

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING A MODIFICATION OF CONDITIONAL USE PERMIT (MODCUP 6844-2017) TO REDUCE THE BUILDING SQUARE FOOTAGE, ELIMINATE EXCESS PARKING, AND MODIFY CONDITIONS OF APPROVAL RELATED TO ON-SITE AND OFF-SITE IMPROVEMENTS CONTAINED WITHIN PLANNING COMMISSION RESOLUTION NO. 15-014 (CUP 14-058) FOR PROPERTY LOCATED AT 2780 SOUTH RESERVOIR ST.

WHEREAS, the applicant, G & R Puente, LLC, has filed an application for Modification of Conditional Use Permit (MODCUP 6844-2017) to revise the project description and to delete some of the conditions (CUP 14-058) at a badminton club within an industrial on a 3.27-acre property in the C-4 (Highway Commercial) zone located at 2780 South Reservoir Street (AIN: 8330-013-028);

WHEREAS, the establishment of a recreational facility is a conditionally permitted use in the C-4 (Highway Commercial) zone;

WHEREAS, the subject property is on a parcel designated as “Workplace District Edge” by the City’s General Plan;

WHEREAS, the subject property is located within the C-4 (Highway Commercial) zone;

WHEREAS, the proposed development meets all of the development standards of the C-4 (Highway Commercial) zone;

WHEREAS, on March 25, 2015, the Planning Commission of the City of Pomona approved Conditional Use Permit (CUP 14-058, Resolution No. 15-014) to establish a badminton club;

WHEREAS, the square footage of the project has been reduced by 3,500 square feet and the excess parking (on the adjacent property in the city of Chino) has been eliminated;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 23, 2018, concerning the requested Modification of Conditional Use Permit (MODCUP 6844-2017); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. In accordance of CEQA guidelines, the Planning Commission hereby determines that the proposed project would be categorically exempt under Article 19, Section 15301 (Existing Facilities), because the proposed project will utilize an existing structure where all public services and facilities are available to serve the project.

SECTION 2. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 3. the Planning Commission hereby partially supersedes, by modification, the previously approved Condition Use Permit CUP 14-058 approved by Planning Commission Resolution No. 15-014, by removing portions of Condition Number 26a and deleting Condition Numbers 14, 15, 16, 17, 25, and 46 as shown in Exhibit A. and adopts this Resolution by approving Modification of Conditional Use Permit (MODCUP 6844-2017), as set forth herein with modified conditions.

SECTION 4. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to grant, in part, Modification of Conditional Use Permit (MODCUP 6844-2017) to modify conditions of approval related to on-site and off-site improvements. 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 Modification of Conditional Use Permit (MODCUP 6844-2017) will provide for modified conditions of approval related to on-site and off-site improvements that will allow the badminton club use to contribute to the general well being of the neighborhood and community by providing new recreational activity to the area, as well as economic activity and employment to the general public.

2. *That such use will, under the circumstances of the particular case, not 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 proposed Modification of Conditional Use Permit (MODCUP 6844-2017) will result in the establishment of a badminton club that will not be detrimental to the health, safety, peace or general welfare of the people working in the area. It is located in an industrial park and not located adjacent to any residential development or zoning.

3. *That the site for 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 in the neighborhood.*

The proposed Modification of Conditional Use Permit (MODCUP 6844-2017) will not alter the topography, size, and shape of the lot. The subject site is approximately 3.27 acres, sufficient enough in size to accommodate all of the applicable development standards of the C-4 (Highway Commercial) zone, including parking, walls/fences, landscaping, and signage. A parking study has determined that the proposed badminton club's peak operating hours will coincide with the hours that the adjacent businesses are not in operation.

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

The proposed Modification of Conditional Use Permit (MODCUP 6844-2017) will not result in the generation of traffic that would exceed the capacity of the streets and highways from which the subject site will take ingress/egress. Reservoir Street and Walnut Avenue Street, and the 60 freeway are of appropriate width and improvements to handle any additional traffic generated by the proposed use.

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

The proposed Modification of Conditional Use Permit (MODCUP 6844-2017) will comply with all of the provisions of the General Plan and Zoning Ordinance. The proposed badminton club use is consistent with the uses intended for the area under the Workplace District Edge land use district. The proposed use is consistent with the following City of Pomona 2013 General Plan Update Goal 7BGI-Economic Development Component:

"Strengthen Pomona's role as an active and dynamic regional center for education, health care, commerce, and the arts, capitalizing on its prominent crossroads location, excellent regional access, transit infrastructure, and market trends."

SECTION 5. In accordance with Section .580.G of the Zoning Ordinance, the Planning Commission must make the following finding in order to grant, in part, Modification of Conditional Use Permit (MODCUP 6844-2017) by deleting conditions of approval. 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 deletion of such condition is necessary to permit reasonable operation under the conditional use permit as granted.*

The conditions proposed to be removed will not materially affect the original Conditional Use Permit and will facilitate the completion of a project already identified as benefitting the community by bringing new recreational activity to the area, as well as economic activity and employment to the general public.

SECTION 6. Based upon the above findings, the Planning Commission hereby approves Modification of Conditional Use Permit (MODCUP 6844-2017) to modify conditions of approval related to on-site and off-site improvements (as shown in Exhibit A), subject to the following conditions:

1. Written appeals may be filed with the City Clerk within twenty (20) days by one or more City Council members, the applicant, or any person owning property within four hundred (400) feet of the exterior boundary of the applicant's property.
2. The applicant shall retain a copy of this resolution on the premises at all times and be prepared to produce it immediately upon the request of any City representative.
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. 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 violation 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.
5. The property owner shall ensure that future tenants are provided with the conditions of approval and that tenants sign a lease addendum confirming that they have read and understand all conditions relative to operation of the facility.
6. A revised site plan and updated floorplans shall be submitted to the Planning Division before Plan Check submittal.

SECTION 7. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 23rd DAY OF MAY, 2018.

LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

EMILY STADNICKI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."

PC RESOLUTION NO. 15-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING CONDITIONAL USE PERMIT (CUP 14-058) TO ALLOW A BADMINTON CLUB WITHIN AN INDUSTRIAL BUILDING ON A 3.27-ACRE PROPERTY IN THE C-4 (HIGHWAY COMMERCIAL) ZONE LOCATED AT 2780 SOUTH RESERVOIR ST.

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, the applicant, G & R Puente, LLC, has filed an application for Conditional Use Permit (CUP 14-058) to allow a badminton club within an industrial on a 3.27-acre property in the C-4 (Highway Commercial) zone located at 2780 South Reservoir Street;

WHEREAS, the establishment of a recreational facility is a conditionally permitted use in the C-4 (Highway Commercial) zone;

WHEREAS, the subject property is on a parcel designated as “Workplace District Edge” by the City’s General Plan;

WHEREAS, the subject property is located within the C-4 (Highway Commercial) zone;

WHEREAS, the proposed development meets all of the development standards of the C-4 (Highway Commercial) zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on March 25, 2015, concerning the requested Conditional Use Permit (CUP 14-058); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. In accordance of CEQA guidelines, the Planning Commission hereby determines that the proposed project would be categorically exempt under Article 19, Section 15301 (Existing Facilities), because the proposed project will utilize an existing structure where all public services and facilities are available to serve the project.

SECTION 2. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or

invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 3. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 09-012). 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 badminton club use will contribute to the general well being of the neighborhood and community by providing new recreational activity to the area, as well as economic activity and employment to the general public.

2. *That such use will, under the circumstances of the particular case, not 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 applicant's request to allow the badminton club use will not be detrimental to the health, safety, peace or general welfare of the people working in the area. It is located in an industrial park and not located adjacent to any residential development or zoning.

3. *That the site for 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 in the neighborhood.*

The subject site is approximately 3.27 acres, sufficient enough in size to accommodate all of the applicable development standards of the C-4 (Highway Commercial) zone, including parking, walls/fences, landscaping, and signage. A parking study has determined that the proposed badminton club's peak operating hours will coincide with the hours that the adjacent businesses are not in operation.

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

The traffic generated by the proposed use will not exceed the capacity of the streets and highways from which the subject site will take ingress/egress. Reservoir Street and Walnut Avenue Street, and the 60 freeway are of appropriate width and improvements to handle any additional traffic generated by the proposed use.

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

The General Plan land use map designates the subject project as Workplace District Edge. The proposed badminton club use is consistent with the uses intended for the area under the Workplace District Edge land use district. The proposed use is consistent with the following General Plan goal:

“Strengthen Pomona’s role as an active and dynamic regional center for education, health care, commerce, and the arts, capitalizing on its prominent crossroads location, excellent regional access, transit infrastructure, and market trends.”

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 14-058) 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

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 March 25, 2015, and as illustrated in the stamped approved plans dated March 25, 2015. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. This approval for Conditional Use Permit (CUP 14-058) shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval (March 24, 2016). The Planning Commission may extend this period for one (1) year upon receipt of written request by the applicant at least thirty (30) days before the expiration date.
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 applicant shall retain a copy of this resolution on the premises at all times and be prepared to produce it immediately upon the request of any City representative.
5. 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 400 feet of the exterior boundary of the applicant's property.
6. 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.
7. 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 violation 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.
8. The property owner shall ensure that future tenants are provided with the conditions of approval and that tenants sign a lease addendum confirming that they have read and understand all conditions relative to operation of the facility.

9. 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.

Project Conditions

10. Before issuance of the building permits, the applicant shall provide proof to the Planning Division that the project plans have been reviewed and approved by the Los Angeles County Fire Department.
11. Prior to the issuance of a Certificate of Occupancy, three (3) bike racks shall be installed on the subject property at a location to be approved by the Development Services Manager.
12. No temporary signs shall be placed or allowed to remain within the landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, city trees, light standards, or City trees) or other portions of the project site. The only temporary signs allowed shall be properly permitted banner signs by permit per the City's sign ordinance.
13. All landscaping on-site shall be properly maintained and irrigated as may be suitable for the landscaping material existing or installed. Areas which would customarily be landscaped and where no landscaping currently exists shall be required to be planted and properly maintained and irrigated. All landscape areas shall be provided with an automated underground irrigation system. Landscape and irrigation plans shall be presented to the Planning Division for review and approval prior to building permit issuance.
14. ~~All paving, grading and landscaping of the adjacent parcel (AIN #101629113000) for the purpose of a parking lot shall be designed and developed in accordance with the regulations of the governing agency.~~
15. ~~Prior to occupancy, the adjacent parcel (AIN #1016291130000) shall be fully developed as a parking lot with paving, striping, and landscaping as required by the City of Chino.~~
16. ~~Prior to occupancy, the proof of recordation of access and parking easements between the subject site and the adjacent parcel (AIN #1016291130000, located in Chino) shall be submitted to the Planning Division for approval.~~
17. ~~The subject site shall at all times maintain reciprocal access and parking easements in place for adjacent parcels within the industrial park.~~

Operational Conditions

18. Tournaments and special events shall be restricted to weekends, non-business hours for other tenants and generally accepted holidays where industrial park is not in use.
19. The screens behind the roll up doors shall be maintained and at all times be free of damage and fraying. If damage or fraying is present, screens shall be replaced within 14 days.
20. Massage services shall be prohibited on site until such time that the City of Pomona has expired the current moratorium and drafted a code amendment allowing such practices.
21. A minimum of one employee or security guard shall be actively working at the club property at all times the club is open for access to customers, patrons, and/or members.
22. A security plan shall be submitted for review and approval by the Pomona Police Department prior to exercising the privileges authorized by this resolution. A copy of the approved Security Plan shall be submitted to the Planning Division to be kept on file. This condition shall be required for any new owner, operator, any substantial change in operations, any floor plan reconfigurations, and on a periodic basis as deemed appropriate by the Pomona Police Department. Any change in owner, operator, operations (of a substantial operational change), or any floor plan reconfiguration shall require a review and approval by the Pomona Police Department of the security plan then in effect. Such change shall also be reviewed by the Pomona Planning Division for conformity with the CUP. Such requirement shall not supplant any requirement for business or other licenses or permit under the Pomona city code.
23. The security company hired, if required by the security plan, must obtain a Business License from the City of Pomona and be bonded.
24. Applicant shall install and maintain a video surveillance system to be approved by the Pomona Police Department at time of review of the security plan. Applicant shall maintain high definition video images for at least sixty (60) days. Video images shall cover 360 degrees of interior spaces with the exception of restroom areas and include adjacent exterior premises surrounding the facility. Pomona Police Department personnel shall be provided video surveillance records upon request during such sixty day period.

PUBLIC WORKS DEPARTMENT

Improvement Plans Requirements

25. ~~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 scaled used for the plans needs to be large enough (1"=10' is preferred) to clearly show all of 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 section to show all block wall locations, parkway width and all permanent facilities that might require maintenance and access easement.~~
 - d. ~~Drainage configurations of the existing adjacent properties shall not be altered, redirected or modified in any way.~~
26. Applicant/Developer shall submit a public street improvements plan to include the following:
- a. ~~Installation of one new street light per City standards, on Walnut Avenue; this improvement shall be noted on the plan as being required to be completed prior to the future expansion of the Club over the remaining portion of the existing building, currently occupied by Mattel Company.~~ Additional on-site lighting may be installed in lieu of a new street light per the Public Works Department's requirements.
 - b. Grind and overlay of Walnut Avenue, along the entire lot frontage, from gutter to street centerline; this this improvement shall be noted on the plan as being required to be completed prior to the future expansion of the Club over the remaining portion of the existing building, currently occupied by Mattel Company.
 - c. Existing sewer, water and storm drain infrastructure, including laterals.
 - d. Undergrounding of all proposed utility lines will be required as per City of Pomona Municipal Code Section 62-31(b)(1). Applicant/Developer is responsible for all pavement trench restorations due to said undergrounding work.
 - e. 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 said public improvements".
 - f. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
 - g. Unobstructed visibility shall be ensured at all intersection and driveways along the project boundaries.
27. All improvements to the City's water system shall be installed at the Developer's expense in accordance with the provisions of the City of Pomona Water Code, Construction Standards and the Federal, State and County Public Health requirements, including payment of all required plan check fees, bonds, connection fees, water meter setting fees and all additional water facilities advance payments. Public water facilities that are existing or proposed to be

installed on private property must be approved by the city Engineer prior to the issuance of the grading permit.

28. Prior to the approval of the water improvement, site and/or grading plans Applicant/Developer shall calculate the new water demand (based on fixture units) to verify that the proposed service(s) can provide the water demand given the size, pressure, and distance of these services from the proposed buildings. This calculation shall include fire and domestic water demands. This calculation shall be submitted to the Water Wastewater Operations Division (WWOD) of the Public Works Department.

If verification of static pressure is desire, it may be obtained by requesting a fire hydrant flow test form the Public Works Department. The localized approximate static pressure for the proposed project area is 70-75 psi.

The proposed public water improvement and site plans shall include:

- a. All existing and new utilities, including existing and proposed water facilities, water meters, service lines, approved backflow devices, water mains and water easements:
 - i. One (1) sixteen-inch (16") ACP water main within Reservoir Street.
 - ii. One (1) twelve-inch (12") ACP water main within Walnut Ave.
 - iii. One (1) two-inch (2") domestic water meter and one (1) ten-inch (10") fire service lining serving 2780 S. Reservoir Street, based on current records. The meters shall be identified on the water/site plans and a note added to specify if they will be used with the proposed development.
 - iv. The Applicant/Developer shall install a master meter to serve this proposed development. There shall be no installation of public mains within private streets.
 - v. Public fire hydrants within 500 feet of the proposed project site. All proposed onsite hydrants shall be private and be painted red.
- b. Connections for all proposed water services shall be located at the closest adjacent public water main. Further design comments shall be issued by the WWOD regarding the extent of proposed public main within the proposed project area.
- c. Water Development plans are for the public water improvement only; all private water improvements shall be addressed separately; all private onsite water improvements are the owner's responsibility and not the City's.
- d. Property address, legal description, property lines, street centerline, curb-line existing and proposed utility easements, and right-of-way with dimensions.

29. Prior to the approval of the water improvement and/or site plans the Applicant/Developer shall meet all requirements of the Los Angeles County Fire Department (LACFD). Applicant/Developer shall contact LACFD to determine if additional fire hydrants are needed for the proposed development. All new fire hydrants must be placed at least five (5) from proposed driveways and off of parking spaces. Proof of LACFD approval is required prior to the final water improvement/site plan submittal to the Public Works Department. Contact the LACFD for information at (909) 620-2402.
30. The edge of all new meter vaults, if necessary, should be located in public right-of-way or the sidewalk two inches (2") from the face of the curb per Standard No.'s 11 and 12 of the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006. Meter (s) cannot be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
31. 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.
32. Applicant/Developer may elect to pay City for installation of water services 2-inch or smaller. The Contractor for the project is responsible for installing meters greater than 2 inches in the public right-of-way.
33. Prior to the issuance of the Certificate of Occupancy Applicant/Developer is responsible for installing approved low-lead (0.25%) Reduced Pressure Backflow Preventers (list brand and model) for the following water lines to the site:
 - a. Reduced principal pressure devices are required for all domestic services;
 - b. Reduced principal pressure devices are required for all dedicated irrigation service lines to the proposed site;
 - c. Double check detector assembly devices for all fire sprinkler services lines.
34. All existing public water facilities located on private property shall be installed within a City of Pomona easement of minimum 15-foot width, and will be maintained by the City. Applicant/Developer shall not place buildings, structures or trees on all related water easements, nor within 7 ½ feet of all City maintained water main without prior approval from the City.
35. Access to City water facilities for water operation crews shall be made available at all time for servicing and maintaining the water system and for reading water meters.

36. Easement rights shall hold the City harmless for removal and/or damage to the development improvements within easements during maintenance to, replacement of and/or operation of public water facilities.
37. All project related trench repairs in City maintained streets shall be per City Standard A-26-02. Following completion of all street/utility work, and prior to the issuance of the Certificate of Occupancy Applicant/Developer shall be required to repair all affected lanes of development street frontages to a condition “as good or better” as required per City Standard A-26-02.
38. All improvements to the City's **wastewater** system shall be installed at the Developer's expense.
39. Prior to issuance of the grading permit Applicant/Developer shall submit sewer improvement plans and a revised site plan for review and approval by the Public Works Department. Said plans shall include:
 - a. The existing and proposed sewer mains, laterals, manholes and applicable easements (min. 10 ft. width):
 - i. One (1) eight-inch (8”) VCP sewer main in Reservoir Street.
 - ii. One (1) eight-inch (8”) VCP sewer main in Walnut Avenue.
 - iii. There is currently an existing four-inch (4”) VCP lateral that is available for sewer service at the proposed development location. The plans shall clearly identify if this lateral is to be used.
 - iv. Existing sewer laterals from the public main to the site; said laterals are considered private and shall be maintained by the property owner.
 - v. The proposed sewer laterals with a profile and connection to the existing sewer laterals and sewer main.
 - vi. 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.
 - vii. Property address, legal description, property lines, street centerline, curb-line, existing and proposed utility easement, and right-of-way with dimensions.
40. Prior to approval of project’s sewer improvement, site and/or grading plans, the Applicant/Developer shall submit calculations of the expected wastewater generated by the building to properly size the sewer lateral(s) to serve the new development. These calculations shall be submitted to the WWOD for review and approval.
41. New sewer laterals must be constructed per Standard No. B-8-61 per City of Pomona Public Works Department Standard Drawings March 2006 (Public Works Standards). Construction shall also comply with Standard No. A-26-02 per the Public Works Standards.

42. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
43. Effective January 1, 2015, 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.
44. 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.
45. 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. Additionally, this project will be disturbing an area totaling greater than one acre therefore is subject to the Statewide General Construction Permit.
- ~~46. 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;~~
 - ~~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. The results of infiltration testing shall be provided as part of the SUSMP submittal.~~

~~Applicant/Developer 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.~~

47. 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 Owner 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.

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.

48. Prior to grading permit issuance Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, storm drains, street frontage pavement, sidewalk, drainage and parkway improvements, and driveway approaches.
49. 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.

50. Permittee shall pay fees associated with and possess the City of Pomona Business License.
51. 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.

BUILDING AND SAFETY DIVISION

52. The design must be reviewed and stamped by an architect licensed in the State of California – (Business and Professions code Sections 5537, 5538 and 6737.1).

53. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply the 2013 California Building Code, Chapters 5, 6, 7, 9, 10, 11, 12, 14, 15 and 25 for non-constructural provisions and Chapter 16, 17, 18, 19, 21, 22 and 23 for structural provisions, or such other building code applicable at the time of issuance of permits by the City of Pomona Building and Safety Division.
54. Building is an unreinforced masonry building subject to seismic strengthening (retrofitting) per Pomona City Ordinance 3706 and modified structural design provisions per Ordinance 4186, Part10 of the 2013 CBC.
55. All proposed electrical work shall comply with the provisions of the 2013 California Energy Code, and all other relevant laws, ordinances, and resolutions governing Energy conservation, as adopted by the City of Pomona at the time of installation.
56. All proposed electrical work shall comply with the 2013 California Electrical Code and all other relevant laws, ordinances and resolutions governing electrical as adopted by the City of Pomona at the time of installation.
57. All proposed mechanical work shall comply with the provisions of the 2013 California Mechanical Code, and all other laws, ordinances, and resolutions governing mechanical as adopted by the City of Pomona at the time of installation.
58. All proposed plumbing work shall comply with the provisions of the 2013 California Plumbing Code, and all other laws, ordinances, and resolutions governing plumbing as adopted by the City of Pomona at the time of installation of improvements.
59. The proposed project shall comply with the 2013 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 25^h DAY OF MARCH, 2015.



DENTON MOSIER
PLANNING COMMISSION CHAIRPERSON

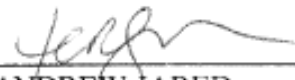
PC Resolution No.
2870 South Reservoir Street (CUP 14-058)
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ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
for ASSISTANT CITY ATTORNEY
by Teresa Chen, Deputy City Attorney
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Garcia, Arias, Juarez, Mosier, Hemming, and Tharpe.

NOES: None.

ABSTAIN: None.

ABSENT: 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 Sec. 1094.6 C.C.P."