

## **DPR RESOLUTION NO. 18-XXX**

### **DECISION AND FINDINGS OF FACT BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF POMONA, CALIFORNIA APPROVING DEVELOPMENT PLAN REVIEW (DPR 6897-2017) FOR THE DEVELOPMENT OF A THREE-STORY, 132-ROOM HOTEL ON 2.66 ACRES OF VACANT LAND ACROSS TWO PARCELS ON PROPERTY LOCATED AT 700-704 EAST FOOTHILL BOULEVARD.**

**WHEREAS**, the applicant, K U & Associates, has filed an application on behalf of the property owner, Foothill and Towne, LLC, for Development Plan Review (DPR) for the development of a three-story, 132-room hotel located at 700-704 East Foothill Boulevard;

**WHEREAS**, the subject site is currently zoned within the Pomona Corridors Specific Plan (PCSP) “City Gateway” segment, and designated “Neighborhood Edge” and “Residential Neighborhood” by the City’s General Plan;

**WHEREAS**, in accordance with Section 2.0.5.C of the PCSP a Development Plan Review (DPR) is required for any new development projects located within the plan area;

**WHEREAS**, the Development Services Director of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 11, 2018, concerning Development Plan Review (DPR 6897-2017);

**WHEREAS**, the Development Services Director has carefully considered all pertinent testimony offered in the case as presented at the hearing;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Development and Services Director of the City of Pomona, California:

**SECTION 1.** The Development Services Director exercising independent judgment has determined that, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Section 15332, Class 32 (In-fill Development). The Development Services Director finds that; 1) the proposed project is consistent with the General Plan, Zoning Ordinance of the City, and Pomona Corridors Specific Plan; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) this project will not have significant effects upon the environment and; 5) the site can adequately be served by utilities and public services; and

**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

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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 2.0.5.A.(4) of the PCSP, the Development Services Director must make findings in order to approve Development Plan Review (DPR 5181-2016). Based on consideration of the whole record before it, including but not limited to, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Director hereby finds as follows:

*The project is consistent with the City's General Plan and all applicable requirements of the City Code.*

The City of Pomona General Plan designates the subject site as both "Neighborhood Edge" and "Residential Neighborhood" place types. Policy 6G.P7 states that "along major corridors, rather than using sound or perimeter walls for privacy and noise reduction, utilize broad setbacks with ample landscaping." The proposed project is significantly setback on the rear from adjacent housing, and includes common open space surrounding the building footprint, including a front landscaped setback. Moreover, Policy 6D.P2 requires development "with reduced height and intensity on portions of properties adjacent to stable residential neighborhoods." The rear of the hotel has been positioned to be sufficiently setback from the adjacent single-family residential on the southern property line and complies with the special building height limits of the Pomona Corridors Specific Plan. Policy 6D.P7 states that "in boulevard segments, require buildings to activate the street by locating main entrances toward the street/sidewalk;" the hotel entrance will front Foothill Boulevard. Policy 6D.P14 encourages "development with parking located to the side or rear of buildings, in shared parking facilities, and in parking structures;" all proposed off-street parking will be to the rear or side of the proposed single hotel building.

*The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood.*

The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood as the project will comply with all development and design standards of the "City Gateway" segment of the PCSP. The project, as conditioned, is not anticipated to generate noise, traffic, lighting, and privacy impacts detrimental to residents, occupants, and properties within the surrounding area and inconsistent with the subject property's zoning.

*The project will not adversely affect the Circulation Plan of the Corridors Specific Plan.*

The subject parcel is located with frontage along Foothill Boulevard. The City of Pomona Public Works Department has reviewed both off-site and on-site circulation patterns and reviewed a Traffic Impact Study prepared by the applicant and has conditioned the project so as to not significantly impact traffic and mobility.

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*The project complies with the applicable provisions of the Pomona Corridors Specific Plan and other applicable regulations.*

The project has been thoroughly reviewed and meets all applicable provisions of the PCSP and other applicable regulations.

**SECTION 4.** Based upon the above findings, the Development Services Director hereby approves Development Plan Review (DPR 6897-2017) 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 Development Plan Review or any portion thereof:

### **PLANNING**

#### *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 Development Services Director on April 11, 2018, and as illustrated in the stamped approved plans. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Division 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 construction has not commenced under a valid building permit, within one (1) year from the date of this approval (April 11, 2019), in accordance with PCSP Section 2.0.5.A(6). The Planning Division may extend this period for a maximum of two, one (1) year extensions upon receipt of an application for a Time Extension request submitted by the applicant at least thirty (30) days before the expiration date of this approval, consistent with PCSP Section 2.0.5(A)6.
3. 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 the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.

4. 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 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 Development Plan Review.
5. The project is subject to a twenty (20) calendar day appeal period. Written appeals may be filed with the City Clerk within twenty (20) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within twenty (20) calendar days from the date of action by the Development Services Director.

*Plan Check:*

6. The applicant shall include all conditions of approval from Development Plan Review (DPR 6897-2017) on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the PCSP Section 2.1.12 Neighborhood Parkway Segment.
7. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
8. 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. 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 the adjacent property owner(s) and make reasonable attempts to construct one common property line wall. If coordination with the adjacent property owner(s) cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. 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 property and construction of a new common wall shall include approval by the adjacent property owner(s). The plans shall identify materials, seep holes, and drainage.

9. Prior to the issuance of any building permits, the following must be completed:
  - a) A *Landscape Plan Check* in substantial conformance to the conceptual landscaping plan submitted as part of the Development Plan Review Process. Plan should further conform to the State Model Water Efficient Landscape Ordinance, landscape requirements in the PCSP, and applicable portions of 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, at an amount to be determined by the Development Services Manager.
  - b) A *Photometric* plan demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and common areas. Plan shall identify locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.
  - c) Compliance with *Art in Public Places* requirements, per Section .5809-24 of the Pomona Zoning Ordinance; compliance may be met by either placement of an approved public art piece on the project site, or payment of an in-lieu contribution. In lieu fee is calculated as one percent (1%) of building valuation, as determined by Building and Safety. (Ordinance No. 4151)

*Site Development & Maintenance:*

10. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.

11. 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.
12. The construction area shall be kept clean at all times prior to, during, and after construction.
13. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall 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.
14. 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.
15. The private balcony areas shall be kept free and clear of any unnecessary debris and maintained in an orderly fashion at all times.
16. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Development Plan Review 5181-2016. Prior to removing or replacing any landscaped areas, check with the Planning Division. Substantial changes may require approval by the Development Services Director.

#### **BUILDING & SAFETY**

17. The undergrounding of utility facilities is required. (PMC 62-31)
18. 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)
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
  24. 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.
  25. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
  26. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

**COUNTY OF LOS ANGELES FIRE DEPARTMENT—FIRE PREVENTION  
ENGINEERING SECTION—FIRE PREVENTION BUREAU**

27. Submit two complete sets of architectural drawings. Indicate type of construction, occupancy classification, and area justification.
28. Provide 28 feet clear to sky Fire Department Vehicular Access to within 150 feet of all exterior portions of the building.
29. Show all existing public fire hydrants (6"x4"x2-1/2") within 300 feet of lot frontage. Include size of barrel and outlets.
30. Provide a completed fire flow availability form. (Form 196)
31. Additional requirements may be required pending information provided.

**WATER RESOURCES**

*Water:*

32. There is currently an existing sixteen-inch (16") DIP water main within Foothill Boulevard. The existing localized static pressure of the project area is 55-65 psi.
33. The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the extent of proposed public main within the proposed project area.
34. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
35. Any private onsite water improvements are the owner's responsibility and not the City's.
36. 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:*

37. There are currently no existing services or water meters associated with the proposed development site.

38. This site shall be master metered through an above ground compound meter. All proposed master meters shall conform to Standard Drawing numbers 13A-2, 13B-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 obstructed by walls. City of Pomona shall be provided an easement for maintenance access.
39. 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.
40. Contact the WWOD at (909) 620-2212 for information regarding meter installation fees.
41. The City may install meters that are two-inches (2") in size or less. The project contractor shall install all proposed meters that are greater than two-inches (2") in size.
42. There are public fire hydrants within 500 feet of the proposed project site.
43. Contact the Los Angeles County Fire Department to determine if additional public fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five-feet (5') away from the proposed driveways and parking spaces.
44. The edge of all new meter vaults, if necessary, shall be located in public right-of-way or the sidewalk two-inches (2") from the back of the curb per Standard Numbers 11 and 12 of the City of Pomona Water Division standard Specifications for Water Facility Construction, January 2006. Meter(s) shall not be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
45. 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.
46. Effective January 1, 2016, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.
47. Approved low-lead (0.25%) backflow devices (list the brand and model) are required for the following services lines to the site:
  - a) Reduced pressure principle assembly devices are required for dedicated irrigation service lines to the proposed site, and
  - b) Reduced pressure principle assembly devices are required for all domestic services; and
  - c) Double check detector assembly devices or all fire sprinkler service lines.
48. 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:*

49. There is currently an existing eight-inch (8") VCP sewer main located on the proposed property site. A fifteen-foot (15') easement shall be required to protect the existing onsite public sewer main and allow public maintenance. An additional manhole may need to be constructed on this site. Additional comments regarding public sewer main may be generated by the WWOD.
50. The applicant/developer shall calculate the expected wastewater generated by the building(s) to properly size the sewer lateral(s) to serve the new site. These calculations/reports shall be submitted to the WWOD for review and acceptance.
51. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
52. New sewer laterals must be constructed per Standard No. B-8-61 per City of Pomona Public Works Department Standard Drawings March 2006 (Public Works Standards). Construction shall also comply with the Public Works Standard No. A-26-02 for trench pavement restoration.
53. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
54. Effective January 1, 2016, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.
55. The applicant/developer shall submit and include the following items in the sewer development plan:
  - a) The proposed sewer lateral(s) with a profile and connection to the existing sewer laterals and sewer main.
  - b) Construction Notes: The Contractor shall provide all temporary seal 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.
56. Submit sewer development plans to the Public Works Department for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

**PUBLIC WORKS**

**Land development requirements**

57. Property Owner shall submit a Lot Merger application for the consolidation of the real properties corresponding with Assessor Parcel Number (APNs) 8367-003-023 and -024; the lot merger shall be submitted to the Public Works Department, for review and approval and shall be recorded prior to the issuance of the building permits.
58. Property Owner shall submit a copy of the recorded reciprocal ingress-egress and parking maintenance agreement with the owner of the easterly real property.

**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.
  - 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.
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. The proposed development shall accept the conveyance of the existing offsite drainage.
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:
  - a. Foothill Boulevard is a State Highway and is under the jurisdiction of California Department of Transportation (Caltrans). The construction of any/all off-site improvements on Foothill Boulevard will require the applicant to secure permits from Caltrans.
  - b. New driveway approaches per City standards and ADA requirements.
  - c. New sidewalk, curb and gutter to replace all existing aprons proposed for removal and all damaged, cracked and uplifted sidewalk sections.
  - d. Overlay paving of Foothill Boulevard from gutter to gutter along the property frontage and extending beyond the property lines in compliance with the City's paving moratorium requirements.

- e. Street Lights: Upgrade the existing street lights along Foothill Boulevard frontage, total of two (2), with LED luminaries.
  - f. Street Landscaping - Install street landscaping per the "Gateway Boulevard" requirements of the Pomona Corridors Specific Plan.
  - g. Parkway drains per City standards.
  - h. Existing sewer, water and storm drain infrastructure, including laterals.
  - i. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
  - j. Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b).
  - k. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
  - l. 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 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.
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. 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.
68. 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 BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.

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

69. **Traffic**

- a) The proposed project driveways shall be constructed in conformance with City of Pomona standards, including provisions for sight distance and truck turning path requirements.
- b) On-site traffic signing and striping shall be submitted for City of Pomona approval in conjunction with detailed construction plans for the project.
- c) Off-street parking shall be provided to meet City of Pomona parking code requirements. Restrict on-street parking along East Foothill Boulevard adjacent to the project site. as follows: along the entire Foothill Boulevards property frontage and extending (i) westerly 495 feet and (ii) easterly 85 measured from the centerline of the easterly driveway approach.
- d) Construct/modify Towne Avenue and Foothill Boulevard traffic signal to include northbound right turn overlap phasing; and install signage to restrict westbound U-turns.

- e) Restrict left turn movement out of the westerly project driveway.
  - f) Construct all other improvements as recommended by Caltrans.
70. In recognition of the need to address traffic conditions generated by cumulative development along the **Corridors Specific Plan (CSP)** areas, Applicant/Developer is responsible for the project's compliance with the CSP requirements and shall participate in a CSP assessment district, or similar fair and appropriate mechanism, to provide funds for maintaining and augmenting public improvements, should such a mechanism be established by the City. Applicant/Developer shall pay the applicable CSP in-lieu fee for public improvements required as part of this project, presently estimated at \$162,680.
71. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, public safety improvements and parks and the project's **water and sewer connection fees**.
72. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
73. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the **City's Street Lighting District and Landscaping Maintenance District**. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.
74. 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.
75. 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.

76. **Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving, existing and proposed overhead lines undergrounding, water, sewer, storm drain and traffic improvements.**
77. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:

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- 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.

- 78. Permittee shall pay fees associated with and possess the City of Pomona Business License.
- 79. 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.

APPROVED BY:

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Mario Suarez, Development Services Director

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Date

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