

## **PC RESOLUTION NO**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 7029-2017) TO ALLOW THE CONSTRUCTION OF A NEW 6,114 SQUARE FOOT, ONE STORY COMMERCIAL BUILDING WITHIN THE POMONA RANCH PLAZA SHOPPING CENTER IN THE REGIONAL COMMERCIAL DISTRICT OF THE PHILLIPS RANCH SPECIFIC PLAN AREA LOCATED AT 46 RIO RANCHO ROAD.**

**WHEREAS**, the applicant, YK America Group, has filed an application for Conditional Use Permit (CUP 7029-2017) for the construction of a new 6,114 square foot, one story commercial building located at 46 Rio Rancho Road;

**WHEREAS**, the subject site is currently located within the Regional Commercial (R-C) District of the Phillips Ranch Specific Plan (PRSP);

**WHEREAS**, the subject site is currently designated “Activity Center-Regional Center” by the City’s General Plan;

**WHEREAS**, the approval of a conditional use permit by the Planning Commission is required for commercial facilities on lots greater than 20,000 square feet, 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 June 14, 2017, concerning the requested Conditional Use Permit (CUP 7029-2017); and

**WHEREAS**, the Planning Commission has carefully considered all 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 provisions of the California Environmental Quality Act (CEQA), an addendum to a previously adopted Environmental Impact Report considering the proposed land use has been prepared and approved consistent with CEQA Section 15164. 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 Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 7029-2017). 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 commercial building contains three units proposed for restaurants, which will provide additional eating establishments for the City within an established commercial plaza.

The proposed use is conditionally permitted at the site and compatible with adjacent uses. The proposed project provides a valuable asset to the community as it will provide additional places to dine as well as provide jobs for local residents. The proposed project will also enhance a currently vacant lot and provide landscaping and outdoor dining areas, which will beautify the center and provide for a pleasant eating experience. Therefore, the proposed project will contribute to the general well being of the community.

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.*

As conditioned, the proposed commercial use 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 (PZO) and previously amended PRSP (October 2015). 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. *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 (approximately .94 gross acres) is sufficient enough in size to accommodate all of the development standards of the PZO and previously amended PRSP (amended

October 2015), including building height, parking, trash facilities and landscaping. A 20-foot storm drain easement traverses the site from northwest to southwest and reduces the buildable area of the site, requiring the building to be developed on the northern half of the property. However, the subject site is also relatively flat and adequate in size and shape to accommodate the proposed use. Furthermore, the building location towards the northern half of the site allows building and landscaping to front onto Rio Rancho Road as opposed to parking, which provides for a nicer frontage to the street.

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

The subject site takes access from Rio Rancho Road, a major arterial street with two lanes for each direction going east and westbound, that is capable of handling any additional vehicle trips generated by the proposed use.

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.*

Granting of the permit will not adversely affect the General Plan of the City in that the proposed use is consistent with the intended uses within the Activity Center-Regional Center designation of the General Plan. Due to its high visibility from the SR-71 and SR-60 interchange, the General Plan envisions this area for further intensification to accommodate regional activity. It specifies that retail investment should be concentrated in “centers” clustered at crossroads that satisfy investor preferences and target the local community; and that the form of new retail development shall not negatively impact the character of surrounding districts or neighborhoods (Goals 6A.G1 and 6A.G2). The project is consistent with the General Plan as it supports the intensification of regional activity through the provision of new retail and restaurant space. The proposed commercial center is clustered with other similar uses in the existing Pomona Ranch Plaza Shopping Center, and is similar in scale and character with surrounding uses. Furthermore, the form and orientation of the building is compatible with surrounding development and enhances the Rio Rancho Road streetscape. The proposed project also meets the established General Plan land use density/intensity standards and is in compliance with the applicable code sections of the PZO and PRSP. Therefore, the proposed project is consistent with the General Plan and provisions of the zoning ordinance.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 7029-2017) 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 June 14, 2017, and as illustrated in the stamped approved plans dated June 14, 2017, with the addition of the following conditions. 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. Well designed, integrated and shaded outdoor dining areas shall be added to the plans to replace the trellised areas on either side of the building. Access to the outdoor dining areas shall be provided from inside the end units as well as from the outside. The outdoor dining areas shall provide standard amenities of outdoor dining areas (tables, chairs, trash receptacles, planters, shade, lighting), and be adequately sized to support the area for dining purposes.
3. All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
4. Parking lots shall meet the following standards:
  - a) Safety barriers, protective bumpers or curbing, concrete wheel stops and directional markings shall be provided to assure pedestrian/vehicular safety, efficient utilization, protection of landscaping, and to prevent encroachment onto adjoining public or private property. In lieu of concrete wheel stops, a three-foot landscaped planter, with a six-inch-high concrete curb, may be utilized. This shall not be construed to allow any parking spaces to encroach into any required setback area or the additional landscape to be considered as part of the six percent landscape requirement.
5. This approval shall lapse and become nullified if the privilege authorized is not utilized within one (1) year from the date of this approval (June 14, 2018), 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.

6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. Prior to issuance of a Zoning Clearance and business license, two permanent commercial rated bike racks with the capacity to store a minimum of four bikes each, shall be provided near the main entrance, or in a convenient area of the building location, and shall be subject to the review and approval of the Planning Division during the Plan Check review.
12. No vending machines of any kind shall be installed outdoors within the project site.
13. There shall be no public pay phones installed within or upon any portion of the premises.
14. Loitering or panhandling on the premises shall be prohibited.
15. There shall be no pay telephones installed within the enclosed portion of the convenience store building equipped to receive incoming calls. There shall be no new public pay phones of any kind installed on the exterior of the convenience store building.
16. All signage visible from the exterior of the store which advertises the sale or availability of alcohol shall be prohibited.
17. All windows shall be kept clear and free of any obstructions to visibility including opaque window tint.

18. Loitering and panhandling on the premises shall be prohibited. Signs stating such prohibition shall be posted on the property.
19. 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. Any graffiti present by scratching or etching on the exterior tiles or windows shall be removed within 15 (15) days, all windows shall include an anti-graffiti film.
20. 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 et seq.
21. 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.
22. 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. Lighting shall be screened so that no spillover occurs onto the adjacent properties.
23. 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.
24. All proposed signage shall be installed after issuance of a valid building permit and be in conformance with the approved master sign program.
25. A security and video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such security and video surveillance plan by the Pomona Police Department prior to the sale of alcoholic beverages. A copy of the approved Security Plan shall be

submitted to the Planning Division to be kept on file. The terms and conditions of such security and video plan shall be incorporated by reference as if fully stated herein. This condition shall be required for any new owner, operator, substantial change in operations, floor plan reconfigurations and on a periodic basis as deemed appropriate by the Pomona Police Department. Such requirements shall not supplant any requirement for business or other licenses or permit under the Pomona City Code.

26. Applicant shall install and maintain a high definition video surveillance system to be approved by the Pomona Police Department at time of review of the security plan. Applicant shall maintain high definition video images for at least ninety (90) days. Video images shall cover 360 degrees of interior spaces with the exception of restroom areas and include adjacent exterior premises surrounding the facility. Pomona Police Department personnel shall be provided video surveillance records upon request during such sixty day period.

### **Operational Conditions**

27. All landscaping and parking lots shall be continuously maintained free of weeds, debris, litter, or temporary signage; and shall be kept in good repair at all times.
28. All landscaped areas shall be provided with an automatic sprinkler system.

### **BUILDING DEPARTMENT**

29. The undergrounding of utility facilities is required. (PMC 62-31)
30. This project falls under section .5809-24 of the Zoning Code “Public Art requirement for private development – Public Art Allocations”. (Ordinance No. 4151)
31. The design shall 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)
32. 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.
33. 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.

34. 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.
35. 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.
36. The 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.
37. The 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.
38. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
39. A fence and wall plan is required.

## **WATER**

40. There currently exists a twelve-inch (12") DIP water main onsite and a sixteen-inch (16") MLCSP main on Rio Rancho Road. The localized approximate static pressure for the proposed project area is 85-95 psi. Since the static system pressure exceeds 80 psi, the proposed project shall provide pressure regulators on the service lines to protect internal fixtures from high pressure.
41. The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the proposed project area.
42. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
43. Any private onsite water improvements are the owner's responsibility and not the City's.

### **Domestic and Fire Service Line**

44. Per City records there are no existing water meters serving the site at 46 Rio Rancho Road. New water meters shall be installed to serve the new development.
45. There are public fire hydrants within 500 feet of the proposed project site. All proposed onsite hydrants shall be private and be painted red.
46. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five feet (5') from proposed driveways and parking spaces.
47. The applicant/developer shall calculate the new water demand (based on fixture units) to verify that the existing water infrastructure can accommodate the water demand, given the size, pressure, and age of the existing system. This calculation shall include fire and domestic water demands. These calculations shall be submitted to the WWOD.
48. The edge of all new meter vaults, if necessary, should be located in public right-of-way or the sidewalk two inches (2") from the back of the curb per Standard No.'s 11 and 12 of the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006. Meter(s) cannot be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
49. 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.
50. Contact the Public Works Department for information regarding meters and all applicable meter fees. The City will install meters less than or equal to two inches (2") in size.
51. Effective January 1, 2017, 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.
52. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:

- a) Reduced pressure principle devices are required for dedicated irrigation service lines to the proposed site, and
  - b) Reduced pressure principle devices are required for all domestic services; and
  - c) Double check detector assembly devices for all fire sprinkler service lines.
53. 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**

54. There currently exists a ten-inch (10”) VCP sewer main within the project site area.
55. The sewer laterals from the public main to the site are considered private and shall be maintained by site owners.
56. 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 Standard No. A-26-02 per the Public Works Standards.
57. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
58. Effective January 1, 2017, 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.
59. The applicant/developer shall submit and include the following items in the sewer development plan:
- a) The proposed sewer lateral(s) connection to the existing sewer main.
  - b) Construction Notes: The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as may be necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.
60. Submit sewer development plans to the City 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.

## **PUBLIC WORKS**

### **Land Development requirements**

61. The Property Owner shall dedicate all necessary public utility easements associated with operation of the proposed development.

### **Improvement plans requirements**

62. The 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.
63. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications of adjacent property owners regarding the direct and indirect impacts 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.
64. 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.
65. Upgrade one (1) existing street light located at the southeast corner of Rio Rancho and Lone Ridge Roads with LED luminaire.
66. 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.

67. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
68. 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.
69. 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.
70. **Traffic:** The Applicant/Developer shall comply with the traffic mitigation measures included in the Pomona Ranch Plaza EIR, Subsequent EIR (SEIR) and in the 2013 SEIR Addendum:  
  
ADDTC-1 Traffic and Circulation – Mitigation Measure T-1: Prior to the issuance of the building permits for the Addendum Project uses, the Project Applicant shall pay fair-share (7% as shown in Fehr & Peers Memorandum dated May 7, 2013) fees towards the following improvements at the intersection of Garey Avenue and Rio Rancho Road:
  - Add dedicated westbound right-turn lane.
  - Remove portions of the median on Rio Rancho Road west of Garey Avenue as required to allow for appropriate vehicle tracking at the intersection for westbound through traffic. Alternatively, this requirement may be complied with by City Engineer approved changes to the lane geometry and/or roadway cross section.
  - Restripe the westbound approach from a left-turn lane, through lane and shared through/right-turn lane to a left turn lane, two through lanes and a right-turn lane.
71. 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.
72. 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 shall utilize the County of Los Angeles Department of Public Works' HydroCalc program described in the LID Manual to calculate these design flows and volumes.

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

The 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.

- 73. 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**.
- 74. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
- 75. 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.
- 76. 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.

77. **Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: streets, sewer, water, and storm drains.**
78. 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.

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

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

**APPROVED AND PASSED THIS 14<sup>th</sup> DAY OF JUNE, 2017.**

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CAROLYN HEMMING  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

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

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

"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."