

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A CONDITIONAL USE PERMIT (CUP 8026-2017) TO BUILD 10 OR MORE UNITS ON THE 11.9 ACRE PROPERTY LOCATED AT 1901 S. WHITE AVENUE

WHEREAS, the applicant, the LVD Rio Rancho III LLC, submitted an application for a Conditional Use Permit (CUP 8026-2017) to allow construction of 10 or more units on the 11.9 acre property located at 1901 S. White Avenue;

WHEREAS, the applicant has concurrently submitted an application for a General Plan Amendment (GPA 8024-2017) to change the designation from Transit Oriented Neighborhood: District to Residential Neighborhood; Zoning Code Amendment (CODE 8025-2017) to add the Small Lot Residential Zone to the zoning ordinance; Change of Zone (ZONE 7828-2017) to rezone the property from C-4 (Highway Commercial) to Small Lot Residential; Tentative Tract Map (TRACTMAP 8027-2017, No. 74606) for the development of a 110-unit residential; and an Environmental Impact Report (ENV 8028-2017) for the project;

WHEREAS, the subject properties are located within the C-4 (Highway Commercial) Zoning District and proposed to be changed to “Small Lot Residential” in conjunction with the accompanying Planning Commission Resolution;

WHEREAS, the subject properties are designated “Transit Oriented District: Neighborhood” by the City’s General Plan and proposed to be changed to “Residential Neighborhood” in conjunction with the accompanying Planning Commission Resolution;

WHEREAS, Section .58011 of the Pomona Zoning Ordinance, a Conditional Use Permit is required to construct more than 10 units on a property;

WHEREAS, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on March 14, 2018 concerning the requested Conditional Use Permit (CUP 8026-2017) and carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing;

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 23, 2018, concerning the requested Conditional Use Permit (CUP 8026-2017);

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

SECTION 1. In accordance with the California Environmental Quality Act, CEQA, a Draft Environmental Impact Report (DEIR) was prepared for the proposed project and released to the public on November 20, 2017, for 60-day review period, comments received have been reviewed and responded to in the Final Environmental Impact Report (FEIR). All required

notifications were provided pursuant to CEQA (Public Resources Code Section 21092.5) and all comment letters were incorporated into the Final EIR.

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 servable.

SECTION 3. Pursuant to Section .580.B of the Zoning Ordinance, the City Council must make the seven findings listed below in order to grant the Conditional Use Permit (CUP 8024-2017). Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the City Council hereby finds as follows:

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

The project will provide additional housing, helping the City meet its commitments in the Housing Element. It will convert undeveloped land into a productive land use. It will provide new home ownership opportunities in a location close to transit, promoting a more walkable City.

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

The project will meet all City Codes and standards, and will have appropriate conditions of approval, that will ensure that the project will not be detrimental to the health, safety or general welfare of the community. As discussed in the Project Summary Table, the Zoning Ordinance Consistency section and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

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

As discussed in the Project Summary Table, the Zoning Ordinance Consistency section and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

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

Vehicular access will be via new private streets, fire lanes and access ways inside the site, and will connect to the larger street network via Rancho Valley Drive. Streets that abut the site, including Rancho Valley Drive, White Avenue, and Lexington Avenue are adequate in width and improvements to carry traffic generated by the proposed use with the incorporation of the attached conditions of approval and the Mitigation Measures included in the EIR.

Should the City Council wish to approve the project, a Statement of Overriding Considerations will need to be adopted by the City Council to enable the project to proceed despite the potentially significant, unmitigated environmental impacts.

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.*

Although some design characteristics are potentially inconsistent with the General Plan, as conditioned, they do not appear to be significant, and overall the project conforms to the Goals and Policies of the General Plan, including the following: location close to major streets and the Rio Rancho Town Center shopping area, promoting a “walkable and accessible street environment” (Goal 7D.G20). The project will be required to use high-quality materials and shows excellent design (Goal 7F.G4). By implementing the new Small Lot Residential Zone, the project will “promote diversity in parcel and home sizes, with careful transitions between developments at different scales and densities” (Policy 7F.P2).

6. *The building height, size, scale, location and relationship of the proposed development shall be compatible with and not detrimental to both the existing or proposed surrounding development;*

The project will provide additional housing, helping the City meet its commitments in the Housing Element. It will convert undeveloped land into a productive land use. It will provide new home ownership opportunities in a location close to transit, promoting a more walkable City. The project will meet all City Codes and standards, and will have appropriate conditions of approval, that will ensure that the project will not be detrimental to the health, safety or general welfare of the community. As discussed in the Project Summary Table, the Zoning Ordinance Consistency section and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development. Since the site is level and all buildings are at-grade, grading activities will be minimal

7. *The grading of the site and the vehicular access is compatible with and not detrimental to existing and proposed surrounding development.*

Since the site is level and all buildings are at-grade, grading activities will be minimal. Vehicular access will be via new private streets, fire lanes and access ways inside the site, and will connect to the larger street network via Rancho Valley Drive. Development of the site will not alter the existing street network.

SECTION 3. Based upon the above findings, the City Council hereby approves Conditional Use Permit (CUP 8026-2017) 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 City Council on April 23, 2018. Any major modifications to the approved project plans shall be reviewed and approved by the City Council 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. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
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 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.

4. The approved Conditional Use Permit (CUP 8026-2017) shall lapse and become void if the use authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced by April 23, 2019. The City Council may extend this period for one (1) year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval.
5. This Conditional Use Permit (CUP 8026-2017) shall be contingent upon approval of General Plan Amendment (GPA 8024-2017); Zoning Code Amendment (CODE 8025-2017); Change of Zone (ZONE 7828-2017); Tentative Tract Map No. 74606 (TRACTMAP 8027-2017); and certification of Environmental Impact Report (ENV 8028-2017).
6. The project shall be subject to an appeal period of twenty (20) days. Written appeals may be filed with the City Clerk 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.
7. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
8. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a

reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Tentative Tract Map.

9. The applicant shall perform one-time maintenance of the landscaping along the south side of Lexington Avenue to the satisfaction of the Development Services Manager.
10. Subsequent maintenance of the landscaping along the south side of Lexington Avenue shall be the responsibility of the Homeowner's Association (HOA) since the landscaping is in Landscape Maintenance District (LMD), Zone E. The HOA shall be assessed for the cost of future maintenance.
11. The applicant shall work with City staff to explore the possibility of adding one or more pedestrian gates to allow access to the project. The design and location of the gates shall be to the satisfaction of the Development Services Manager and City Engineer.

BUILDING AND SAFETY DIVISION

12. The undergrounding of utilities is required.
13. The project is subject to section .5809-24 of the Zoning Code "Public Art requirement for private development – Public Art Allocations."
14. 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).
15. 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.
16. 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.
17. 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 the 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.
18. 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.

19. The proposed project shall comply with the 2016 California Green Building Standards Code and all other relevant laws, ordinances, and resolutions governing sustainable design as adopted by the City of Pomona.
20. The proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
21. A Park and Recreation Improvement Fee of \$675 shall be required for the construction of each dwelling unit.
22. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
23. A fence and wall plan is required prior to issuance of any building permits.

WATER RESOURCES DEPARTMENT (WRD)

WATER

24. The existing site is located near a water pressure zone boundary. Pressure Zone 5 includes the existing eight-inch (8") ACP water main within Lexington Avenue. Pressure Zone 8 includes the existing sixteen-inch (16") MLCSP water main within White Avenue and Lexington Avenue, and the existing twelve-inch (12") ACP water main within Rancho Valley Drive. The existing static pressure within the Pressure Zone 5 water main ranges from 80-85 psi. The existing static pressure within the Pressure Zone 8 water main ranges from 85-95 psi.
25. **There is an existing pressure regulating valve (PRV) existing within a vault at the intersection of White Avenue and Lexington Avenue. This PRV shall be relocated and moved above-ground within an easement on the proposed project site. This PRV will be used to maintain and regulate the pressure between both pressure zones, specifically when there is a high water demand. WRD shall provide additional comments regarding this requirement when the water development plans are submitted to Public Works for review.**
26. The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WRD regarding the extent of proposed public main within the proposed project area.
27. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
28. 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

29. There are currently two existing meters and services associated with the following addresses. Both of these existing meters have an impact on the proposed project.
 - 900-1/2 W. Lexington Avenue – 1” City irrigation meter. State whether this meter will be used with the proposed development.
 - 1026 W. Lexington Avenue – 1” SDLAC meter associated with the existing sewer lift station.
30. **The 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 WRD 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 required maintenance access.
31. **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 the size, pressure and age of the existing water system. This calculation shall include fire and domestic water demands. This hydraulic analysis report shall be submitted to the WRD for review and acceptance.**
32. Contact the WRD at (909) 620-2212 for information regarding meter installation fees.
33. 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.
34. There are public fire hydrants within 500 feet of the proposed project site.
35. Contact the Los Angeles County Fire Department to determine if additional public fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five-feet (5’) away from proposed driveways and parking spaces.
36. 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.
37. 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.

38. Effective January 1, 2018, 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.
39. Approved low lead (0.25%) backflow devices (list the brand and model) are required for the following service lines to the site:
 - Reduced principle pressure assembly devices are required for dedicated irrigation service lines to the proposed site, and
 - Reduced principle pressure assembly devices are required for all domestic services; and
 - Double check detector assembly devices for all fire sprinkler service lines.
40. **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. WRD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

SEWER

41. There is currently an existing eight-inch (8") VCP sewer main within White Avenue and a portion of Rancho Valley Drive. Within Lexington Avenue there are existing twenty-four inch (24") VCP and thirty-inch (30") VCP transmission sewer mains. These existing transmission mains shall not be connected to for any purpose.
42. **The existing Sanitation Districts of Los Angeles County (SDLAC) lift station at the northern boundary of the proposed project shall remain in place and be protected.**
43. **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 WRD for review and acceptance. The developer may want to have a wastewater flow meter study completed to obtain the actual capacity of the existing eight-inch (8") VCP sewer main.**
44. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
45. 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. **The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.**
46. Effective January 1, 2018, 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.

47. The applicant/developer shall submit and include the following items in the sewer development plan:
- a. The proposed sewer lateral(s) with a profile and connection to the existing sewer laterals and sewer main.
 - b. Construction Notes:
The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.
48. **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. WRD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

If you have any questions regarding water/sewer requirements or these comments, please contact the WRD at (909) 620-2212.

PUBLIC WORKS—TRANSPORTATION AND DEVELOPMENT DIVISION

Land Development Requirements

49. Applicant/Developer shall ensure that a property owner's association is established for the purpose of maintaining all driveways, common areas, private utilities and joint use of parking and access for the benefit of all individual units. The association documents, including any necessary Covenants, Conditions and Restrictions (CC&Rs) shall be approved by the City Attorney and recorded on the grant deed prior to the issuance of the Certificate of Occupancy.

Improvement plans requirements

50. Applicant/Developer shall submit **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.
- 51. 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.
- 52. Prior to 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.
- 53. Prior to the issuance of the grading permit the Applicant/Developer shall make proof of a construction permit issued by the Los Angeles County Flood Control District (LACFCD) for the project's storm drain connections to the existing LACFCD reinforced concrete box located onsite, within a recorded easement.
- 54. 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.
- 55. Applicant/Developer shall submit **public street improvement plans** to include the following:
 - a. New driveway approaches and curb ramps per City standards and ADA requirements.
 - b. New sidewalk, curb and gutter:
 - i. To replace all damaged and cracked and uplifted sections.
 - c. Parkway drains.
 - d. Street paving:
 - i. Overlay of Lexington St. between White Ave. and Hamilton Blvd., from curb to street centerline or over the entire street width, based on wet and/or dry utility cuts.
 - ii. Overlay of White Ave. between Lexington Avenue and Rancho Valley Dr., from curb to curb, in compliance with the City's paving moratorium standard; this requirement applies if dry and/or wet utility cuts are performed as part of the project.
 - iii. Full depth pavement installation on Rio Rancho Road, in conjunction with the westerly extension of the eastbound dual left turn lanes at the NR-71 NB ramp intersection; additional overlay paving in compliance with the City standards (unless City permit has been issued and bonds have been accepted for construction by others).

- e. Street Lights: install five (5) public street lights per City standards along the south side of Lexington Avenue.
 - f. Existing sewer, water and storm drain infrastructure, including laterals.
 - g. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
 - 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. 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".
56. 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.
57. 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.
58. 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.
59. 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.
60. 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.

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.

61. Traffic

- a. Prior to the issuance of the first Certificate of Occupancy, the Project Applicant shall install interconnect cable, conduit and equipment to establish traffic signal communications along Lexington Avenue between White Avenue and mid-block crosswalk intersection (west of Garey Avenue).
- b. Prior to the issuance of the first Certificate of Occupancy, the Project Applicant shall modify the signal timing at SR-71 NB Ramps / Rio Rancho Road, to optimize coordination signal timing and splits during the AM and PM peak hour. Signal timing modification shall be approved by the City and Caltrans.
- c. Prior to the issuance of the first Certificate of Occupancy, the Project Applicant shall implement the following improvements (unless City permit has been issued and bonds have been accepted for construction by others) at Rancho Valley Drive / Auto Center Drive / Rio Rancho Road:
 - i. Modify existing traffic signal timing to accommodate the addition of Project traffic.
 - ii. Extend the existing eastbound dual left turn lanes westerly to the SR-71 NB ramp intersection.

- d. Prior to the issuance of the first Certificate of Occupancy, the Project Applicant shall implement the following improvements at White Avenue / Rancho Valley Drive:
 - i. Modify existing traffic signal to provide pedestrian lead-in phasing. When a push button is activated by pedestrians at either end of the crosswalk on White Avenue (east leg) at the intersection, provide a walk phase of 7 to 10 seconds prior to green light for parallel vehicle traffic (northbound and southbound). All directions of traffic see a brief all red phase during this 7 to 10 second pedestrian phase.
 - ii. Modify existing traffic signal to install red-arrow for northbound right turns. The red-arrow(s) activates during pedestrian phase.
- 62. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's **impact fees** for public safety improvements and parks and the project's **water and sewer connection fees**. Impact fees for traffic signals and control devices, road and highway improvements will be offset by the installation of the interconnect connection along Lexington Avenue.
- 63. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
- 64. 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.
- 65. 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.
- 66. 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 the Public Works Department.

67. 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.

68. Permittee shall pay fees associated with and possess the City of Pomona Business License.

69. 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.

PUBLIC WORKS – SOLID WASTE DIVISION

70. Solid waste services to be provided by Residential Curbside Collection Program.

LOS ANGELES COUNTY FIRE DEPARTMENT

71. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings. Fire Code 503.1.1 & 503.2.1.

72. The proposed driveway within the development shall provide approved street names and signs. All future buildings shall provide approved address numbers.

73. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.

74. Dead-end Fire Apparatus Access Roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5.

75. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.

76. Fire Apparatus vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.
77. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with Title 32, County of Los Angeles Fire Code.
78. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1.
79. Provide approved signs or other approved notices or markings that include the words "NO PARKING – FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.
80. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1.
81. A minimum 5-foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.
82. When security gates are provided, maintain a minimum access width of 20 feet ingress and 20 feet egress. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6.

Water System Requirements

83. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
84. The required fire flow for the public fire hydrants for single family residential homes less than 3,600 square feet is 1,250 gpm at 20 psi residual pressure for 2 hours within one public fire hydrant flowing. Any single family residential home 3,601 square feet or greater shall also comply with Table B105.1 of Fire Code in Appendix B.
85. Install 7 private on-site fire hydrants.

86. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4.
87. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
88. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution and shall cause same to be posted as required by law, and this Resolution shall take immediately.

APPROVED AND PASSED THIS 23rd DAY OF APRIL, 2018

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was approved at a regular meeting of the City Council of the City of Pomona held on the 23rd day of April, 2018, and adopted on the _____ day of _____, 2018 by the following vote:

Resolution No.
1901 S. White Ave. (CUP 8026-2017)
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AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk