

**PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 5708-2016) FOR AN AUTOMOBILE SERVICE STATION, INCLUDING A CONVENIENCE STORE, GAS PUMP CANOPY, AND AUTOMATED CAR WASH, ON A PROPERTY LOCATED AT 2207 VALLEY BOULEVARD.**

**WHEREAS**, the applicant, Ahmad Ghaderi, has submitted an application for Conditional Use Permit (CUP 5708-2016) for an automobile service station, including a convenience store, gas pump canopy, and automated car wash, on a property located at 2207 Valley Boulevard;

**WHEREAS**, the subject property is currently located within the C-3 (General Commercial) zoning district;

**WHEREAS**, the subject property is on a parcel designated as "Workplace District Edge" on the General Plan Land Use Map;

**WHEREAS**, the approval of a conditional use permit by the Planning Commission is required for the development of an automotive service station;

**WHEREAS**, the applicant has concurrently submitted Conditional Use Permit (CUP 8121-2017) to allow the sale of beer and wine for off-site consumption; and Variance (VAR 8097-2017) to deviate from setback requirements;

**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 5708-2016); 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:

**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 5708-2016). 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 commercial development, specifically, the development of an automobile service station, which includes a convenience store, gas pump canopy, and automatic car wash, will contribute to the general well-being of the neighborhood and the community by providing a commercial convenience to neighboring residents with automobiles and employees at neighboring industrial uses that drive to and from work.

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.*

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. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity as the proposed uses are not significantly different than existing uses.

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 (approximately 0.717 acres) is irregularly shaped and adjacent to a freeway off-ramp. However, in conjunction with the requested Variance (VAR 8097-2017) from setback requirements, the site will be sufficient enough in size to accommodate all of the development standards of the C-3 (General Commercial) zoning district, such as setbacks,

parking, and landscaping.

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 takes access from Valley Boulevard, 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.*

The project is consistent with the City's General Plan in that the proposed commercial use is consistent with the "Workplace District Edge" place type site shown on the General Plan Land Use Map. Goal 6F states that "buildings in the workplace district edges will feature ample landscaping, "house scale" massing, and a level of architectural treatment that acknowledges their relationship to adjacent homes. 14.45% of the site will be landscaped, which enhances the property in relation to the adjacent multi-family development. The convenience store includes architectural treatments, such as a canopy overhang, window sills, cornices, and articulation that enhance the design of the site. Therefore, the granting of the permit will not adversely affect the General Plan of the City. The project, in conjunction with the requested Variance (VAR 8097-2017) from setback requirements, is also in compliance with the applicable code sections of the Pomona Zoning Ordinance, and as a result, the granting of this Conditional Use Permit, subject to conditions, will not adversely affect the Zoning Ordinance.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 5708-2016) 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**

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 Planning 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. 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.

7. Any graffiti on the store front windows by scratching or acid sketching shall be removed within thirty (30) days.
8. Store windows shall be kept clear of at all times from paper, paint, cardboard or any other material used for signage. All exterior windows shall be clear glass with no tinting or window coverings either interior or exterior, with the exception of anti-graffiti/etch film that shall be applied to all exterior glass doors and windows to prevent graffiti and/or etching.
9. The hours of operation are 24 hours daily, seven days a week. Any change in hours of operation shall be reviewed and approved by the Development Services Manager.
10. Fuel trucks shall be allowed to make fuel deliveries only between the hours of 7:00 a.m. and 8:00 p.m. on any day except Sunday or between the hours of 9:00 a.m. and 8:00 p.m. on Sunday.
11. 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.
12. 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.
13. 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.
14. 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.

15. The property shall be maintained free of weeds and debris prior, during and after the construction period.
16. 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 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 Conditional Use Permit process. The plans shall conform to the State Model Water Efficient Landscape Ordinance per AB 1881 and landscape requirements contained in Section .503-J of 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.
17. 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.
18. Prior to issuance of construction 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 decorative ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.
19. Prior to issuance of building permits, the applicant shall obtain approval, during the Plan Check Process, from the Planning Division of a mechanical plan demonstrating the location, type, size, and appropriate screening of all ground-mounted and roof-mounted mechanical equipment. All mechanical equipment shall be screened from public view.
20. 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.
21. The installation of signage will require the submittal of a "Sign Permit" for review and approval by the Planning Division.

22. Prior to issuance of a Certificate of Occupancy, permanent commercial rated bike racks shall be provided near the main entrance, or in a convenient area, of the service station, the quantity, quality and location of the commercial rated bike racks shall be subject to the review and approval of the Development Services Manager during the Plan Check Process.
23. No overnight vehicle or truck parking shall be permitted at any time, except for vehicles used by on duty employees, vendors, and customers in the normal course of business.
24. No overnight parking of recreational vehicles (RV's) shall be permitted.
25. No subletting or leasing of parking areas for vehicle storage or other similar equipment or activities.
26. No outdoor storage shall be permitted, unless separate approvals are obtained from the Planning Division for outdoor storage areas fully screened by walls, provided that minimum required parking spaces, aisles, drives, and landscaping are maintained. For purposes of this condition "outdoor storage" shall mean goods stored outside of any retail store building.
27. Any outdoor activities, including, but not limited to, carwashes, Christmas tree sales, pumpkin sales and clearance sales shall require the approval of a Temporary Use Permit pursuant to Section .583 of the Pomona Zoning Ordinance.
28. No vending machines of any kind shall be installed outdoors within the Project Site.
29. There shall be no public pay phones installed within or upon any portion of the premises.
30. No arcade games, video games, or other games of chance or skill shall be installed or allowed for use on the premises.
31. The placement of outdoor storage bins (including containers, trailers, or enclosures) on the Project Site shall be prohibited, except during the construction process pursuant to an active building permit. If outdoor storage bins are proposed for a temporary period of time (i.e. seasonal storage), the operator shall require the approval of a Temporary Use Permit pursuant to Section .583.
32. Loitering and panhandling on the premises shall be prohibited. Sign stating such prohibition shall be posted on the property.
33. 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.

34. The applicant shall conform to Section .5809-24 of the Pomona Zoning Ordinance pertaining to public art requirements; if the proposed project has a valuation of over \$750,000.00 then the applicant shall place public art on the project site or pay an in-lieu fee subject to the requirements of PZO Section .5809-24.
35. The applicant shall install full width bollards around each gasoline pump dispenser unit on each island to provide protection against being struck by vehicles.

**County of Los Angeles Fire Department—Land Development Unit**

1. The required fire flow for this development is 1500 gallons per minute for 2 hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
2. All fire hydrants shall be 6" x 4" x 2 ½" and conform to AWWA C503-75 or approved equal standard. All installations must meet Fire department specifications. Fire hydrant systems must be installed in accordance with the Utility manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
3. Install one public fire hydrant.
4. Every application for a building permit shall be accompanied by evidence indicating that the proposed structure is provided with a reliable water supply capable of supplying the required fire flow as required by Fire Code 507.1.1. Complete and return the "Fire Flow Availability" Form 196, with fire flow information provided by the water purveyor from the new required public fire hydrant. The required Fire Flow availability form shall be provided to Fire Prevention Engineering during the Building Plan Check review.
5. Access is approved as shown on Site Plan dated August 15, 2016 filed in the LDU Office.

**Building and Safety**

1. The undergrounding of utility facilities is required (PMC 62-31)



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2. This project falls under Section .5809-24 of the Zoning Code “Public Art requirement for private development – Public Art Allocations.” (Ordinance No. 4151)
3. 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)
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

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

#### **WATER**

##### **Main Line**

11. There is currently an existing eight-inch (12”) ACP water main in Valley Boulevard. The localized approximate static pressure for the proposed project area is over 65-75 psi.

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12. The existing public water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the proposed project area.
13. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
14. Any private onsite water improvements are the owner's responsibility and not the City's.

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

15. Per City records there are no existing water meters serving the proposed site at 2207 Valley Boulevard. A new meter shall be installed to serve the new development.
16. There are public fire hydrants within 500 feet of the proposed project site.
17. 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.
18. 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 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.
19. 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 No.'s 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.
20. 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.
21. 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.
22. 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.

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23. 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.
24. 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**

25. There currently exists an eight-inch (8") VCP sewer main within Valley Boulevard.
26. The sewer laterals from the public main to the site are considered private and shall be maintained by site owners.
27. 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.
28. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
29. 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.
30. The applicant/developer shall submit and include the following items in the sewer development plan:
- The proposed sewer lateral(s) connection to the existing sewer main
  - 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
31. 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**

### **Improvement plans requirements**

1. Applicant/Developer shall submit the **grading, drainage and erosion control plans** for review and approval by the Public Works, Planning and Building and Safety Divisions.

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2. The scale used for the plans needs to be large enough (1"= 10' is preferred) to clearly show all the details.
3. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.
4. The plans shall include sufficient cross sections to show any block wall locations, parkway width and any permanent facilities that might require maintenance and access easements.
5. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
6. 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.
7. Prior to the issuance of the grading permit the applicant/developer shall provide non-interference letters from any applicable utility agencies for any utility easements located within the areas subject to grading activities. All such documents shall be subject to review and approval by the City Engineer.
8. Prior to the approval of the project's improvement plans the applicant/developer shall submit for review and approval a **soils and geologic report** to address the soil's stability and geological conditions of the site. A registered geotechnical engineer shall be present on site during construction activities to monitor compliance with the geotechnical recommendations.
9. Prior to the approval of the project's improvement plans applicant/developer shall submit a **drainage report** and a 50-year storm event hydrology study. The Developer is responsible to comply with the approved hydrology study recommendations necessary to meet minimum Federal, State, County and City requirements.
10. Applicant shall submit to the Public Works Engineering Department **offsite improvement plans** to include the following:
  - a. New ADA pedestrian ramp and spandrel at the northwest corner of Valley Blvd. and Humane Way (Caltrans encroachment permit required).
  - b. Removal and reconstruction of the Valley Blvd. driveway approaches, total of two (2), in compliance with the City standards and ADA requirements.
  - c. New sidewalk, curb and gutter along Valley Blvd. property frontage to replace all existing damaged, cracked and uplifted sections.
  - d. Overlay paving along Valley Blvd. frontage, from gutter to street centerline or over the entire street width, based on the necessary wet and/or dry utility cuts.
  - e. Parkway drains per City standards.

- f. Street lights: Upgrade the existing street lights along Valley Blvd., total of two (2), with LED luminaries.
  - g. Existing sewer, water and storm drain infrastructure, including laterals.
  - h. Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b).
  - i. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
  - j. The demolition or relocation of any public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by Public Works Engineering Department.
  - k. Add Note: "It is the owner's and contractor's responsibility to repair all damage to 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 said public improvements".
11. 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.
14. The final improvement plans, as shown on the Mylar, shall be provided to the City on disk in Auto CAD v. 2010 and .pdf formats. 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 Auto CAD v. 2010 and .pdf formats.
15. Applicant/Developer shall develop and submit a Standard Urban **Stormwater** Mitigation Plan (SUSMP) to the City, in accordance with the City of Pomona's 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:
  - Site Design BMPs;
  - Source Control BMPs; and
  - Treatment Control BMPs.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 BMPs proposed for the project.
16. 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.

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/>

17. The applicant shall implement storm water 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.
18. 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 (Assessor Parcel 8707-006-011).
19. 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.
20. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
21. The plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property address, legal description, property lines, street centerline, curb-lines, and the public right-of-way areas with dimensions.

#### **Public Works Improvements Permit**

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

22. **Prior the construction permit issuance applicant/developer shall post surety bonds for all public improvements, including but not limited to: utilities, street frontage pavement, sidewalk, curb and gutter, corner ramp, drainage and parkway improvements, driveway approaches, and street lights.**
23. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
  - Commercial General Liability;
  - Automobile Liability;
  - Worker's Compensation as required by the State of California;

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Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.

24. Permittee shall possess the City of Pomona Business License.
25. 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.**

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LUIS JUAREZ  
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         )

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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.

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