hotel development at 90,800 square feet in floor area. The implementation of mitigation recommended under the Certified EIR, the proposed project would not result in new or additional different traffic/transportation impacts than were considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analysis are necessary.

SECTION 5. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 5490-2016) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the conditional use permit or any portion thereof:

PLANNING DIVISION

General Conditions

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on April 12, 2017, and as illustrated in the stamped approved plans dated April 12, 2017. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. If the Applicant fails to obtain its ABC License Type 47 within one (1) year from the date of the City's issuance of a Certificate of Occupancy for the hotel, then provisions of this CUP pertaining to alcohol service and sales shall lapse and become void. Pursuant to Pomona Zoning Ordinance Section .580.I, if the Applicant submits a Time Extension request at least thirty (30) days before the date of the one-year period expires, then the Planning Commission may extend that period for one (1) year.
3. This approval shall lapse and become void if construction for the hotel under a valid building permit has not commenced within two years from the date of this approval (April 12, 2019), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
4. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.

5. 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.
6. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein conditional use permit.
7. The project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
8. Prior to the issuance of building permits, landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval. Landscaping to include a variation of drought tolerant trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site, and shall be in substantial conformance to the conceptual landscaping plan submitted as part of the Development Plan Review process. The plans shall conform to the State Model Water Efficient Landscape Ordinance per AB 1881 and the Pomona Zoning Ordinance. A landscaping maintenance bond shall be required and held for a

period of one year to ensure the project's compliance with the approved landscaping. Amount shall be determined by the Development Services Manager.

9. Landscaping shall be provided in accordance with Section .58010-E of the Pomona Zoning Ordinance.
10. A minimum of one fifteen gallon tree shall be provided for every five parking stalls.
11. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager. In the event that graffiti is on material that is not meant to be painted (brick, stone, tile, etc.,) necessary measures (such as sandblasting) shall be used instead of paint to remove the graffiti.
12. Any graffiti on the store front windows by scratching or acid sketching shall be removed within thirty (30) days.
13. No temporary signs relating to any activity on the premise shall be placed or allowed to remain within landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, and city trees) or other portions on the exterior of the building. The only temporary signs allowed shall be properly permitted banner signs by permit per the City's sign ordinance. Signs placed in any window of the premises shall comply with the City's sign ordinance, and all other conditions under this Conditional use Permit.
14. The property shall be maintained free of weeds and debris prior, during and after the construction period.
15. A decorative solid wall with a decorative cap shall be provided to divide the proposed project from other uses subject to the review and approval by the Planning Division.
16. The installation of fences and walls that were not contemplated as part of this permit will require the submittal of a "Fence and Wall Permit" for review and approval by the Planning Division.
17. Prior to issuance of a Certificate of Occupancy, bike racks, as shown on the project plans shall be provided. The bike rack shall be permanent and commercial rated shall be subject to the review and approval of the Planning Division during the Plan Check review.
18. No storage of recreational vehicles (RV's) shall be permitted. RV parking shall be limited to hotel guests only.

19. No vending machines of any kind shall be installed outdoors within the Project Site.
20. There shall be no public pay phones installed within or upon any portion of the premises.
21. Loitering and panhandling on the premises shall be prohibited. Signs stating such prohibition shall be posted on the property.
22. Interior and exterior site video surveillance equipment shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity on surrounding public rights-of-ways as well the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.
23. The operator shall submit a security plan for review and approval by the Pomona Police Department.
24. The hotel use for nightly or short term accommodations only shall remain in perpetuity.
25. The hotel use shall not provide long term stay accommodations or be used in such a way in which City of Pomona would be prevented from collecting transient occupancy tax.
26. 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.
27. 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.
28. Prior to issuance of building permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of the parking, driveway, walkway, and common areas. The lighting plan shall include a site plan showing the locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.
29. The applicant shall conform to Section .5809-24 of the Pomona Zoning Ordinance pertaining to public art requirements for private development by complying with one of the following two options:

- a) Placement of an approved Public Art on the Project site.
 - i) The Applicant may decide to place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), shall be in an amount equal to or in excess of the Public Art Allocation.
 - ii) A Final Design Plan of the Public Art to be installed on Project site shall be approved by the Commission before issuance of a building or grading permit for the Project.
 - iii) The Public Art shall be installed on the Project site before issuance of a Certificate of Occupancy, including any temporary Certificate of Occupancy, for the Project. In cases where the Public Art cannot be installed on the Project site before issuance of a Certificate of Occupancy, the Applicant may post a cash bond to assure installation of the Public Art. The cash bond shall be in an amount equal to the Public Art Allocation or an amount based on any remaining, unexpended artwork budget as determined by the Community Development Director. The bond shall not be released until the Public Art has been completed and installed on the Project site in accordance with the approved Final Design Plan.
 - b) Payment of an In-lieu Contribution.
 - i) Rather than place an approved Public Art on the Project site, the Applicant may choose to pay an In-lieu Contribution. The In-lieu Contribution shall be submitted to the City and deposited into the Public Art Fund before issuance of any building or grading permit for the Project.
 - ii) Use of In-lieu Contributions shall comply with the following:
 - (1) In-lieu Contributions shall be used for the acquisition and installation of Public Art on public or private property in the City, except that up to 1/3 of the In-lieu Contribution may be used for maintenance of the proposed Public Art or an existing Public Art that is listed on the City's registry of Public Art.
 - (2) In-lieu Contributions may be aggregated with other funds contained in the Public Art Fund for the purpose of providing a single qualifying Public Art project.
30. Pursuant to City of Pomona Ordinance No. 3506, prior to issuance of any grading or building permits, the applicant or developer shall pay the following applicable Development Impact "Miscellaneous Fees" which includes: Traffic Signal & Control

Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.

Operational Conditions

31. The business operator shall obtain the proper approval and license from the California Department of Alcohol and Beverage Control.
32. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The Applicant or other person issued an ABC license for the Premises ("Licensee") shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept on a quarterly basis, and shall be provided to City officials upon request.
33. The Development Services Manager, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. If sufficient cause is given, the Planning Commission may revoke provisions of the CUP pertaining to ABC Type 47 privileges.
34. The on-site sale and consumption of limited alcohol (beer and wine) shall be limited to hotel guests only. This shall be monitored by all front-desk and management staff through the verification of valid identification.
35. The sale of alcohol shall be restricted to hotel guests 21 years of age and older only. This shall be monitored and enforced by all front-desk and management staff.
36. Any and all alcohol sales shall be limited to beer, wine, and distilled spirits as allowed under the Type 47 ABC License.
37. No display or sale of alcohol shall be made from an ice tub.
38. The eating and drinking establishments operated as an ancillary use to the hotel shall be operated as a "bona fide public eating place" as defined by the Business and Profession Code Section 23038.
39. At all times when the bar, dining room, or meeting room is open for business the sale and service of alcoholic beverages shall be made only in conjunction with the sale and service of food.
40. The employees who sell or serve alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence. All new employees shall be required to complete "Licensee

Education on Alcohol and Drugs” training that is provided by the California Department of Alcohol and Beverage Control or equivalent responsible beverage service program within thirty (30) days of hire. All restaurant employees serving alcohol must be 18 years or older. Employees engaged in serving alcohol inside the bar area must be 21 years of age or older.

41. All interior window signage and exterior signage of any kind, which advertises the sale or availability of alcohol, shall be prohibited.
42. Sales and service of alcoholic beverages under the on-sale privileges of ABC Type 47 license shall be restricted to the confines of the hotel’s dining room, meeting rooms and bar as shown on the approved project plans dated April 12, 2017.
43. Off-sale privileges allowed by the ABC Type 47 license shall be limited to the small convenience area for hotel guests over the age of 21 only.
44. The Applicant or licensee shall not employ or permit any persons to solicit or encourage any customer, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage salary, or other profit sharing plan, scheme or conspiracy.
45. At no time shall persons appearing to be intoxicated or under the influence of controlled substances be allowed within the hotel’s dining room, meeting rooms and bar.
46. No sales to obviously intoxicated patrons shall be allowed.
47. No sales of alcoholic beverages to minors shall be allowed.
48. All crimes known by the operator inside and outside of the location shall be reported to the Police Department at the time of the occurrence.
49. Anytime the ABC licensee is absent from the premises, a responsible party shall be designated who can respond to any inquiries from City officials.
50. In January and June of each year, the business shall provide a list of no less than three employees, who can be contacted 24 hours a day, to the Pomona Police Department’s Records Bureau. The list of names will be used to facilitate a Police response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.
51. There shall be no pay telephones installed within the enclosed portion of the premises equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the premises.

52. When alcoholic beverages are sold and/or consumed on-site, the primary use shall remain as a hotel use and the use shall not morph into a nightclub, sports bar, tavern, bar, karaoke bar, or any other use that is not associated with a hotel use.
53. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
54. Special events involving a large gathering of people shall be prohibited in the hotel lobby and/or lounge areas when it involves the selling and/or consumption of alcoholic beverages. Examples may include televised events (i.e. sporting events). Alcoholic beverages shall be prohibited from being sold and consumed during these events.
55. Live entertainment, such as Disc Jockey's or music bands shall only be permitted within the meeting room of the hotel for private parties (i.e. weddings).
56. Outdoor amplified music and/or sound shall be prohibited at all times.
57. Nightclub, dance club, dancing, pool parties or other similar activities shall be prohibited within the premises area at any time.
58. Bottle Service of distilled spirits shall be a prohibited activity for any events held at the meeting room, lobby, lounge or outdoor gathering areas.
59. Music shall be limited to Non-DJ pre-recorded background music (i.e., soft, ambient music).
60. 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.

DEVELOPMENT SERVICES – BUILDING AND SAFETY DIVISION

61. The undergrounding of utility facilities is required. (PMC 62-31)
62. This project falls under section .5809-24 of the Zoning Code "Public Art requirement for private development – Public Art Allocations". (Ordinance No. 4151)
63. 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)
64. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2016 California Building Codes.

65. All grading shall conform to the 2016 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.
66. 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.
67. All proposed work shall comply with the 2016 California Energy Code, and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
68. Proposed project shall comply with the 2016 California Green Building Standards Code, and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
69. Proposed project shall be sprinkered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
70. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

WATER AND WASTEWATER OPERATIONS DEPARTMENT (WWOD)

71. There is currently an existing twelve-inch (12") ACP water main within Rancho Valley Drive.
72. The existing localized static pressure of the project area is 90-100 psi. Since the static system pressure exceeds 80 psi, provide pressure regulators on the service lines to protect internal fixtures from high pressure.
73. The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the extent of proposed public main within the proposed project area.
74. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
75. Any private onsite water improvements are the owner's responsibility and not the City's.
76. Any existing public water infrastructure located on private property shall be installed within a City of Pomona easement, and will be maintained by the City.

Domestic and Fire Service Line

77. There is currently no existing domestic meter associated with the proposed development site. Per the submitted Conceptual Utility Plan (Sheet C-3) a DCDA and master meter seem to be proposed. The DCDA will be located onsite within a City of Pomona maintenance easement. If the proposed master meter is greater than two-inches (2") in size, then it shall be installed above ground within a security cage onsite within a City of Pomona maintenance easement. Coordinate with the Planning Division regarding the aesthetic quality of the meter enclosure. The WWOD will provide additional comments regarding these items when the public water development plan is submitted to the Public Works Department.
78. The applicant/developer shall calculate the new water demand (based on fixture units) for the proposed development. This hydraulic analysis report shall verify if the existing water infrastructure can accommodate the water demand, given existing the size, pressure and age of the existing water system. This calculation shall include fire and domestic water demands. This hydraulic analysis report shall be submitted to the WWOD.
79. Contact the WWOD at (909) 620-2212 for information regarding meter installation fees.
80. The City may install meters that are two-inches (2") in size or less. The project contractor shall install all proposed meters that are greater than two-inches (2") in size.
81. There are public fire hydrants within 500 feet of the proposed project site.
82. Contact the Los Angeles County Fire Department to determine if additional public fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five-feet (5') away from proposed driveways and parking spaces.
83. The edge of all new meter vaults, if necessary, shall be located in public right-of-way or the sidewalk two-inches (2") from the back of the curb per Standard Numbers 11 and 12 of the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006. Meter(s) shall not be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
84. 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.
85. Effective January 1, 2016, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.

86. Approved backflow devices (list the brand and model) are required for the following service lines to the site:
- Reduced principal pressure assembly devices are required for dedicated irrigation service lines to the proposed site;
 - Reduced principal pressure assembly devices are required for all domestic services; and
 - Double check detector assembly devices for all fire sprinkler service lines.
87. Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

SEWER

88. There currently is an existing eight-inch (8") VCP sewer main within White Avenue and Rancho Valley Drive. The existing sewer infrastructure shall be shown on the site plan. Please identify if the existing private onsite sewer system will be used for this development.
89. The applicant/developer shall calculate the expected wastewater generated by the building(s) to properly size the sewer lateral(s) to serve the new site. A flow meter test may be required in order to determine the existing capacity of the existing eight-inch (8") VCP main. These calculations/reports shall be submitted to the WWOD for review and acceptance.
90. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
91. New sewer laterals must be constructed per Standard No. B-8-61 per City of Pomona Public Works Department Standard Drawings March 2006 (Public Works Standards). Construction shall also comply with the Public Works Standard No. A-26-02 for trench pavement restoration.
92. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
93. Effective January 1, 2016, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.
94. The applicant/developer shall submit and include the following items in the sewer development plan:

- a. The proposed sewer lateral(s) with a profile and connection to the existing sewer laterals and sewer main.
 - 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.
95. Submit sewer development plans to the Public Works Department for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

LOS ANGELES COUNTY FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit

ACCESS REQUIREMENTS

34. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.
35. Provide access as noted on the submitted site plan. All on-site Fire Apparatus Access Roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
36. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
37. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
38. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
39. Provide a minimum unobstructed width of 28 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Apparatus Access Road is more than 30 feet high, or the building is more than three stories. The access roadway shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to

one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Fire Code 503.1.1 & 503.2.2

40. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
41. Fire Apparatus Access Roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4
42. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
43. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
44. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.
45. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4
46. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

WATER SYSTEM REQUIREMENTS

47. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
48. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to

beginning construction. Fire Code 501.4

49. Install three (3) Private on- site fire hydrants. (as proposed by the applicant on Site Plan dated 11-28-2016 filed in the LDU Office).
50. All private on-site fire hydrants shall be installed, tested and approved prior to building occupancy. Fire Code 901.5.1
51. All on-site fire hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall. Exception: For fully sprinkled multi-family structures, on-site hydrants may be installed a minimum of 10 feet from the structure.
52. Plans showing underground piping for private on-site fire hydrants shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation. Fire Code 901.2 & County of Los Angeles Fire Department Regulation 7.
53. The required fire flow for the public and private on-site fire hydrants for this project is 4000 gpm at 20 psi residual pressure for 2 hours. Three (3) public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1

The required fire flow is based on the following calculation:

Square Footage of Proposed Building	90,800
Fire Flow (Table B105.1)	8000 gpm
Reduction for Fire Sprinklers (maximum 50%)	4000 gpm
Total fire flow required:	4000 gpm

An approved automatic fire sprinkler system is required for the proposed building within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

54. Additional Fire Department requirements will be determined by Fire Prevention Engineering during the Building Plan Check Phase. Contact Fire Prevention Engineering at 909 620-2204 for additional information on submittals.

PUBLIC WORKS IMPROVEMENT PLANS REQUIREMENT

55. The following conditions and public improvements, as well as any applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the developer in accordance with the City standards, fee schedules and applicable laws (Applicable Codes to include but not be limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City

of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual).

Land Development Requirements

56. Applicant/Developer shall submit a summarily vacation application to the PW Engineering Division, for the area dedicated for public use on Parcel 1 of Parcel Map 72657, MB 379-18-23, (Detail D, Sheets 4 of 6 and 6 of 6). The vacation shall be recorded prior to the issuance of Certificate of Occupancy.

Improvement Plan Requirements

57. 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 scale used for the plans needs to be large enough (1"= 10' is preferred) 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.
58. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications of adjacent property owners 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. The proposed development shall accept the conveyance of the existing offsite drainage.
59. 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.
60. 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.
61. Applicant/Developer shall submit public street improvement plans to include the following:

- a) New driveway approach in conformity with the City standards and the ADA requirements.
 - b) New sidewalk, curb and gutter to replace all existing damaged, cracked and uplifted sections.
 - c) Overlay paving of Rancho Valley Drive along the lot frontage and over the entire street width.
 - d) Street Lights: refurbish one (1) existing public street light located along the project's frontage line with LED luminaire.
 - e) Existing sewer, water and storm drain infrastructure.
 - f) Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - g) Undergrounding of all proposed utility lines per City of Pomona Municipal Code Section 62-31(b).
 - h) Note: It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements.
 - i) Note: The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
 - j) 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.
62. 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.
63. 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.
64. Traffic:
- a) Construct Rio Rancho Road (at Rancho Valley) dual left turn pocket extension to a total length of 265 feet.
 - b) Install a GPS clock to the traffic signal controller at all 5 City intersections (White Ave./Lexington Ave., White Ave./Rancho Valley Dr., Rancho Valley Dr./driveway, Rio Rancho Rd./Rancho Valley Dr., Rio Rancho Rd./Park Ave.), and 2 Caltrans intersections (71 NB ramps/Rio Rancho Rd., 71 SB ramps/Rio Rancho Rd.).
 - c) Evaluate and implement pedestrian crossing enhancements for the traffic signal at the White Ave. and Rancho Valley Dr. intersection.

65. 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.
66. 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. CAS004001, Order No. R4-2012-0175 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.

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 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.

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

67. 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, and public safety improvements, and the project's water and sewer connection fees.

68. Prior to issuance of the building permits applicant/developer is responsible for paying the development tax associated with the proposed project.
69. 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.
70. 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.
71. 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 Improvement Permit

All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.

72. Prior to grading permit issuance Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: streets, traffic, sewer, water, and storm drains.
73. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - a) Commercial General Liability;
 - b) Automobile Liability; and
 - 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.
74. Permittee shall pay fees associated with and possess the City of Pomona Business License.
75. 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

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due to developer's or City's request shall require additional conditions to be completed by the applicant.

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

APPROVED AND PASSED THIS 12th DAY OF APRIL, 2017.

CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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“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.”

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