

PC RESOLUTION NO. 16-011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING CONDITIONAL USE PERMIT (CUP 14-050) FOR A SEVEN-UNIT CONDOMINIUM RESIDENTIAL DEVELOPMENT, ON PROPERTY LOCATED AT 1344 W. GRAND AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.**

**WHEREAS**, the applicant, Wei Kwang Wang, has submitted an application for Conditional Use Permit (14-050) to allow a seven-unit multiple-family residential condominium development, including the subdivision (Tentative Tract Map 14-007) of the subject site into seven condominium units. The subject site is located at 1344 W. Grand Avenue, zoned R-2-S, Low Density Multiple-Family Residential with Supplemental Use Overlay.

**WHEREAS**, a conditional use permit is required for any development on property with a "S" overlay projects, pursuant to Section .440 of the Pomona Zoning Ordinance;

**WHEREAS**, the applicant has submitted Tentative Tract Map No. 72816 (TTM 14-007) in conjunction with Conditional Use Permit 14-050;

**WHEREAS**, the existing single-family residence on the subject site to be demolished was constructed in 1962 and is not considered a historic structure;

**WHEREAS**, the subject property is on a parcel designated as "Residential Neighborhood" on the General Plan Land Use Map;

**WHEREAS**, the proposed development meets all the development standards of the R-2-S (Low Density Multiple-Family with Supplemental Overlay) zone;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 13, 2016, concerning the requested Conditional Use Permit (CUP 14-050); 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 as follows:

**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

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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.** 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 14-050). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

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

The proposed use of the subject site for residential development, specifically, the development of seven new residences at this particular location will contribute to the general well being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

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

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

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

The subject site, while "L" shaped, is relatively flat and large-sized at approximately 32,330 square feet in size. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the R-2 zone while compatible with other uses in the vicinity.

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

The subject site has street access directly to Grand Avenue, a collector street with a right-of-way width of approximately 70 feet. Local access to the site is provided via Phillips Boulevard, a minor arterial and Buena Vista Avenue, a local street, both located approximately half a block south and east, respectively, of the subject site along Grand Avenue. Buena Vista Avenue, Phillips Boulevard, and Grand Avenue are all of adequate width and improvement to carry traffic generations typical of residential development projects.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the city and conforms to the provisions of the zoning ordinance.*

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

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 14-050), subject to the following conditions:

## **PLANNING DIVISION**

### **General Conditions**

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on April 13, 2016, and as illustrated in the stamped approved plans dated April 13, 2016. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. The approved Conditional Use Permit (CUP 14-050) 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 13, 2017. The Planning Commission may extend this period for one (1) year upon receipt of a written request by the applicant at least

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thirty (30) days before the expiration date of this approval

3. 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.
4. 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.
5. 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.
6. The applicant or property owner shall retain a copy of this resolution on the premises at all times and shall be prepared to produce it immediately upon the request of any City representative.
7. 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.



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**Conditional Use Permit Conditions**

8. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.
9. No driveway or entry gate system shall be allowed without first modifying this Conditional Use Permit (CUP 14-050) through a public hearing before the Planning Commission.
10. The property shall be maintained free of weeds and debris prior, during and after the construction period.
11. Landscaping is to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, which meets the most current State of California Drought Executive Order Model Water Efficiency Landscape Ordinance (MWELO) and any modification as adopted by the City of Pomona.
12. 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.
13. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.).
14. Any proposed fencing on the subject site shall be in compliance with Section .503-I of the Pomona Zoning Ordinance and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.
15. Window and wall trim shall be provided with durable treatment material subject to the review and approval of the Development Services Manager. No foam trim shall be installed on the first floor portions of any structures.
16. The project driveway shall not be used for the repair of vehicles.

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17. The provided "Common Open Space" shall be available to all residents of the project and their guests.
18. Prior to the issuance of building permits, cut-sheets for interior courtyard amenities shall be incorporated into the building plan check submittal, subject to Development Services Manager review and approval. Future modifications to the originally approved interior courtyard amenities and areas shall be subject to review and approval from the Development Services Manager.
19. The majority of the hardscape within the interior community courtyard, shall be provided with decorative elements to include, but not limited to, patterned stained/colored concrete, stamped concrete, stone, concrete overlays or other similar treatment.
20. Prior to the issuance of building permits, Development Services Manager approval, during the Plan Check process, shall be obtained for the design and materials of the hardscape decorative paving to be installed within the interior community courtyard.
21. Garage areas shall not be used for storage to the exclusion of parking of vehicles.
22. Red paint and "No Parking" indications shall be applied to curb areas along the project driveway. No vehicles shall be parked at any time within "no parking" areas and red curb areas.
23. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1, 5, 16, 17, 21, and 22 of this CUP and 3) provide reciprocal access easements and facilitate the use and maintenance of the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits.
24. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351.
25. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, et seq., and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
26. Prior to issuance of building permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and common areas. The lighting plan shall include a site plan showing

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the locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.

**CODE COMPLIANCE UNIT**

27. All off-street parking spaces provided for guests on the subject site shall be limited to 72 hours in accordance with Pomona City Code (PCC) 58-234(c). Signs stating such shall be provided.
28. There shall be no parking of Recreational Vehicles (RV) within the subject site.
29. The trash enclosure shall be provided with self-closing doors.

**BUILDING AND SAFETY DIVISION**

30. 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).
31. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2013 California Building Code (thru 12/31/2016), Chapters 3, 5, 6, 7, 9, 10, 11,12,14,15 and 25 for nonstructural provisions and Chapters 16, 17, 18,19,21,22 and 23 for the structural provisions.
32. All grading shall conform to the 2013 California Building Code (thru 12/31/2016), Appendix J, and all other relevant laws, ordinances, 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.
33. 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.
34. All proposed electrical work shall comply with the 2013 California Energy Code (thru 12/31/2016) and all other relevant laws, ordinances, and resolutions as adopted by the City of Pomona.
35. All proposed electrical work shall comply with the 2013 California Electrical Code (thru 12/31/2016) and all other relevant laws, ordinances, and resolutions as adopted by the City of Pomona.

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- 36. All proposed mechanical work shall comply with the 2013 California Mechanical Code (thru 12/31/2016) and all other relevant laws, ordinances, and resolutions governing mechanical as adopted by the City of Pomona.
- 37. All proposed plumbing work shall comply with the 2013 California Plumbing Code (thru 12/31/2016) and all other relevant laws, ordinances, and resolutions governing plumbing as adopted by the City of Pomona.
- 38. Proposed project shall comply with the 2013 California Green Building Standards Code (thru 12/31/2016) and all other relevant laws, ordinances, and resolutions governing sustainable design as adopted by the City of Pomona.

**LOS ANGELES COUNTY FIRE DEPARTMENT**

- 39. The Final Map shall be submitted to the Los Angeles County Fire Department for review and approval prior recordation.
- 40. Fire hydrant improvement plans shall be submitted for review and approval prior clearance of the Final Map.
- 41. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.
- 42. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires all weather access.
- 43. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
- 44. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders, 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 building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.1
- 45. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
- 46. 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

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47. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
48. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
49. The Final Map shall be submitted to the Los Angeles County Fire Department for review and approval prior recordation.
50. Install 1 public fire hydrant(s). As noted on the tentative map or the Exhibit A. Location: AS PER MAP FILED IN THE LOS ANGELES COUNTY FIRE DEPARTMENT OFFICE.
51. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
52. The required fire flow for the public fire hydrants on this residential development is 1250 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
53. Prior to final map clearance, provide written verification that the required fire hydrants have been bonded for in lieu of installation.
54. The fire hydrant improvement plans shall be submitted to the Los Angeles County Fire Department for review and approval prior clearance of the Final Map.
55. 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.
56. Parking shall be restricted 30 feet adjacent to any required public fire hydrant, 15 feet on each side measured from the center of the fire hydrant. Adequate signage and/or stripping shall be required prior to occupancy.

**Water & Wastewater Operations Department**

57. There is currently an existing eight-inch (8") DIP water main in Grand Avenue. The existing public water infrastructure shall be shown on the site plan. Connection to the eight-inch DIP main would allow adequate capacity to the development. The localized approximate static pressure for the proposed project area is 60 psi.



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58. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
59. Any private onsite water improvements are the owner's responsibility and not the City's.

**Domestic and Fire Service Line**

60. There is an existing 5/8" domestic meter at 1344 W. Grand Avenue according to our billing records. Define if this existing meter shall be used with the proposed development.
61. A master meter shall be required to serve the proposed project site for domestic service.
62. The applicant/developer shall calculate the new water demand (based on fixture units) to verify that the proposed or existing service can provide the water demand given the size, pressure, and distance of these services from the proposed buildings. These calculations shall be submitted to the WWO Division.
63. There are public fire hydrants within 300 feet of the proposed project site on Grand Avenue.
64. 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 must be placed at least five (5) feet from proposed driveways and off of parking spaces.
65. Contact the Public Works Department for information on new meters and all applicable meter fees. The City will install meters less than or equal to 2" in size.
66. 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.
67. Approved backflow devices (list the brand and model) are required for the following service lines to the site:
  - Reduced principal pressure devices are required for dedicated irrigation service lines to the proposed site; and
  - Reduced principal pressure devices are required for all domestic services; and
  - Double check detector assembly devices for all fire sprinkler service lines, or onsite mains serving solely hydrants.
68. 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.

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WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2004) format.

## SEWER

69. There is an existing eight-inch (8") VCP sewer main in Grand Avenue. There is also an existing 36" RCP trunk sewer main in Grand Avenue which shall not be connected to for any purpose. The existing sewer infrastructure shall be shown on the site plan.
70. The applicant/developer shall calculate the expected wastewater generated by the proposed development to properly size the sewer lateral. These calculations shall be submitted to the WWO Division. The existing eight-inch VCP main may have sufficient capacity for the development.
71. There is an existing four-inch (4") sewer service currently serving the proposed site according to our billing records.
72. The sewer lateral(s) from the public main to the site are considered private and shall be maintained by site owners.
73. 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.
74. 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 must also comply with Standard No. A-26-02 per the Public Works Standards.
75. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
76. The applicant/developer shall submit and include the following items in the sewer development plan:

### Construction Notes:

- The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.
77. 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.

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USD requests that these plans be sent in both hard copy and electronic (AutoCAD v. 2004) format.

**PUBLIC WORKS DEPARTMENT**

78. The following conditions and public improvements, as well as any applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws, including, but not limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual.
79. All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer. ‘

**Land Development Requirements**

80. Tentative Tract Map TTM 72816 has been submitted concurrently with CUP 14-050. The tentative tract map for the proposed development shall be recorded as one final tract map and developed as one tract. The issuance of the building permits as well as posting the financial security for all public improvements shall be coordinated and comply with the conditions of approval of the final map. The tract map shall be recorded prior to the issuance of building permits.

**Improvement Plans Requirements**

81. 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.
  - 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 any block wall locations, parkway width and any permanent facilities that might require maintenance and access easements.

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- d. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
- 82. 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.
- 83. 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.
- 84. 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.
- 85. Applicant/Developer shall submit public street improvement plans to include the following:
  - a. New driveway approach to comply with the City standards and ADA requirements.
  - b. New sidewalk, curb and gutter to replace (i) the existing driveway approach proposed for removal and (ii) all cracked, damaged sections of the existing sidewalk, curb and gutter along the property frontage.
  - c. Removal of the existing sections of block wall located along the easterly property line and encroaching in the public right-of-way.
  - d. Grand Ave. paving: grind and overlay along the lot frontage and over the entire street width; additional street paving might be required depending upon the extent of the dry utility pavement cuts associated with the proposed development.
  - e. Parkway drains built in compliance with the City standards.
  - f. Existing sewer, water and storm drain infrastructure, including laterals.
  - g. Notes:
    - i. 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".
    - ii. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.

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- iii. Undergrounding of all existing and proposed utility lines will be required as per City of Pomona Municipal Code Section 62-31(b)(1).
  - iv. The parkway landscaping shall be maintained by the property owner per City of Pomona Municipal Code Section 46-496.
  - v. The demolition or relocation of all public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by the Engineering Division of the Public Works Department.
  - vi. 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.
  - vii. 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.
86. 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.
87. Applicant is responsible for the implementation of storm water Good Housekeeping Best Management Practices for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.
88. Prior to the issuance of the building permit Applicant/Developer is responsible for the payment of all applicable City sewer connection fees and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.
89. Effective January 1, 2016, the City has adopted new service charges for water and sewer services. For further information on how charges are assessed, contact the City's Public Works Business Services Division at 909-620-2241.
90. 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 park and recreation improvements.



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91. Prior to issuance of the building permits applicant/developer is responsible for paying the project's development tax.
92. Prior to the issuance of the certificate of occupancy the property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting and Landscaping Maintenance District. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.
93. All 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.
94. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic (AutoCAD v. 2010) format. 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 in AutoCAD v. 2010 format.

**Public Works Improvements Permit**

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

95. Prior to the grading permit issuance, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, street frontage pavement, sidewalk, drainage and parkway improvements, and driveway approaches.
96. 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.

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

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98. 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 13<sup>TH</sup> DAY OF APRIL, 2016.**

  
DENTON MOSIER Carolyn Hemminger  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

  
BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

  
for ANDREW JARED  
ASSISTANT CITY ATTORNEY

Teresa Chen, Deputy City Attorney

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

AYES: Garcia, Arias, Mosier, Hemming, and Tharpe.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Juarez and Starr.

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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