

## **RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING VARIANCE (VAR 10975-2018) TO ALLOW EXCEPTIONS TO CERTAIN LANDSCAPE STANDARDS AT THE 14.44 ACRE PROPERTY IN THE TRANSIT ORIENTED DISTRICT – NEIGHBORHOOD ZONE OF THE PHILLIPS RANCH SPECIFIC PLAN LOCATED AT 55-65 RANCHO CAMINO DRIVE**

**WHEREAS**, the applicant, YK America Group Inc., has submitted an application for a Variance (VAR 10975-2018) to allow less parking lot shading and fewer trees than required in the parking lot at the proposed project on the 14.44 acre property located at 55-65 Rancho Camino Drive;

**WHEREAS**, the applicant has concurrently submitted a Major Site Development Permit (MAJSDP 9544-2018) to allow development of the site with 6-story, 215-room hotel with conference facilities totaling approximately 164,045 square feet; a 246-space, 2-story parking structure for the hotel; a 6-story mixed-use tower with a 38,469 square-foot health club and 100 dwelling units and 153 resident parking spaces; surface parking for 388 vehicles); a Conditional Use Permit (CUP 10985-2018) to allow alcohol sales at the hotel; and a Modified Tentative Parcel Map (PARCELMAP 9545-2018), to subdivide the site into four lots;

**WHEREAS**, the subject property is located within the Transit Oriented District – Neighborhood area of the Phillips Ranch Specific Plan (PRSP);

**WHEREAS**, the subject property is designated “Transit Oriented District: Neighborhood” by the City’s General Plan;

**WHEREAS**, the PRSP establishes the development standards for uses in the Transit Oriented District – Neighborhood zone;

**WHEREAS**, Section .560 of the Pomona Zoning Ordinance establishes criteria for a Variance;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on November 28, 2018 concerning the requested Variance (VAR 10975-2018); and

**WHEREAS**, the Planning Commission of the City of Pomona 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 City of Pomona, on September 12, 2016, Certified the Final Environmental Impact Report (FEIR) for development of the site with a 6-story, 200-room hotel and conference center and parking structure, a 3-story office building totaling approximately

75,000 square feet, a Tentative Parcel Map to subdivide the site into three lots, and a Specific Plan Amendment to amend the PRSP by creating two new mixed-se land use designations (Activity Center and Transit Oriented District – Neighborhood) to replace the Regional Commercial land use designation. Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084 et. seq.), and CEQA Guidelines Section 15164, an Addendum to the Certified FEIR was prepared to evaluate the revised project. Mitigation Measures previously identified in the FEIR will be implemented in addition to all conditions of approval. Mitigation measures address potentially significant impacts related to Traffic and Circulation, Air Quality and Noise. The Addendum determined that the revised project would not result in any new significant impacts not considered and addressed in the Certified FEIR; nor would there be any substantial increase in the severity of any previously-identified environmental impact considered in the Certified EIR. Therefore, the Planning Commission, exercising their independent judgment, has determined that all potential environmental impacts will be reduced to levels less than significant with the implementation of the mitigation measures outlined in the Mitigation Monitoring Program incorporated into the Addendum.

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

**SECTION 3.** Pursuant to Section .560(G) of the Zoning Ordinance, the Planning Commission must make the five findings listed below in order to grant a Variance. Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *That there are special circumstances applicable to the property including but not limited to size, shape, location, topography or surroundings that deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The property has unique characteristics that deprive the owner of privileges and rights enjoyed by owners of other properties in the same zoning district or neighborhood of the subject lot, in that an old landfill is located beneath much of the site. In order to protect the integrity of the landfill cap, and prevent water from infiltrating through the cap, structures and trees will be limited above the landfill. The existence of the landfill limits the location of the structures, which in turn dictates the location of the surface parking lot. Only parking lot lighting and a small number of trees and shrubs will be located above the landfill. The limit on the size and number of large plants means the project will not be able to provide the required number of trees (1 for every 5 spaces, or 78 trees required versus approximately 30 trees proposed).

2. *That the granting of the variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.*

The granting of the variance with the recommended conditions of approval will not constitute a special privilege in that the project has provided a landscaping plan consistent to the maximum extent feasible with the intent of the landscaping standards while dealing with the unique constraints of the site.

3. *That the granting of the variance will be consistent with the provisions of any Specific Plan, or the adopted General Plan.*

The proposed project is consistent with the following General Plan goals and policies:

*“Establish a pattern of retail centers that is based on existing conditions, aligned with investor preferences, and will satisfy current and future market demand.” (Goal 6A.31)*

*“Over time, concentrate retail investment in “activity centers” that provide a variety of shopping environments that conveniently serve the regional and local community.” (Goal 6A.G2)*

*“Improve the physical quality and shopping experience of existing and new activity centers throughout the City.” (Goal 6A.G5)*

*“Establish a pattern of development that takes advantage of local and regional transportation infrastructure.” (Goal 6B.G1)*

*“Ensure that higher intensity transit-oriented development is built with the care and quality that reflects the City’s values and community pride.” (Goal 6B.G3)*

*“Create evenly spaced and well-distributed activity cluster destinations that anchor the east and west ends of the Holt Avenue corridor and the SR-71/SR-60 to strengthen the gateway function of these locations.” (Goal 6B.G12)*

*“Use a variety of regulatory tools to encourage specific types of retail development in locations where it is most feasible and compatible with the pattern of activity centers identified in the Pomona Tomorrow diagram, and discourage it in other locations.” (Policy 6A.P1)*

*“Strategically identify locations for activity centers that maximize both neighborhood and vehicular accessibility and visibility.” (Policy 6A.P2)*

*“Use regulatory tools to concentrate height and intensity at these gateway locations (Holt@SR-71 & Indian Hill, SR-60/SR-71).” (Policy 6B.P10)*

In addition, the project is consistent with the intent to promote mixed-use projects in the Transit Oriented District area in conjunction with other development at the Pomona Ranch Plaza.

4. *That the granting of the variance will not be materially detrimental or injurious to the surrounding properties nor to the general development pattern of the neighborhood.*

The granting of the Variance will not be materially detrimental or injurious to the surrounding properties nor to the general development pattern of the neighborhood in that the property is designed in a manner compatible with the adjacent office and retail uses. The site is intended to be part of a large, regional shopping center. A very similar version of the project was approved in 2016, including a proposed surface parking lot north of the hotel. The Pomona Ranch Plaza includes a number of large-footprint uses, including Walmart and the offices to the east and west of the proposed site, with large surface parking lots. The project will be consistent in style, and compatible with, with the adjacent uses.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Variance (VAR 10975-2018) 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 Variance or any portion thereof:

#### **PLANNING DIVISION**

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on November 28, 2018. 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 applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
3. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions

and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

4. The approved Variance (VAR 10975-2018) 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 November 28, 2019. The Planning Commission may extend this period for one (1) year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval.
5. 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.
6. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Variance.
7. 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 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.

8. The applicant shall conform to Section .5809-24 of the Pomona Zoning Ordinance pertaining to public art requirements for private development by complying with one of the following two options:
  - a) Placement of an approved Public Art on the Project site.
    - i. The Applicant may decide to place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), shall be in an amount equal to or in excess of the Public Art Allocation.
    - ii. A Final Design Plan of the Public Art to be installed on Project site shall be approved by the Commission before issuance of a building or grading permit for the Project.
    - iii. The Public Art shall be installed on the Project site before issuance of a Certificate of Occupancy, including any temporary Certificate of Occupancy, for the Project. In cases where the Public Art cannot be installed on the Project site before issuance of a Certificate of Occupancy, the Applicant may post a cash bond to assure installation of the Public Art. The cash bond shall be in an amount equal to the Public Art Allocation or an amount based on any remaining, unexpended artwork budget as determined by the Community Development Director. The bond shall not be released until the Public Art has been completed and installed on the Project site in accordance with the approved Final Design Plan.
  - b) Payment of an In-lieu Contribution.
    - i. Rather than place an approved Public Art on the Project site, the Applicant may choose to pay an In-lieu Contribution. The In-lieu Contribution shall be submitted to the City and deposited into the Public Art Fund before issuance of any building or grading permit for the Project.
    - ii. Use of In-lieu Contributions shall comply with the following:
      - (1) In-lieu Contributions shall be used for the acquisition and installation of Public Art on public or private property in the City, except that up to 1/3 of the In-lieu Contribution may be used for maintenance of the proposed Public Art or an existing Public Art that is listed on the City's registry of Public Art.
      - (2) In-lieu Contributions may be aggregated with other funds contained in the Public Art Fund for the purpose of providing a single qualifying Public Art project.
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. 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.

10. 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.
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. No temporary signs relating to any activity on the premise shall be placed or allowed to remain within landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, and city trees) or other portions on the exterior of the building. The only temporary signs allowed shall be properly permitted banner signs by permit per the City's sign ordinance. Signs placed in any window of the premises shall comply with the City's sign ordinance, and all other conditions under this Conditional use Permit
13. The property shall be maintained free of weeds and debris prior, during and after the construction period.
14. Prior to the issuance of building permits, cut-sheets for street furniture and window details, and so forth shall be incorporated into the building plan check submittal, subject to Development Services Manager review and approval.
15. Prior to the issuance of building permits, plans shall be revised to indicate location of decorative bicycle racks. The number and location shall be subject to review and approval of the Development Services Manager.
16. All decorative hardscape improvements within the interior of the community, as depicted by the project plans, shall provide decorative elements to include, but not limited to, patterned stained/colored concrete, stamped concrete, stone, concrete overlays or other similar treatment as approved by the Development Services Manager.
17. Prior to the issuance of building permits, Development Services Manager approval, during plan check process, shall be obtained for the design and materials of the hardscape decorative paving to be install within the development.
18. 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.

19. The provided "Common Open Space" shall be available to all hotel patrons and their guests.
20. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the hotel and conference center. At a minimum, the CC&R's shall include provisions that establish reciprocal access and parking easements. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits.
21. 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 rights-of-way. Backflow prevention devices shall be not be located in the street facing front and side yard setbacks and shall be adequately screened from public view.
22. The location of the mechanical equipment serving the buildings shall be shown. If ground mounted, conceal the equipment from public view either utilizing landscaping or a masonry block wall. If roof mounted, conceal the equipment below the parapet so that it is not visible from public view.
23. No storage of recreational vehicles (RV's) shall be permitted. RV parking shall be limited to hotel guests only.
24. No vending machines of any kind shall be installed outdoors within the Project Site. There shall be no public pay phones installed within or upon any portion of the premises.
25. Loitering and panhandling on the premises shall be prohibited. Signs stating such prohibition shall be posted on the property.
26. Interior and exterior site video surveillance equipment shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity on surrounding public rights-of-ways as well the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.
27. The operator shall submit a security plan for review and approval by the Pomona Police Department.
28. The hotel shall only be used for nightly or short-term accommodations in perpetuity.
29. The hotel shall not provide long term stay accommodations or be used in such a way in which City of Pomona would be prevented from collecting transient occupancy tax.
30. No overnight truck parking shall be permitted except within the designated loading docks.



31. No subletting or leasing of parking areas for vehicle storage or other similar equipment or activities.
32. The parking structure shall be provided with adequate lighting at all times and shall have interior walls and ceilings painted a reflective white or light color. The underground parking structure shall also be provided with surveillance equipment and shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity within the underground parking structure. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.
33. A decorative “green screen” material shall be installed along the easterly face of the parking structure serving the hotel. The green screen shall be installed from the base of the lowest level and extend to the top of the guard railing of the highest level. The base of the screen shall be planted with flowering vines to allow for the entire screen to be covered as the vines grow.

#### Mitigation Measures

34. Prior to issuance of the first certificate of occupancy, the Project Applicant shall extend the westbound left turn pocket at Rancho Camino Drive at Rio Rancho Road to accommodate a minimum 260 feet of vehicle stacking. Signal timing at Rancho Camino Drive at Rio Rancho Road shall be modified accordingly as required by the City of Pomona. (MM 4.2.1)
35. The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:
  - a) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;
  - b) The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day; and
  - c) The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less. (MM 4.3.1)
36. Only “Zero-Volatile Organic Compounds” paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used. (MIM 4.3.2)
37. Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur

between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays, with no activity allowed on Sundays and holidays. The Project construction supervisor shall ensure compliance with the note and the City shall conduct periodic inspection at its discretion. (MM 4.5.1)

38. During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site. (MIM 4.5.2)
39. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project site during all Project construction. (MM 4.5.3)
40. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays, with no activity allowed on Sundays and holidays). The Project Applicant shall prepare a haul route exhibit to design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. (MM 4.5.4)
41. In order to meet the City of Pomona 45 dBA CNEL interior noise standards, and 2014 California Green Building Standards Code requirements, the final Project architectural designs should incorporate the following (or equivalent) noise attenuation features:
  - a) Windows: All windows and sliding glass doors shall be well fitted, well weather- stripped assemblies and shall have a minimum sound transmission class (STC) rating of 40.
  - b) Doors: All exterior hinged and sliding glass doors to habitable rooms that are directly exposed to transportation noise and are facing the source of the noise shall be a door and edge seal assembly with a minimum STC rating of 27.
  - c) Roof: Roof sheathing of wood construction shall be well fitted or caulked plywood of at least one-half inch thick. Ceilings shall be well fitted, well-sealed gypsum board of at least one-half inch thick. Insulation with at least a rating of R- 19 shall be used in the attic space.
  - d) Ventilation: Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use. A forced air circulation system (e.g., air conditioning) shall be provided which satisfies the requirements of the Uniform Building Code. (MM 4.5.5)

## **BUILDING AND SAFETY DIVISION**

42. This project falls under section .5809-24 of the Zoning Code “Public Art requirement for private development – Public Art Allocations”. (Ordinance No. 4151)
43. 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)
44. 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.
45. All grading shall conform to the 2016 California Building Code, and all other relevant laws, ordinances and resolutions governing grading as adopted by the City of Pomona. The applicant shall obtain a grading permit from the Building & Safety Division prior to commencing any grading or site excavation.
46. 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.
47. 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.
48. 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.
49. Proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
50. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
51. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
52. A fence and wall plan is required.

#### **PUBLIC WORKS—TRANSPORTATION AND DEVELOPMENT DIVISION**

The following conditions and public improvements, as well as all 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<sup>1</sup>.

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

53. Tentative Parcel Map TPM 2791-2015, PM 73821 has been submitted concurrently with the development applications. To date, it has been granted a 1-year extension by the Planning Commission, till August 10, 2019.
54. Applicant/Developer shall submit an application for a lot line adjustment between Lot 3 of PM 24313 and portions of Lots 7 and 8 of PM 24519; said lot line adjustment shall be approved and recorded prior to the issuance of the building permits for the proposed development or the recordation of PM 73821, whichever occurs first.
55. The parcel map shall be recorded preferably prior to the issuance of the building permits, but no later than prior to the issuance of the Certificate of Occupancy.

Improvement plans requirements

56. 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 plans shall be a minimum of 1"= 10' scale 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.
57. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications** of to the next adjacent (non-City) property owners as indicated on the Planning Commission meeting notification list 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 and outline the City approval process (City review, public notification, Planning Commission approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.

58. 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.
59. 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.
60. Prior the issuance of the building permits, Applicant/Developer shall submit for review and approval **public street improvement plans** to include the following items and are responsible for the construction thereof:
  - a. New driveway approaches in conformity with the City standards and the ADA requirements. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
  - b. New sidewalk reconstruction on both sides of Rancho Camino Road, from approximately the westerly property line to the end of the cul-de-sac. This public improvement is an outstanding requirement associated with the issuance of the Certificate of Occupancy for the 75 Rancho Camino Drive project.
  - c. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Rancho Camino Drive frontage, overlay paving shall occur in accordance with the City standard A-26-02.
  - d. New pedestrian crossing on Rancho Camino Drive near the westerly driveway with actuated warning devices. Actuated warning devices shall be subject to review and approval by the City Engineer.
  - e. Reconstruction of the Rio Rancho Road median and the associated street paving in compliance with the traffic requirement to extend the westbound left turn pocket at Rancho Camino Drive at Rio Rancho Road, to accommodate a minimum of 260 feet of vehicle stacking.
  - f. To address changes to the site access and in compliance with the City standards, the following modifications shall be made to the street lights:
    - Relocation of the existing street lights SCE transformer pad from its current location west of the 21-31 Rancho Camino Drive driveway approach that partially encroaches in the public right-of-way, to a new onsite location. This public improvement is an outstanding requirement associated with the issuance of the Certificate of Occupancy for the 75 Rancho Camino Drive project.
    - Connection of all public street lights along Rancho Camino Drive to the relocated SCE transformer. This public improvement is an outstanding requirement associated with the issuance of the Certificate of Occupancy for the 75 Rancho Camino Drive project.

- Refurbish seven (7) existing public street lights located approximately between the westerly property line and the end of the cul-de-sac, on both sides of Rancho Camino Drive, with LED luminaries.
- g. Existing and proposed sewer, water and storm drain infrastructure.
  - h. Undergrounding of all proposed utility lines to conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plan.
  - i. 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 and a note to this effect shall be added to the public street improvement plan.
  - j. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plan.
  - k. 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.
61. 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.
  62. 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.
  63. **Traffic:** Prior to the issuance of the first Certificate of Occupancy, applicant shall extend the westbound left turn pocket at Rancho Camino Drive at Rio Rancho Road to accommodate a minimum of 260 feet of vehicle stacking. Signal timing at Rancho Camino Drive at Rio Rancho Road shall be modified accordingly as required by the City.
  64. 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.

65. 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 Utilize the County of Los Angeles Department of Public Works' HydroCalc program described in the LID Manual to calculate these design flows and volumes.

The program download can be found at <http://dpw.lacounty.gov/wrd/publication/>.

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

The project involves soil-disturbing activities in excess of 1 acre therefore the project applicant shall apply for a State General Construction Permit (Order No. CAS000002) and submit a Stormwater Pollution Prevention Plan to the City.

66. Prior to issuance of the building permits applicant/developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, public safety improvements and parks.
67. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
68. 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.

69. 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.

70. **Prior to the issuance of the public improvement permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: streets, sewer, water, storm drains, street lights and traffic improvements.**
71. 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.
72. Permittee shall pay fees associated with and possess the City of Pomona Business License.
73. 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.

#### WATER RESOURCES DEPARTMENT (WRD)

##### WATER & SEWER

74. There currently exists an onsite network of eight-inch (8") and twelve-inch (12") DIP water mains adjacent to the proposed site. The existing localized static pressure of the project area is 85-90 psi. There is currently an existing four inch (4") sewer force main adjacent to the proposed site. **The existing water and sewer infrastructure shall be shown on the site plan. Further design comments shall be issued by the WRD regarding the extent of proposed public water main within the proposed project area.**



75. There is currently no existing meter serving the site. **An above-ground master compound meter is required for this development. Low-lead (0.25%) backflow RPPA and DCDA devices are required for this development. WRD will provide additional comments regarding any proposed service/meter to be used for the project.**
76. **The applicant/developer shall calculate the wastewater discharge and proposed water demand (based on fixture units) to verify that the existing wastewater and water infrastructure can accommodate the proposed development, given the size, pressure, and age of the existing system. These calculations shall include fire and domestic water demands. These calculations shall be submitted to the WRD.**
77. **Fire flow test requests for this site shall be submitted to the Public Works Department.**

#### **LA COUNTY FIRE DEPARTMENT — FIRE PREVENTION**

78. Submit two complete sets of architectural drawings. Indicate type of construction, occupancy classification, and are justification.
79. Provide 28-feet clear to the sky Fire Department Vehicular Access to within 150 feet of all exterior portions of the building. The access roadway shall be located a minimum of 15-feet and a maximum of 30-feet from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Fire Code 503.1.1 and 503.2.2
80. The gradient of Fire Department Vehicle Access roads shall not exceed 15% unless approved by the fire code official. Fire Code 503.2.7
81. Abrupt changes in grade shall not exceed the maximum angles of approach and departure for fire apparatus. The first 10-feet of any angle of approach or departure or break-over shall not exceed a 10% change or 5.7 degrees. Fire Code 503.2.8
82. Show all existing public fire hydrants (6"x4"x2-1/2") within 300 feet of all property lines. Include size of barrel and outlets.
83. Provide a completed fire flow availability form. (Form 196)
84. Additional requirements may be required pending information provided.

#### **LA COUNTY FIRE DEPARTMENT — LAND DEVELOPMENT UNIT**

##### **Access Requirements**

85. The proposed development will require multiple ingress/egress access for the circulation of traffic and emergency response issues.

86. All on-site Fire Department's vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site 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. The Fire Apparatus Access Road shall be accessible to Fire Department apparatus by way access roadways with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
87. Fire Apparatus Roads must be installed and maintained in a serviceable manner prior to and during the time of construction.
88. The edge of the Fire Apparatus Road shall be located a minimum of 5-feet from the building or any projection there from.
89. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
90. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official.
91. Provide a minimum unobstructed width of 28-feet exclusive of shoulders and an unobstructed vertical clearance "clear to the sky" Fire Department's 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 when the height of the building above the lowest level of the Fire Department's vehicular access road is more than 30-feet high or the building is more than three stories. The access roadway shall be located a minimum of 15-feet and a maximum of 30-feet from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
92. If the Fire Apparatus Access Road is separated by island, provide a minimum unobstructed width of 20-feet exclusive of shoulders and an unobstructed vertical clearance "clear to the sky" Fire Department's vehicular access to within 150-feet of the 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.
93. Dead-end Fire Apparatus Access Roads in excess of 150-feet in length shall be provided with an approved Fire Department turnaround. Include the dimensions of the turnaround with the orientation of the turnaround shall be properly placed in the direction of travel of the access roadway.
94. Fire Department Access Roads shall be provided with a 32-foot centerline turning radius. Indicate the centerline, inside, and outside turning radii for each change in direction on the site plan.

95. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds 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.
96. Provide approved parking 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.
97. A minimum 5-foot wide approved firefighter access walkway leading from the Fire Department Access Road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Clearly identify firefighter walkway access routes on the site plan. Indicate the scope and walking surface material. Clearly show the required width of the site plan.
98. Fire Apparatus Access Roads shall not be obstructed in any manner including by the parking of vehicles or the use of traffic calming devices including but not limited to, speed bumps, or speed humps. The minimum widths and clearances established in Fire Code Section 503.2.1 shall be maintained at all times.
99. Traffic Calming Devices including but not limited to, speed bumps, and speed humps shall be prohibited unless approved by the fire code official.
100. Security barriers, visual screen barriers, or other obstructions shall] not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Clearly indicate the height of all parapets in a section view.
101. 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.
102. Commercial buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 503.3 and in accordance with Fire Code 505.1.

Water System Requirements

103. All fire hydrants shall measure 6"x4"x2-1/2" 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.
104. The development may require fire flows up to 8,000 gallons per minute at 20 pounds per square inch residual pressure for up to a 5-hour duration. Final fire flows will be based on the size of buildings, the installation of an automatic fire sprinkler system, and type(s) of construction used.
105. The fire hydrant spacing shall be every 300-foot for both the public and on-site hydrants. The fire hydrants shall meet the following requirements:
  - a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
  - b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
106. Additional hydrants will be required if hydrant spacing exceeds specified distances.
107. All required PUBLIC fire hydrants shall be installed, tested, and accepted prior to beginning construction.
108. All private on-site fire hydrants shall be installed, tested, and approved prior to building occupancy. 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.
109. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

#### **LA COUNTY FIRE DEPARTMENT — FORESTRY DIVISION**

110. The statutory responsibilities of the County of Los Angeles Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance.

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

**APPROVED AND PASSED THIS 28<sup>th</sup> DAY OF NOVEMBER, 2018**

PC Resolution No.  
55-65 Rancho Camino Dr.  
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DR. KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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MARIO SUAREZ, AICP  
PLANNING COMMISSION SECRETARY  
**APPROVED AS TO FORM:**

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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."