

## **PC RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 6726-2017) FOR TWELVE RESIDENTIAL UNITS ON A PROPERTY LOCATED AT 1452 SOUTH WHITE AVENUE.**

**WHEREAS**, the applicant, Adam Brown, has submitted an application for Conditional Use Permit (CUP 6726-2017) for twelve residential units on a property located at 1452 S. White Avenue;

**WHEREAS**, the subject property is currently located within the R-2-S (Low Density Multiple Family with Supplemental Overlay) zoning district;

**WHEREAS**, the subject property is on a parcel designated as "Residential Neighborhood" and in the T-3 Transect Zone on the General Plan Land Use Map;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on August 9, 2017, concerning the requested Conditional Use Permit (CUP 6726-2017); 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:

**SECTION 1.** The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15332 of the California Public Resources Code, which exempts in-fill developments located in urbanized settings. The Planning Commission finds that the project meets the following criteria listed in the exemption: 1) the proposed project is consistent with the General Plan and Zoning Ordinance of the City; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) the project will not have significant effects upon the environment; and 5) the site can adequately be served by utilities and public services.

**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 five (5) findings in order to approve Conditional Use Permit (CUP 6726-2017). 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 use of the subject site for residential development, specifically, the development of 12 new residential units at this particular location will contribute to the general well-being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

2. *That 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 project 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 full conformance with the development standards and use requirements of the R-2 zone. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties which are zoned and planned for residential uses by the General Plan. The project, as designed, will enhance the neighborhood.

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

The subject site is relatively flat and large-sized at approximately 35,190 square feet in size. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project.

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

The subject site has street access directly to White Avenue, which is of adequate width and improvement to carry traffic generations typical of residential development projects.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the*

*city and conforms to the provisions of the zoning ordinance.*

The granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods (goal 6G.P3). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City’s housing stock which the General Plan identifies as being under supplied.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 6726-2017) 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**

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 August 9, 2017, and as illustrated in the stamped approved plans dated August 9, 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. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval (August 9, 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.
3. 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.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its

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

5. In case of a violation of any of the conditions of approval and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Conditional Use Permit.
6. Pursuant to City Code Section 70-66 et seq.", prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees". Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.

#### **Conditional Use Permit Conditions**

7. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.

8. The property shall be maintained free of weeds and debris prior, during and after the construction period.
9. Landscaping is to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, which meets all requirements of the City of Pomona Landscape Ordinance.
10. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Development Services Manager.
11. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.).
12. Any proposed fencing on the subject site shall be in compliance with Section .503-I of the Pomona Zoning Ordinance and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.
13. Window and wall trim shall be provided with durable treatment material subject to the review and approval of the Development Services Manager. No foam trim shall be installed on the first floor portions of any structures.
14. The project driveway shall not be used for the repair of vehicles.
15. The provided "Common Open Space" shall be available to all residents of the project and their guests.
16. 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.
17. Prior to the issuance of building permits, cut-sheets for interior courtyard amenities shall be incorporated into the building plan check submittal, subject to Development Services

Manager review and approval. Future modifications to the originally approved interior court yard amenities and areas shall be subject to review and approval from the Development Services Manager.

18. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be avoided to the greatest extent feasible. The applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Additionally, the applicant must provide proof of attempted coordination in the form of certified mail receipt, correspondence from the adjacent property owner denying such coordination, or similar to the Planning Division. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by the property owners of adjacent property. The plans shall identify materials, seep holes and drainage.
19. The majority of the hardscape within the interior community courtyard, shall be provided with decorative elements to include, but not limited to, patterned stained/colored concrete, stamped concrete, stone, concrete overlays or other similar treatment.
20. Prior to the issuance of building permits, Development Services Manager approval, during the Plan Check process, shall be obtained for the design and materials of the hardscape decorative paving to be installed within the interior community courtyard.
21. Garage areas shall not be used for storage to the exclusion of parking of vehicles.
22. Red paint and "No Parking" indications shall be applied to curb areas along the project driveway. No vehicles shall be parked at any time within "no parking" areas and red curb areas.
23. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1, 4, and 5 of this CUP and 3) provide reciprocal access easements and facilitate the use and maintenance of the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits.

24. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351.
25. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, et seq., and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
26. Prior to issuance of building permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, 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.

#### **Building and Safety**

27. The undergrounding of utility facilities is required (PMC 62-31)
28. This project falls under Section .5809-24 of the Zoning Code “Public Art requirement for private development – Public Art Allocations.” (Ordinance No. 4151)
29. 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)
30. 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.
31. 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 and Safety Division prior to commencing any grading or site excavation.
32. 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 a grading geotechnical/soils reports as approved by the City of Pomona.



33. 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.
34. 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.
35. Proposed project shall be sprinklered and comply with all other relevant all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
36. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
37. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

### **Water & Wastewater Operations Department**

#### **WATER**

##### **Main Line**

38. There is currently an existing eight-inch (8") ACP water main in White Avenue. The existing public water infrastructure shall be shown on the site plan. The localized approximate static pressure for the proposed project area is over 65-75 psi.
39. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
40. Any private onsite water improvements are the owner's responsibility and not the City's.
41. Any proposed 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**

42. There is an existing 5/8" domestic meter at 1452 S. White avenue according to our billing records. Identify if this existing meter is to be kept or removed when the public water development plan is submitted to the Public Works Department. This development shall be required to install a master meter for water service for the entire development. To the extent

possible, publicly maintained utility infrastructure located on private property will be minimized for this project. Backflow protection is the only publicly maintained infrastructure which shall be located within a dedicated City easement within private property, as applicable.

43. This site shall be master metered through an aboveground compound meter. All proposed master meters shall conform to Standard Drawing numbers 13A-2, 13-B-2 and 13C of the City of Pomona Water division Standard Specifications for Water Facility Construction, January 2006 as applicable. Contact the WWOD for a list of acceptable master meter manufacturers and models. Meter(s) shall not be placed in driveways, parking spaces or be obstructed by walls. City of Pomona shall be provided an easement for maintenance access as necessary.
44. 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 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.
45. There are existing public fire hydrants within 500 feet of the proposed project site.
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 (5) feet from the proposed driveways and parking spaces.
47. Contact the Public Works Department for information regarding new meters and all applicable meter fees. The City will install meters less than or equal to two-inches (2") in size.
48. 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.
49. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:
  - Reduced pressure principle assembly devices are required for dedicated irrigation service lines to the proposed site, and
  - Reduced pressure principle assembly devices are required for all domestic services; and
  - Double check detector assembly devices for all fire sprinkler service lines.

50. 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 format.

## **SEWER**

51. There are currently existing eight-inch (8") VCP sewer mains within White Avenue. The existing sewer infrastructure shall be shown on the site plan. The applicant/developer shall calculate the expected wastewater generated by the proposed development. These calculations shall be submitted to the WWO Department.
52. The sewer laterals from the public main to the site are considered private and shall be maintained by site owners.
53. 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.
54. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
55. 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.
56. The applicant/developer shall submit and include the following items in the sewer development plan:
  - 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
57. 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 format.

## **PUBLIC WORKS DEPARTMENT**

### **Land development requirements**

58. Property Owner shall submit a **Certificate of Compliance** application to the Public Works Engineering Department, in accordance with the Subdivision Map Act Section 66412.6(b). The Certificate of Compliance shall be recorded prior to the issuance of the building permits.

### **Improvement plans requirements**

59. 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.
- 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.
  - One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.
  - 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.
  - Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
60. 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.
61. 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.
62. 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.
63. Applicant/Developer shall submit **public street improvement plans** to include the following:
- New driveway approach to comply with the City standards and ADA requirements.
  - New sidewalk, curb and gutter to replace (i) the existing driveway approaches proposed for removal and (ii) all cracked, damaged sections of the existing sidewalk, curb and gutter along the property frontage.
  - Removal of the existing chain link fence located along White Avenue and encroaching in the public right-of-way.
  - White Avenue Asphalt Rubber Hot Mix (ARHM) paving: grind and overlay in accordance with the City Standard A-26-02 Case III (pavement on moratorium streets)

- from gutter to gutter and, at the minimum, along the lot frontage; additional street repaving might be necessary depending upon the required dry utility cuts.
- Parkway drains built in compliance with the City standards.
  - Parkway landscaping.
  - Existing sewer, water and storm drain infrastructure, including laterals.
  - Unobstructed visibility shall be ensured at all intersections along the project boundaries.
  - Undergrounding of all existing and proposed utility lines will be required as per City of Pomona Municipal Code Section 62-31(b)(1).
  - The parkway landscaping shall be maintained by the property owner per City of Pomona Municipal Code Section 46-496.
  - 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”.
64. 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.
65. 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.
66. 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.
67. 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/>.

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.

- 68. **Traffic** – Minimum 20-foot setback shall be provided beyond the property line when installing a traffic access gate at White Avenue entrance.
- 69. 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.
- 70. Prior to issuance of the building permits applicant/developer is responsible for paying the project's **development tax fee**.
- 71. Prior to the issuance of the certificate of occupancy the property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the **City's Street Lighting and Landscaping Maintenance District**. The 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.
- 72. 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.

73. 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.

74. **Prior to the issuance of the public improvements permits, Applicant/Developer shall post surety bonds for the proposed public improvements, including but not limited to: water, sewer, storm drains, street pavement, sidewalk, curb, gutter, driveway approaches, parkway landscaping and existing and proposed overhead lines undergrounding.**
75. 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.
76. Permittee shall pay fees associated with and possess the City of Pomona Business License.
77. 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 ADOPTED THIS 9TH DAY OF AUGUST, 2017.**

PC Resolution No.  
Conditional Use Permit (CUP 6726-2017)  
1452 S. White Avenue  
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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.