PC RESOLUTION NO. 16-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 4100-2016) FOR DEVELOPMENT OF A 61 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON A 55,386 SQUARE FOOT (1.27 ACRE) LOT ON PROPERTY LOCATED AT 424-446 WEST COMMERCIAL STREET

WHEREAS, the applicant, AMCAL Multi-Housing, Inc., has filed an application for Conditional Use Permit (CUP 4100-2016) for development of a 61unit multi-family residential development, which includes affordable and supportive housing for veterans and their families, on a 55,386 square foot (1.27 acre) lot on a property located at 424-446 West Commercial Street, within the MU-HDR (Multi-Family-High Density Residential) of the Downtown Pomona Specific Plan (DPSP);

WHEREAS, the applicant has submitted a Conditional Use Permit (CUP 4100-2016) on February 11, 2016;

WHEREAS, the 61-unit multi-family residential development will provide low-income supportive housing for veterans and their families;

WHEREAS, the applicant has requested and the City has agreed to two Development Standards "Concessions" as defined in California Government Code 65915 related to minimum private open space and common space, as well as reduced parking, in compliance with California State law;

WHEREAS, the subject property is on a parcel designated as Transit Oriented District: Neighborhood on the General Plan Land Use Map;

WHEREAS, a Conditional Use Permit (CUP) is required;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on May 25, 2016, concerning the requested Conditional Use Permit (CUP 4100-2016); 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 the project will not have an adverse effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) found in the California Public Resources Code,

the Project meets all requirements for being classified as an "Infill" project and thereby is exempt from CEQA requirements, per Class 32 (Infill Development).

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

SECTION 3. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 4100-2016). 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 project will contribute to the general well-being of the neighborhood and community in that the proposed use is consistent with uses allowed in the zoning district (MU-HDR) designation for the project site and will work to redevelop an underutilized (vacant) property. The project will be a positive addition to the surrounding neighborhood and allow AMCAL Multi-Housing, Inc. and its subcontractor LifeSteps to provide necessary and valuable social services to veterans and their families, and thereby assist in meeting the social needs of the community.

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

   The project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in full conformance with the development standards and use requirements of the Downtown Pomona Specific Plan. Based on the proposed project, it is not anticipated the configuration of the site or activities associated with the use will generate noise or other impacts associated with a typical residential use that will be detrimental. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is located within a light industrial area with uses compatible to those proposed.

3. *That the site for the proposed use is of adequate topography, size, and shape to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use in the neighborhood.*

The site is physically suitable for the type of development due to its rectangular configuration, size (1.27 acres), and flat topography that allows for accommodation of the proposed buildings and the required accessory uses (driveways, walkways, parking) needed to serve the proposed use. Utility infrastructure exists to serve the Project site. The site is physically suitable for the type of development proposed because the Project site is within an urban area served by existing utility providers.

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

Traffic generated by the proposed use will not exceed the capacity of the existing street and right-of-way from which the subject site will take ingress/egress. West Commercial Street is of appropriate width and, together with North Park Avenue, has improvements to handle any additional traffic generated by the proposed use.

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

The existing General Plan designation of the subject site is Transit Oriented District: Neighborhood. With the conditions of approval, the proposed use will positively affect the general welfare of the community. It will also improve the aesthetics of the project site and of the immediate area. Furthermore, the project will develop a site that is currently vacant into an economically viable and aesthetically pleasing development that will provide housing and assistance to veterans and their immediate families, which is consistent with the following policies of the General Plan.

- Ensure there is an adequate supply of mixed-use and residentially zoned land allowing development at densities/intensities to accommodate existing and anticipated housing needs of the community and will contribute to an adequate supply of available units in the moderate- and lower-income ranges.

- Table 1.2-3 of the City of Pomona Housing Element identifies this parcel (AIN 8340-036-008) within Block #13 Mixed Use-High Density Residential as one of the key "very high" potential sites within the Downtown Pomona Specific Plan that is available to meet the demand for "affordable housing" types at a density between 50 and 100 units per acre. The State Department of Housing & Community Development has approved this as a viable location with demonstrated feasibility as evidenced by this application for a density of 50 units per acre.
- Support the construction of multi-family housing in close proximity to transit, employment

centers, shopping, schools, community facilities and public services.

- Encourage single-family and multi-family infill development integrated into and compatible with the surrounding neighborhood.

- Maintain the supply of rental housing available and affordable to low- and moderate-income households.

- Promote the installation of energy- and water-saving features and the use of sustainable and green building designs in new housing development to conserve resources and reduce housing costs.

- Encourage the provision of social services in conjunction with housing developed for lower-income and special needs households.

- Encourage Sustainability and Green Building Practices

Staff has evaluated the proposed site design and has determined that the proposed development complies with the development standards of the Downtown Pomona Specific Plan and that granting the Conditional Use Permit will not adversely affect the intent and purpose of the Specific Plan. Furthermore, the proposed project is consistent with and helps achieve the following strategies and visions of the Downtown Pomona Specific Plan.

- *To increase residential uses in appropriate zones (Land Use)*
- *To build on an art-in-public-places program compatible with urban design (Urban Design)*
- *To create mixed use and joint development projects within walking distance of the Commuter Rail Station (Urban Design)*
- *To increase the utilization of vacant and underutilized buildings (Implementation)*
- *To attract developers with experience and financing (Implementation)*
- *Locate residential uses close to public transit stations (Urban Design)*

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 4100-2016) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the conditional use permit or any portion thereof:

PLANNING DIVISION

General Conditions

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on May 25, 2016, and as illustrated in the stamped approved plans dated May 25, 2016. 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. 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 construction has not commenced under a valid building permit, within two (2) years from the date of this approval (May 25, 2018), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one (1) 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 include all approved resolutions related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.

4. The Project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty (20) days by one or more City Council members, the applicant, or any person owning property within four hundred 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.

5. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and

Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

6. In case of violation of any 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 conditional use permit.

7. Prior to issuance of building permits, landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval. Landscaping to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site, and shall be in substantial conformance to the conceptual landscaping plan submitted as part of the Conditional Use Permit process. The plans shall conform to the State Model Water Efficient Landscape Ordinance per AB 1881 and landscape requirements contained in 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. Amount shall be determined by the Development Services Manager.

8. 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.

9. Prior to issuance of a Certificate of Occupancy, to ensure future owners are made aware of conditions of approval the applicant shall record this resolution with the Los Angeles County Recorder's office and forward copies to the City of Pomona Planning Division.

10. 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 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.

11. 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.

12. 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.

13. 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.

14. The construction area shall be kept clean at all times prior to, during, and after construction.

15. Prior to issuance of building permits, cut-sheets for street furniture and interior courtyard furniture shall be incorporated into the building plan check submittal, subject to Development Services Manager review and approval.

16. The majority of the hardscape within the interior community courtyard, shall be provided with decorative elements to include, but not limited to, patterned stained/colored concrete, stamped concrete, stone, concrete overlays or other similar treatment.

17. Prior to issuance of building permits during the Plan Check process, Development Services Manager approval shall be obtained for design and materials of hardscape decorative paving to be installed within the interior community courtyard.

18. 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. Prior to issuance of a Certificate of Occupancy, the Applicant shall submit "House Rules" to address resident conduct, care and use of units and care and use of common areas, subject to Planning Manager review and approval. Changes to the "House Rules" shall be submitted to the Planning Manager for review. Minor modifications that do not affect the overall intent of the approved "House Rules" may be reviewed and approved by the Planning Manager.

20. The occupancy for each unit shall be limited to the following:

One-Bedroom Unit:	3 persons
Two-Bedroom Unit:	5 persons
Three-Bedroom Unit:	7 persons

Overnight visitor stay must comply with the standards outlined in the "House Rules."

21. The Project shall be provided with and maintain an organization, such as LifeSteps, to provide specialized services to the Project tenants for the life of the project as required by Section 7345(i) and 7346(c) of the Multifamily Housing Program (MHP) Regulations.

22. The Applicant shall be required to notify the Planning Division in writing at any time when changes occur to the organization that provides services to residents.

23. If unanticipated archaeological or paleontological resource remains are encountered during construction activities (any permitted action requiring physical digging or grading of a project area using mechanical equipment or hand tools, including core sampling, soil borings, work required for placing caissons or footings, planting trees, disking, grubbing, trenching and installation of poles, underground electrical systems, sewers, water mains, or other utilities, or geological/ geotechnical testing) work shall cease until the nature, extent, and possible significance of any cultural remains can be assessed and, if found to be significant pursuant to Section 15064.5 of the California Code of Regulations (CEQA Guidelines), remediated. Such assessment and remediation shall be implemented by the City through consultation with a qualified cultural resources professional prior to recommencement with onsite construction/grading activities. If remediation is necessary, possible techniques include removal, documentation, curation, or avoidance of the resource, depending upon the nature of the find. Cultural resource remains may include artifacts, shell, bone, features, foundations, trash pits and privies, etc.

24. Prior to site development, a geotechnical study shall be prepared by a registered civil or geotechnical engineer and reviewed by the City. This report shall include an analysis of the subsidence, settlement, and expansive potential of the underlying materials. If the proposed Project is confirmed to be in an area prone to subsidence, settlement, or expansive soils, appropriate techniques to minimize hazards shall be prescribed and implemented. Suitable measures to reduce ground failure impacts could include, but are not limited to, the following:

- *Design of foundations by a structural engineer to address any identified geotechnical hazards;*
- *Removal or treatment of expansive soils;*

- *In-situ densification of soils; and,*
- *Replacement or recompaction of soils, or other alterations to the ground characteristics.*

25. A minimum 20 (twenty) foot queuing distance shall be provided for ingress and sliding or inward opening gates shall be provided for egress.

26. 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 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. 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.

27. The City shall be immediately notified of any changes to the project's property management company. Review and final approval of the new property management shall be conducted by the Development Services Manager.

28. Contact information of the project's property management shall be made readily available onsite to any inquiring parties.

29. Prior to issuance of a Certificate of Occupancy, high-definition parking and common area video surveillance equipment shall be provided with signage advising tenants and visitors that video recording devices are in use. Property management shall maintain high-definition video images for at least ninety (90) days. 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.

30. All occupants and overnight visitors shall register with the project's property management company. A record of registration shall be maintained on the premises and shall be made available for City review upon request.

31. The proposed wall located along the full expanse of the southerly property line, adjacent to railway right-of-way, shall have a UV resistant and anti-graffiti clear coat seal applied to the masonry block.

COMMUNITY DEVELOPMENT DEPT. – BUILDING AND SAFETY DIVISION

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

33. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply the 2013 California Building Code, Chapters 5, 6, 7, 9, 10, 11, 12, 14, 15 and 25 for non-constructional provisions and Chapter 16, 17, 18, 19, 21, 22 and 23 for structural provisions, or such other building code applicable at the time of issuance of permits by the City of Pomona Building and Safety Division.

34. All proposed electrical work shall comply with provisions of the 2013 California Electrical Code, and all other laws, ordinances, and resolutions governing electrical as adopted by the City of Pomona at the time of installation of improvements.

35. All proposed electrical work shall comply with provisions of the 2013 California Energy Code, and all other laws, ordinances, and resolutions governing energy conservation as adopted by the City of Pomona.

36. All proposed mechanical work shall comply with provisions of the 2013 California Mechanical Code, and all other laws, ordinances, and resolutions governing mechanical as adopted by the City of Pomona at the time of installation of improvements.

37. All proposed plumbing work shall comply with provisions of the 2013 California Plumbing Code, and all other laws, ordinances, and resolutions governing plumbing as adopted by the City of Pomona at the time of installation of improvements.

38. All grading shall comply with provisions of the 2013 California Building Code, Appendix J, and all other laws, ordinances, and resolutions governing grading as adopted by the City of Pomona at the time of grading. The Applicant shall obtain a grading permit from the Building & Safety Division prior to commencing any grading or site excavation.

39. 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.

40. The proposed Project shall comply with the 2013 California Green Building Standards Code and all other relevant laws, ordinances, and resolutions governing sustainable design as adopted by the City of Pomona.

41. Undergrounding of all utility facilities is required in compliance with Pomona Municipal Code Section 62-31.

42. The proposed Project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.

43. The Applicant shall pay a Park and Recreation Improvement Fee of $675 per dwelling unit for new construction in a manner approved by the Pomona Building Official.

FIRE DEPARTMENT

44. The Applicant shall provide fire hydrants to the satisfaction of the Los Angeles County Fire Department. Final location and number of hydrants to be determined during the Plan Check Process.

45. The Applicant shall submit plans to receive approval of access during the Plan Check Process.

46. The Applicant shall provide Fire Department or City approved street signs and building access numbers prior to occupancy.

47. The Applicant shall submit fire flow information during the Plan Check Process.

CODE COMPLIANCE DIVISION

48. The on-site property manager shall be Crime Free Multi-Housing (CFMH) certified and lease agreements shall be consistent with CFMH requirements.

49. The on-site property manager shall hold a minimum of two neighborhood watch meetings each year on the property with members of the City Crime Prevention Unit in attendance.

PUBLIC WORKS DEPARTMENT

Water and Wastewater Operations

50. Sewer laterals from the public main to the project site are considered private and shall be maintained by the property owner.

51. New sewer laterals must be constructed per Standard No. B-8-61 per *City of Pomona Public Works Department Standard Drawings March 2006* (Public Works Standards). Construction also shall comply with Standard No. A-26-02 per the Public Works Standards.

52. Sewer lateral separation distances, relative to water mains and laterals, shall comply with California Code of Regulations, Title 22.

53. The Applicant shall submit and include the following items in the sewer development plan:

· The proposed sewer lateral(s) connection to the existing sewer main; and,
· Construction Notes: The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as may be necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.

54. Prior to issuance of a building permit, the Applicant shall submit sewer development plans in hard copy and in electronic format (saved as AutoCAD v. 2010) format to the City for review and approval. Said plans shall show all existing and proposed sewer mains, laterals and manholes.

55. All proposed on-site fire hydrants shall be private and painted red.

56. If new fire hydrants are required by the Los Angeles County Fire Department, said hydrants shall be placed at least five (50 feet from proposed driveways and parking spaces.

57. The Applicant shall calculate new water demand (based on fixture units) to verify the existing water infrastructure can accommodate water demand, given the size, pressure and age of the existing system. This calculation shall include fire and domestic water demands. The Applicant shall submit the calculations to the City Water and Wastewater Operations Department.

58. If new meter vaults are necessary, said vaults should be located in the public right-of-way or the sidewalk two (2) inches from the back of the curb per Standard Nos. 11 and 12 of the *City of Pomona Water Division Standard Specifications for water Facility Construction, January 2006.* Meter(s) cannot be placed in driveways, parking spaces or within the property line in order to allow City personnel access to these meters for future maintenance.

59. All newly installed water lines shall be disinfected per the *City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006* before connection to the existing water main.

60. Approved backflow devices (list brand and model) are required for the following service lines to the project site:

· Reduced principal pressure devices are required for dedicated irrigation service lines to the project site
· Reduced principal pressure devices are required for all domestic services
· Double check detector assembly devices for all fire sprinkler service lines

61. The Applicant shall submit water development plans to the City for review and building approval. Said plans shall depict water meters, service lines, approved backflow devices and proposed/existing water mains. Said plans shall be sent in hard copy and electronically (saved as AutoCAD v. 2010) format.

Improvement plans requirements

62. All improvements to the City's water system shall be installed at the Developer's expense in accordance with the provisions of the City of Pomona Water Code, Construction Standards and the Federal, State and County Public Health requirements, including payment of all required plan check fees, bonds, connection fees, water meter setting fees and all additional water facilities advance payments. Public water facilities that are existing or proposed to be installed on private property must be approved by the City Engineer prior to the issuance of the grading permit.

    The proposed public water improvement plans shall include:

    a. All existing and new utilities, including existing and proposed water facilities, water services and water easements;
    b. All existing private/public infrastructure and water facilities adjacent to and affecting the development property including all underground utility connections;
    c. Water Development plans are for public water improvements only; all private water improvements shall be addressed separately; any private onsite water improvements are the owner's responsibility and not the City's;
    d. The City will install meters less than or equal to 2" in size;
    e. Water/fire services may not cross property lines unless those separate properties have the same owner; and,
    f. Property address, legal description, property lines, street centerline, curb-line, existing and proposed utility easements, and right-of-way with dimensions.

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

    a. The scale used for the plans needs to be large enough (1" = 10' is preferred) to clearly show all the details.
    b. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.
    c. The plans shall include sufficient cross sections to show any block wall locations, parkway width and any permanent facilities that might require maintenance and access easements.

d. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.

64. 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.

65. Prior to the issuance of the grading permit, the Applicant/Developer shall provide non-interference letters from any applicable utility agencies for any utility easements located within the areas subject to grading activities. All such documents shall be subject to review and approval by the City Engineer.

66. 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.

67. The Applicant/Developer shall submit public street improvement plans to include the following:

a. New curb, gutter, sidewalk and driveway approaches along Commercial Street, per City standards and ADA requirements.
b. New sidewalk, curb and gutter to replace all existing damaged, cracked and uplifted sections.
c. ADA ramp at the southwest corner of Park Avenue and Commercial Street.
d. Grind and overlay paving of Commercial Street in compliance with the City paving standards, from curb to street centerline, along the property frontage. If the required wet and/or dry utility trenching work crosses the street centerline, the paving work shall be extended over the entire street width (curb to curb).
e. Park Avenue moratorium paving, per City standards, for all pavement cuts associated with the proposed project, following the 2016 completion of the City of Pomona's Capital Improvement Paving Project along Park Avenue.
f. Street Lights:
    i. Refurbish existing street lights along the project's boundaries with LED luminaries.
    ii. Install one (1) public street light on Commercial Street in compliance with City standards.
g. Existing sewer, water and storm drain infrastructure, including laterals.
h. Note: The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.

i. Note: Undergrounding of existing and proposed overhead utility lines along Commercial Street, to conform with the City of Pomona Municipal Code Section 62-31(b).

j. Note: Unobstructed visibility shall be ensured at all intersections 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 Worts Inspector based on the Inspector's review of the current condition of said public improvements.

l. 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 the Public Works Engineering Department.

68. Prior to approval of any improvement plans and/or grading permit issuance, the 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. These reports shall be submitted to the Public Works and Building and Safety Departments for review and approval. The Developer is responsible to comply with the approved hydrology study recommendations necessary to meet minimum Federal, State, County and City requirements.

69. The 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.

70. Effective January 1, 2016, the City has adopted new service charges for water and sewer services. For further information on how charges are assessed, contact the City's Public Works Business Services Division at 909-620-2241.

71. Prior to the issuance of the building permit, the Applicant/Developer is responsible for the payment of all applicable City sewer connection fees and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.

72. If future placement of permanent structures conflicts with location of existing public utilities (water, sewer and storm drain), then improvement plans proposing the relocation of 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.

73. Traffic: Adequate signage shall be provided for the gated egress restricted access from the project's parking lot.

74. 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 Best Management Practices;
    b. Source Control Best Management Practices; and,
    c. Treatment Control Best Management Practices.

    Utilize the County of Los Angeles Department of Public Works LID Standards Manual (Published February, 2014) as a guidance document for the design of applicable Best Management Practices proposed for the project.

    Post-construction Structural and/or Treatment Control Best Management Practices shall be designed to mitigate (infiltrate or harvest and use) storm water run-off from the 85th percentile 24-hour rain event or 00.75-inch, 24-hour rain event, whichever is greater. The results of infiltration testing shall be provided as part of the SUSMP submittal.

75. 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/.

76. 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.

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

78. Prior to issuance of the building permit, 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.

79. Prior to issuance of the building permit, Applicant/Developer is responsible for paying the project's development tax fee.

80. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronically in Auto CAD v. 2010 and .pdf formats. 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 Auto CAD v. 2010 and .pdf formats.

81. 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 is subject to review, approval, and permitting requirements of the Public Works Department.

82. Prior to issuance of the building permit, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water; sewer; storm drains; street lights; street frontage pavement; sidewalk; parkway improvements; and, driveway approaches.

83. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:

a. Commercial General Liability;
b. Automobile Liability; and,
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.

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

85. 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.

Land Development requirements

86. Applicant/Developer must submit a Lot Merger application to the Public Works Engineering Department for the SPRR Depot Grounds lot (Parcel 1) and the non-conforming, land-locked portion of Lot 1 in Block 13 of the Pomona Tract (Parcel 2). The application and the owner executed Notice of Lot Merger shall be submitted, approved and recorded prior to the issuance of the building permit for the proposed Project.

Union Pacific Railroad

87. Prior to issuance of a building permit, the Applicant/Developer shall prepare, submit, and obtain approval by the Development Services Manager of an assessment of the potential impact of Project-related pedestrian and vehicular traffic on the Project adjacent (at North Park Avenue) at-grade railroad crossing and, if determined necessary, stipulation of recommendations pertaining to Applicant responsibility for designing and installing signage and physical barriers to lessen the danger of such potential impacts.

88. Prior to issuance of a building permit, the Applicant/Developer shall prepare, submit and obtain approval by the Development Services Manager of a Noise and Vibration Study related to the relationship between the Project and the Union Pacific Railroad operations. The Study shall include appropriate mitigation to be implemented as part of Project implementation of noise and vibration impacts on future Project residents.

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

APPROVED AND PASSED THIS 25th DAY OF MAY, 2016.

~~DENTON MOSIER~~ CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

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

"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."