

PC RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT (CUP 12-012) FOR FIVE TILT-UP WAREHOUSES ON A PROPERTY LOCATED AT 22122 VALLEY BOULEVARD.

WHEREAS, the applicant, Chalmers Equity Group, has submitted an application for Conditional Use Permit (CUP 12-012) for five tilt-up warehouses on a property located at 22122 Valley Boulevard;

WHEREAS, the applicant has concurrently submitted an application for a General Plan Amendment (GPA 5394-2016), Tentative Parcel Map (TPM 7550-2017), and Zone Change (ZONE 5395-2016), for the annexation of multiple parcels and public right of way along Valley Boulevard, totaling approximately nine acres in size, currently located in the County of Los Angeles, to the City of Pomona, and the development of five tilt-up warehouses on a portion of the annexed site.

WHEREAS, the subject property is currently located within the M-2 General Industrial Zoning District, and the remaining portion is proposed for annexation from the County of Los Angeles into the City of Pomona's M-2 General Industrial Zoning District;

WHEREAS, a portion of the subject property is designated as "Workplace District Edge" on the General Plan Land Use Map, and the remaining portion is proposed for annexation from the County of Los Angeles into the City of Pomona's "Workplace District Edge" designation on the General Plan Land Use Map;

WHEREAS, the approval of a conditional use permit by the Planning Commission is required for the development of an industrial facility of over 20,000 square feet of gross floor area in all M zoning districts;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 25, 2018, concerning the requested Conditional Use Permit (CUP 12-012); and

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

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

SECTION 1. The Planning Commission, exercising independent judgment, finds that the project will not have an adverse impact on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) found in the California Public Resources Code, an Initial Study was prepared to assess the potential effects on the

environment for the portion of the project that will be developed, and found that although the proposed project could have significant impacts on the environment, the impact will not be significant because mitigation measures added to the project will reduce these impacts to levels less than significant. Therefore, a Mitigated Negative Declaration of Environmental Impacts with mandatory findings of significance and mitigations has been prepared for the project. Moreover, a CEQA Exemption and Environmental Assessment was prepared for the portion of the project involving annexations of parcels to eliminate islands of land that do not involve new development. This portion of the project is exempt from CEQA pursuant to the “General Rule” clause located in Section 15061(b)(3) of the CEQA Guidelines. The Planning Commission hereby recommends City Council adopt said Mitigated Negative Declaration, including the Mitigation Monitoring Program that has been incorporated as conditions of approval in this Resolution.

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

SECTION 3. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make five (5) findings in order to approve Conditional Use Permit (CUP 12-012). 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 proposed use of the subject site for industrial development, specifically, the development of tilt-up warehouses, will contribute to the general well-being of the neighborhood and the community by providing a job-generating land use to neighboring residents.

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

As conditioned, the applicant’s request will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in substantial conformance with the development standards and use requirements of the Pomona Zoning Ordinance. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity as the proposed use of a tilt-up warehouse does not create any significant nuisance or externality to surrounding properties, and is a use that is compatible with the underlying zoning district.

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 site is of sufficient size and shape to accommodate parking, loading, drive aisle width, and other site requirements, which would allow it to be compatible with surrounding land uses.

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

The subject site takes access from Valley Boulevard, which is capable of handling any additional vehicle trips generated by the proposed use.

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

The project is consistent with the City's General Plan in that the proposed industrial use is consistent with the "Workplace District Edge" place type site shown on the General Plan Land Use Map. In particular, the proposed project addresses the following Workplace District, Land Use, and Economic Development policies:

Policy 6F.P3: Continue to permit General Industrial uses, while attracting new business park and campus style developments.

Policy 6F.P15: Maintain design and development standards aimed at improving the appearance of industrial uses.

Policy 7A.P2: Continually monitor land use in the City to ensure a balanced inventory of sufficient land offering appropriate land use designations.

Policy 7B.P2: Pursue economic development opportunities in areas of change focusing on priority action areas on targeted sites that can help support the vision for Pomona Tomorrow and catalyze private development.

SECTION 4. Based upon the above findings, the Planning Commission hereby recommends City Council approval of Conditional Use Permit (CUP 12-012) 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

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 25, 2018, and as illustrated in the stamped approved plans. Any major modifications to the approved project plans shall be reviewed and approved by the Planning 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 shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval (April 25, 2020), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. The 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 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.
5. The project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the

applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.

Plan Check:

6. The applicant shall include all conditions of approval from Conditional Use Permit (CUP 12-012) on the title sheet of construction plans prior to plan check submittal.
7. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
8. The installation of fences and walls that were not contemplated as part of this permit will require the submittal of a "Fence and Wall Permit" for review and approval by the Planning Division. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be avoided to the greatest extent feasible. The applicant shall coordinate with the adjacent property owner(s) and make reasonable attempts to construct one common property line wall. If coordination with the adjacent property owner(s) cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private property and construction of a new common wall shall include approval by the adjacent property owner(s). The plans shall identify materials, seep holes, and drainage.
9. Prior to the issuance of any building permits, the following must be completed:
 - i) A *Landscape Plan Check* in substantial conformance to the conceptual landscaping plan submitted as part of the Conditional Use Permit process. Plan should further conform to the State Model Water Efficient Landscape Ordinance, and applicable portions of Section .503-J of the Pomona Zoning Ordinance. A landscaping maintenance bond shall be required and held for a period of one year to ensure the project's compliance with the approved landscaping, at an amount to be determined by the Development Services Manager.
 - ii) A *Photometric* plan demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and common areas. Plan shall identify locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent

- properties and buildings.
- iii) A *Mechanical* plan demonstrating the location, type, size, and appropriate screening of all ground-mounted and roof-mounted mechanical equipment. All mechanical equipment shall be screened from public view.
 - iv) A *Sign Permit* will be required for any installation of new signage.

Site Development & Maintenance:

- 10. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.
- 11. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, *et seq.*, and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
- 12. The construction area shall be kept clean at all times prior to, during, and after construction.
- 13. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager.
- 14. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Conditional Use Permit 12-012. Prior to removing or replacing any landscaped areas, check with the Planning Division. Substantial changes may require approval by the Development Services Director.

Mitigation Monitoring Program:

- 15. Mitigation Measure No. 1 (Aesthetic Impacts): The Applicant must ensure that appropriate light shielding is provided for the lighting equipment in the parking area, buildings, and security as a means to limit glare and light trespass. The plan for the lighting must be submitted to the Chief Building Official and the Development Services Manager for review and approval prior to the issuance of any building permits.

16. Mitigation Measure No. 2 (Aesthetic Impacts): A project site parking and street lighting plan and an exterior photometric plan indicating the location, size, and type of existing and proposed lighting shall be prepared by the Applicant and submitted for review and approval by the Chief Building Official and the Development Services Manager.
17. Mitigation Measure No. 3 (Cultural Resource Impacts): In the unlikely event that a human burial or archaeological resources are encountered, all construction activities shall be halted and the Pomona Police Department will be contacted (the Department will then contact the County Coroner). Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply in terms of the identification of significant archaeological resources and their salvage. This section of CEQA, among other things, incorporates provisions previously contained in Appendix K of the Guidelines.
18. Mitigation Measure No. 4 (Cultural Resource Impacts): If a paleontological resource is unearthed during construction, all construction related activities must cease immediately. The Applicant will need to seek the advice of a qualified paleontologist/geologist to see if the resource is deemed to be significant. In the event that the paleontological and/or geologic feature has been determined to be significant, the provisions outlined in Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply.
19. Mitigation Measure No. 5 (Hydrology and Water Quality Impacts): Prior to issuance of any grading permit for the project that will result in soil disturbance of one or more acres of land, the Applicant shall demonstrate that coverage has been obtained under California's General permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing shall be provided to the Chief Building Official and the City Engineer.
20. Mitigation Measure No. 6 (Hydrology and Water Quality Impacts): The Applicant shall prepare and implement a Storm Water Pollution Prevention Program (SWPPP). The SWPPP shall be submitted to the Chief Building Official and City Engineer prior to the issuance of a grading permit. The Applicant shall register their SWPPP with the State of California. A copy of the current SWPPP shall be kept at the project site and be available for review on request.
21. Mitigation Measure No. 7 (Hydrology and Water Quality Impacts): All catch basins and public access points that cross or abut an open channel shall be marked by the Applicant with a water quality label in accordance with City standards. This measure must be completed and approved by the City Engineer prior to the issuance of a Certificate of Occupancy.
22. Mitigation Measure No. 8 (Hydrology and Water Quality Impacts): The Applicant shall be responsible for the construction of all on-site drainage facilities as required by the City Engineer.

23. Mitigation Measure No. 9 (Noise Impacts): All construction activities must comply with Section 18.305.3 of the City of Pomona Municipal Code, which limits construction activities to the hours between 7:00 A.M. and 8:00 P.M. In addition, construction noise shall not exceed 65 dBA as indicated in the code.
24. Mitigation Measure No. 10 (Noise Impacts): Construction equipment staging and storage areas should be located as far from nearby residential uses as possible.
25. Mitigation Measure No. 11 (Noise Impacts): All construction equipment should be properly maintained with operating mufflers and air intake silences as effective as those installed by the original manufacturer.
26. Mitigation Measure No. 12 (Traffic Impacts): No on-street parking will be permitted along the site's Valley Boulevard frontage. Appropriate curb striping and/or signage must be provided. The Applicant will be responsible for the implementation of the necessary controls. All such traffic controls must be approved by the City.
27. Mitigation Measure No. 13 (Traffic Impacts): All truck maneuvering and queuing must be completed on-site. No trailer drop offs or queuing within the public right-of-way will be permitted.

COUNTY OF LOS ANGELES FIRE DEPARTMENT

28. 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.
29. 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
30. 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.
31. 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
32. 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

33. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1
34. 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
35. The HVTL shall be underground as indicated on site plan, sheet A-1 filed in the LDU filed in the LDU Office.
36. The HVTL underground is approved to be in front of building one and the adjacent driveway, and returning to above grade at building two.
37. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
38. All on-site fire hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall. Exception: For fully sprinkled multi-family structures, on-site hydrants may be installed a minimum of 10 feet from the structure. Fire Code Appendix C106
39. All private on-site fire hydrants shall be installed, tested and approved prior to building occupancy. Fire Code 901.5.1
40. Plans showing underground piping for private on-site fire hydrants shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation. Fire Code 901.2 & County of Los Angeles Fire Department Regulation 7.
41. Install 3 new Private on-site fire hydrants. (fire hydrant locations as per Site plan filed in the LDU Office).
42. The required fire flow for the on-site private fire hydrants for this project is 5,250 gpm at 20 psi residual pressure for 4 hours. Three on-site fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
43. Install 3 new public fire hydrants on Valley Blvd. (locations as per Site plan filed in the LDU Office).
44. The required fire flow for the public fire hydrants for this project is 5250 gpm at 20 psi residual pressure for 4 hours. Three public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
45. All required public fire hydrants shall be installed, tested and accepted prior to

beginning construction. Fire Code 501.4

46. Submit a minimum of three (3) copies of the water plans indicating the new fire hydrant locations to the Fire Department's Land Development Unit for review. Upon completion verification of fire flow and installation shall be submitted to the County of Los Angeles Fire Department, Fire Prevention Engineering for review and clearance.

BUILDING & SAFETY

47. The undergrounding of utility facilities is required (PMC 62-31).
48. 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).
49. 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.
50. 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.
51. Geotechnical and/or soils reports required in order to obtain a grading permit shall be submitted to the Building Official for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of a grading geotechnical/soils report as approved by the City of Pomona.
52. 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.
53. 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.
54. Proposed project shall be sprinklered and comply with all other relevant all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
55. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

WATER RESOURCES

Water:

56. The proposed development is within the Walnut Valley Water District service area. The City of Pomona has no water service in this area.

Sewer:

57. Onsite there are currently existing eight-inch (8") VCP and fifteen-inch (15") VCP sewer mains directly adjacent to the proposed development. The existing sewer infrastructure shall be shown on the site plan. Per the proposed plan, the proposed 8" PVC sewer main shall be privately installed and maintained. The City shall continue to maintain the existing manhole that is proposed to be used as the point of connection. The manhole used as the point of connection (MH #C251536) shall be protected and connected to per City of Pomona standard drawing B-1-61.
58. There are no existing sewer services for this site according to our billing records. The applicant/developer must calculate the expected wastewater generated by the development to properly size the sewer lateral(s) to serve the new site. These calculations shall be provided to the Public Works Department.
59. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
60. Effective January 1, 2017, the City has adopted new service charges for sewer service. For further information regarding applicable fees, contact the City's Public Works Business Services Division.
61. The applicant/developer shall submit and include the following items in the sewer development plan:
 - a) 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.
62. 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. Water Resources requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.

PUBLIC WORKS DEPARTMENT

Parcel Map Requirements:

63. Tentative Parcel Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
64. The tentative parcel map shall be recorded and developed as one parcel map, but may be developed in phases.
65. All existing and proposed water, sewer, drainage, ingress/egress easements, roadway dedications, traveled ways and drainage courses must be clearly shown on the map; all easements proposed to be vacated, including the approximately 0.60 acre existing street

use and public highway lot corresponding to Assessor Parcel Number 8709-026-062, need to be performed as part of the final parcel map. Prior to recordation the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonably interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the parcel map to be resubmitted for further consideration.

Provide copies of all recorded instruments pertaining to the aforementioned easements.

66. Prior to the parcel map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
67. All subdivisions must have centerline ties and survey property monuments set by a licensed Professional Civil Engineer or Land Surveyor as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the parcel map recordation; adequate monumentation bond is required prior to the final parcel map approval.
68. Prior to the parcel map approval, developer shall post security guaranteeing the construction of all associated public improvements.
69. Prior to the issuance of any building permits, the parcel map shall be recorded to reflect the new lot lines. A Mylar copy of the final parcel map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
70. Applicant/Developer shall ensure that a property owners' 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 parcels. 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

1. Applicant/Developer shall submit the **grading, drainage and erosion control plans** for review and approval by the Public Works, Planning and Building and Safety 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.
2. 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.

3. Prior to the issuance of the grading permit the Applicant/Developer shall provide non-interference letters from all applicable utility agencies for all utility easements located within the areas subject to grading activities. All such documents shall be subject to review and approval by the City Engineer.
4. 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.
5. Applicant/Developer shall submit **public street improvement plans** to include the following:
 - a. New driveway approaches per City standards and ADA requirements.
 - b. New sidewalk where none exists and to replace all existing aprons (total of two) proposed for removal.
 - c. New curb and gutter to replace all damaged and/or cracked curb and gutter sections.
 - d. Overlay paving of Valley Boulevard along the property frontage in compliance with the City's paving requirements.
 - e. Street Lights: install six (6) new street lights along the property frontage, per City standards (separate plan required).
 - f. Parkway drains per City standards.
 - g. Existing sewer, water and storm drain infrastructure, including laterals.
 - h. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
 - i. Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b).
 - j. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - k. 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".
6. 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.

7. 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.
8. 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.
9. 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.
10. Prior to issuance of the grading permit Applicant/Developer shall develop and obtain the City approval of the final Standard Urban **Stormwater Mitigation Plan (SUSMP)** for the proposed project. The SUSMP shall be prepared in accordance with the City of Pomona's Low Impact Development (LID) Ordinance, the City of Pomona's Green Streets Policy and the Los Angeles Region NPDES MS4 Permit No. CAS004001, Order No. R4-2012-0175 which includes:
 - a. Site Design BMPs;
 - b. Source Control BMPs; and
 - c. Treatment Control BMPs.

Applicant/Developer shall utilize the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (published February 2014) as a guidance document for the design of applicable Best Management Practices (BMPs) proposed for the project.

Post-construction Structural and/or Treatment Control BMPs, shall be designed to mitigate (infiltrate or harvest and use) storm water run-off from the 85th percentile 24-hour rain event or 0.75-inch, 24-hour rain event, whichever is greater. The comparison must be provided in the SUSMP.

Applicant/Developer shall utilize the County of Los Angeles Department of Public Works' HydroCalc program described in the LID Manual to calculate these design flows and volumes. The program download can be found at <http://dpw.lacounty.gov/wrd/publication/>.

Applicant/Developer shall implement Good Housekeeping BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.

The project involves soil-disturbing activities in excess of 1 acre therefore Applicant/Developer shall apply for a State General Construction Permit (Order No.

CAS000002) and submit a copy of the Stormwater Pollution Prevention Plan to the Public Works Engineering Division.

11. Traffic

- a. Appropriate curb striping and/or signage shall be provided to prohibit the on-street parking along the site's Valley Boulevard frontage.
 - b. All truck maneuvering and queuing must be completed on-site. No trailer drop-offs or queuing within the public right-of-way are permitted.
 - c. A traffic signal shall be installed at the middle (main) driveway unless a sight distance analysis is provided to show a minimum of 590 feet of clear sight distance at this driveway location.
 - d. The proposed project driveways, total of three (3), shall be designed and constructed in conformance with City of Pomona standards, including provisions for sight distance and truck turning path requirements.
 - i. Truck turning movements shall be limited to the applicable travel lane and shall not impact the adjacent travel lane traffic.
 - ii. The truck turning templates shall be submitted to the City for review and approval.
 - iii. Modify the proposed project driveways based on the truck sizes used for the project's operations and to accommodate the City approved truck turning templates.
 - e. The existing Valley Boulevard medians shall be reconstructed as follows:
 - i. To prohibit the southbound left turn movements at the southerly and northerly driveways.
 - ii. To prohibit the southbound left turn movements at the middle driveway unless a traffic signal is installed by the Applicant/Developer.
12. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, public safety improvements and the project's **sewer connection fees**.
13. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
14. 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. This requirement applies to Assessor Parcel Numbers 8709-026-061 and -062.
15. 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.

16. The plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property owner, address, legal description, property lines, street centerline, curb-lines, existing and proposed utilities (water, sewer, and storm drain), utility easements, and the public right-of-way areas with dimensions.

Public Works Improvements Permit

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

17. **Prior to the parcel map recordation, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, existing and proposed overhead lines undergrounding, sewer, storm drain, street lights and traffic improvements.**

18. 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.

19. Permittee shall pay fees associated with and possess the City of Pomona Business License.
20. 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 25TH DAY OF APRIL, 2018.

LUIS 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 California Code of Civil Procedure Section 1094.6.

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