

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP 9633-2018) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE-20) IN CONJUNCTION WITH A PROPOSED CONVENIENCE MARKET AND GAS STATION ON A PROPERTY LOCATED 1600 WEST HOLT AVENUE.

WHEREAS, the applicant has filed for Conditional Use Permit (CUP No. 9633-2018) requesting the off-sale of beer and wine (Type 20) alcohol license for a proposed convenience store and gas station;

WHEREAS, the applicant has concurrently applied for a Variance (VAR 11693-2019) to allow a monument sign on a property less than 200 feet wide;

WHEREAS, the subject site is within the Downtown Gateway Segment of the Pomona Corridor Specific Plan, and designated place type of Urban Neighborhood by the City's General Plan;

WHEREAS, pursuant to the Pomona Corridor Specific Plan (PCSP), the approval of a Conditional Use Permit is required for the sale of alcohol for off-site consumption in conjunction with a convenience market;

WHEREAS, pursuant to Section .580 of the Pomona Zoning Ordinance, the approval of a Conditional Use Permit is required for the sale of alcohol for off-site consumption in conjunction with a convenience market;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on May 8, 2019, concerning the requested Conditional Use Permit (CUP 9633-2018); and,

WHEREAS, the Planning Commission has carefully considered pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed public hearing.

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

SECTION 1. The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is Categorically Exempt under Sections 15303 (New Construction

or Conversion of Small Structures) and 15332 (In-Fill Development Projects in Urbanized Areas) of the CEQA Guidelines in that the proposed project is in an urbanized area and involves the construction of a 2,940 square foot convenience store with four fueling pumps under a detached 1,908 square foot canopy on a site of less than 5 acres; it is a previously developed site with no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is adequately served by all required utilities and public services. In addition, the site is surrounded by a developed area of various types of uses which range from residential to commercial. Therefore, further environmental review is not required.

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 Sections .580.B and .5804, of the Pomona Zoning Ordinance (PZO), and the Pomona Corridor Specific Plan (PCSP), the Planning Commission must make findings in order to approve a Conditional Use Permit (CUP 9633-2018). 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 surrounding community. The applicant proposes to demolish an existing retail building and construct a convenience market with a gas station fueling kiosk. The Project site is surrounded by various types of uses which range from commercial and industrial to retail and residential. The uses located within close vicinity do not include gas station uses and as a result, the proposed use will offer a beneficial service to the neighboring community.

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

As conditioned, the Project will not be detrimental to the health, safety, peace, or general welfare or persons residing or working in the immediate vicinity. Conditions will be applied to the Project which will restrict the manner in which alcoholic beverages can be sold and located. In addition, the proposed commercial and service-related use is surrounded by retail and service-related uses to the north, south, east, and west of the Project site and existing sensitive uses (i.e. residential, churches, schools, and parks) are adequately

buffered from the Project site as indicated in the analysis provided in the Project staff report.

Through coordinating with ABC and the City of Pomona Police Department, Staff has determined that the Project site is not located within an area of “undue concentration” of existing alcohol licenses and is not located within a high crime area.

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 Project site is a 27,057 square foot site, it is currently developed, and surrounded by existing retail, residential, commercial, and industrial uses. The scope of work will consist of demolishing the existing commercial building and constructing a new 2,940 square foot convenience store and 1,908 square feet fueling canopy. The site is of adequate size for the proposed business and the topography is generally flat. The design of the building and fueling canopy as well as all proposed landscaping, fencing, and the parking areas will comply with code requirements of the City, with the approval of the Variance submitted concurrently and of the Minor Deviation Variance required by condition, and will be consistent with surrounding existing developments.

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

The Project site is located along the southeastern intersection of Dudley Street and Holt Avenue. Holt Avenue is designated a Major Arterial in the Circulation Element of the General Plan and is appropriately sized to meet the traffic generation of the project. The existing driveways will be removed and replaced with one new driveway better aligned with the intersection to facilitate safer traffic flow entering and leaving the site.

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

The granting of the Conditional Use Permit (CUP) to allow the development of a convenience store with fueling canopy and ancillary sale of beer and wine for offsite consumption will not adversely affect the Pomona General Plan or Zoning Ordinance. The Project site has a land use designation of Urban Neighborhood which is intended for moderately intense clusters of development that contains a mix of uses. The Project is consistent with the intended concept of this designation as the project will be located within an existing developed area containing commercial uses to the north, east, and west. As a result, the Project can be considered a continuation of commercial development within the immediate vicinity.

The City of Pomona General Plan designates the Project site as an “Urban Neighborhood” place type. An “Urban Neighborhood” is defined in the Pomona General Plan as moderately intense clusters of development that contain a mix of uses. These areas anticipate a reasonable amount of infill development and redevelopment, emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and buffering and compatibility.

The Project is consistent with Goal 6E.G1 of the Pomona General Plan which is intended Preserve stable neighborhoods by focusing of new intensity and activity in clusters at major crossroads and areas of existing intensity throughout the City.

The site is surrounded by existing commercial, industrial, and residential uses and overall, can be considered as an urban development environment. The scope of work will include the demolition of the existing commercial building (Altadena Dairy) and will construct a convenience store with fueling canopy which will comply with existing surrounding uses and overall, will not generally impact the surrounding environment.

The project will meet all City Codes and standards, with the approval of a Conditional Use Permit, Variance (submitted concurrently) and a Minor Deviation Variance (required by condition) and will have appropriate conditions of approval to ensure that the project will not be detrimental to the health, safety or general welfare of the community. As discussed in the Project Summary Table, the Zoning Ordinance Consistency section, and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

6. *That the proposed business is compatible with existing commercial development in the area.*

As noted in the staff report, the site is located on a Major Arterial with a range of commercial and industrial businesses on the street. No automobile service stations are located in the immediate vicinity so the proposed use will fulfill a need in the area.

7. *That the proposed location is sufficiently removed from any existing or proposed residential development or zoning so as not to be detrimental to the residential area. However, in the case of any district which has been designated as freeway oriented, it shall be presumed that such use shall not be detrimental to the surrounding residential neighborhood unless such presumption is rebutted by clear and substantial evidence to the contrary.*

As noted in the staff report, the closest multi-family residences are located approximately 400 feet to the north with single family homes at least 700 feet away. This provides

sufficient separation to avoid significant noise and traffic impacts. The site is not designated as in a freeway-oriented district.

8. *That the proposed building and site are adequate to accommodate the proposed use and that the design of the facility is such that a minimum of conflict will occur with adjoining uses.*

As noted in finding 3 above, the site is large enough to accommodate the proposed building and use. The site is flat and is located on a Major Arterial. The design of the building is contemporary and will be compatible with the area. The driveway will be reconfigured to improve traffic flows to and from the site.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (9633-2018) 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 conditional use permit or any portion thereof:

PLANNING DIVISION

General Conditions

1. The proposed project is for a Conditional Use Permit for the off-site sale of beer and wine (Type 20 alcohol license) for a proposed convenience store and gas station; subject to the following conditions of approval:
2. 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 8, 2019 and as illustrated in the stamped approved plans. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modification that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
3. This approval shall lapse and become void if the privilege authorized is not utilized within one (1) year from the date of this approval (May 8, 2020), 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.
4. The project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.

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 of the conditions of approval and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violation of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Conditional Use Permit.
7. 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 areas is noticeable distinguishable from the rest of the structure, the property owner shall paint portion 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.
8. No temporary signs related 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 portion on the exterior of the building. The only temporary signs allowed shall be properly permitted banners 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.

9. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351 et seq.
10. Any graffiti on the store front windows by scratching or acid sketching shall be removed within thirty days.
11. There shall be adequate lighting around the property at all times (minimum of 1-foot candle). This shall be done in such a fashion that persons standing outdoors at night are easily identifiable by law enforcement personnel. Lighting shall be screened so that no spillover occurs on the adjacent properties.
12. Before issuance of a zoning clearance and business and alcohol license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - a. They have read and understand all the conditions of approval applicable to their project;
 - b. That they are familiar with the daily operations of the use; and
 - c. That the use will operate in compliance with the conditions of approval.
13. The applicant shall obtain a Minor Deviation Variance to allow the gas station on a property with less than required property frontage and to allow a building shorter than required.

OPERATIONAL CONDITIONS:

14. This grant authorizes the sale of alcoholic beverage from 8:00 a.m. to 10:00 p.m., Monday through Sunday.
15. A security and video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such security and video surveillance plan by the Pomona Police Department prior to the sale of alcoholic beverages. A copy of the approved Security Plan shall be submitted to the Planning Division to be kept on file. The terms and conditions of such security and video plan shall be incorporated by reference as if fully stated herein. This condition shall be required for any new owner, operator, substantial change in operations, floor plan reconfigurations and on a periodic basis as deemed appropriate by the Pomona Police Department. Such requirements shall not supplant any requirement for business or other licenses or permit under the Pomona City Code.
16. Loitering or panhandling on the premises shall be prohibited.
17. There shall be no pay telephones installed within the enclosed portion of the convenience store building equipped to receive incoming calls. There shall be no new public pay phones of any kind installed on the exterior of the convenience store building.

18. All signage visible from the exterior of the store which advertises the sale or availability of alcohol shall be prohibited.
19. All windows shall be kept clear and free of any obstructions to visibility including opaque window tint.
20. Sales of alcoholic beverages under the off-sale privileges of the license shall be restricted to the confines of the building as shown on the approved plans stamp dated May 8, 2019. No alcoholic beverages shall be sold or displayed in iced containers/portable freezers within the site.
21. An automatic lock may be required depending on cooler setup.
22. An electronic reader shall be utilized to swipe identification cards (i.e. driver's license) to verify that the customer is of legal age to purchase alcohol.
23. The sale of alcoholic beverage for consumption on the premises or in the adjoining parking areas shall be prohibited.
24. No fortified wines, malt liquors or distilled spirits of any kind in any size shall be sold from the premises.
25. No single can or bottle of beer shall be available for purchase.
26. The sale of alcoholic beverages shall be limited to beer and wine. Beer shall be sold in manufacturers prepackaged, multi-packed quantities of four (4) or more cans/bottles of beer. All wine shall be sold in 750 milliliters or larger and any wine bottles less than 750 milliliters shall be sold in four packs or larger.
27. Upon the operator/applicant/owner, or employee of the operator/applicant/owner, learning, knowing, or discovering of any crime occurring inside and immediately outside of the convenience store, such person shall immediately report such incident to the Police Department at the time of occurrence. If such crime is learned of, becomes known to, or discovered by such person after the incident has occurred, then such person shall immediately report such incident to the Police Department at such time.
28. Anytime the licensee/owner is absent from the premises, a responsible party shall be designated who can respond to any inquiries from City officials.
29. The permittee, all employees and managers who sell alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence. All new employees shall be required to complete "Licensee Education of Alcohol and Drugs" training that is provided by the California Department of Alcohol and Beverage Control within thirty (30) days of hire, and any existing employees shall complete this training program within thirty (30) days of the issuance of the off-sale ABC license. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;

BUILDING AND SAFETY DIVISION

30. The undergrounding of utility facilities is required. (PMC 62-31)
31. 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).
32. 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.
33. 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.
34. 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.
35. 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.
36. The 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.
37. 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.
38. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
39. A fence and wall plan is required.

PUBLIC WORKS DEPARTMENT

Land development requirements

40. Property Owner shall submit a **Certificate of Compliance** application to the Public Works Engineering Department, in accordance with the Subdivision Map Act Section 66412.6(b). The Certificate of Compliance shall be recorded prior to the issuance of the building permits.

Improvement plans requirements

41. 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.
42. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications 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.
43. 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.
44. 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.
45. Prior to issuance of the grading permit the Applicant/Developer shall submit **public street improvement plans** to include the following:
 - a. One (1) new driveway approach in compliance with the City standards and ADA requirements. Unobstructed visibility shall be ensured at the intersection of the project driveway and W. Holt Avenue.
 - b. New sidewalk, curb and gutter to replace (i) the existing W. Holt Avenue ramp located east of the traffic signal/street light pole, (ii) the easterly driveway approach proposed for removal and (iii) all damaged, cracked and uplifted sidewalk, curb and gutter sections.
 - c. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along W. Holt Avenue frontage, overlay paving shall occur in accordance with the City standard A-26-02.

- d. To address public safety and in compliance with the current City standards, the following modifications shall be made to street lights: refurbish two (2) City street light luminaire along W. Holt Avenue frontage with LED luminaires.
 - e. Parkway drains built in compliance with the City standards.
 - f. Street Landscaping - Install street landscaping along the W. Holt Avenue property frontage per the "Grand Boulevard" requirements of the Pomona Corridors Specific Plan.
 - g. Existing and proposed sewer, water and storm drain infrastructure.
 - h. Undergrounding of the existing (along W. Holt Avenue) and proposed overhead 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. 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.
 - j. The property abutting sidewalk, parkway and alley, as applicable, shall be maintained free of weeds, rubbish and refuse by the property owner, as required by the City's Municipal Code Section 18-261 and a note to this effect shall be added to the public street improvement plan.
 - k. 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.
46. The demolition or relocation of all public improvements 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.
47. 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.

Traffic

48. The existing offset and unsignalized access driveways along the project frontage, total of two, shall be consolidated into a single full access driveway aligned with Dudley Street.
49. The existing traffic signal and phasing at the Dudley Street / W. Holt Avenue intersection shall be modified and/or upgraded as necessary to control the new consolidated project access/driveway.

50. Adequate sight distance shall be provided at the new access driveway. Restrict on-street parking along W. Holt Avenue adjacent to the project site, as follows: along the W. Holt Avenue property frontage and extending (i) westerly 75 feet and (ii) easterly 65 feet measured from the centerline of the proposed driveway approach.
51. Add/stripe a left-turn lane in the W. Holt Avenue westbound direction to accommodate vehicles making a left-turn into the project site.
52. Restripe the southbound approach at the Dudley Street / W. Holt Avenue intersection to implement a through lane for vehicles entering the project site from Dudley Street.
53. In recognition of the need to address traffic conditions generated by cumulative development in the vicinity of the project area, Applicant/Developer is responsible for the project's compliance with the cumulative projects traffic requirements and shall participate in a traffic assessment district, or similar fair and appropriate mechanism, to provide funds for maintaining and augmenting public traffic improvements, should such a mechanism be established by the City. Applicant/Developer shall pay the applicable fair share fee for public traffic improvements required as part of this project, presently estimated as follows:
 - i. Intersection 1 – Humane Way-SB SR-71/W. Holt Avenue-Valley Boulevard - \$20,741 representing 8.11% of the estimated cost for the restriping of the northbound Humane Way approach from one left-turn lane and one right-turn lane to two left-turn lanes and one right-turn lane.
 - ii. Intersection 2 – Fairplex Drive-NB SR-71/W. Holt Avenue - \$36,035 representing 14.09% of the estimated cost for widening the northbound SR-71 off-ramp approach from one left-turn lane and one shared through/right-turn lane to one left-turn lane, two through lanes and one right-turn lane.
54. 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.

55. Prior to issuance of the building permits applicant/developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, public safety improvements and the project's **water and sewer connection fees**.
56. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.
57. Property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the **City's Street Lighting and Landscaping Maintenance District**. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.
58. 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.

59. **Prior to building permit issuance Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, curb, gutter, street lights, street paving, undergrounding of overhead lines, traffic, water, sewer and stormdrain improvements.**
60. 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.

61. Permittee shall pay fees associated with and possess the City of Pomona Business License.
62. 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.

LOS ANGELES COUNTY FIRE

63. The required fire flow for this development is 1,500 gallons per minute for 2 hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
64. Install one new public fire hydrant on Holt Avenue near the eastern property line of the proposed project. The fire hydrant improvement plans shall be submitted for review and approval to the Land Development Unit for review and approval prior to building permit plan approval.
65. A receipt from the water purveyor that shows that all funds have been paid for the installation of the required public fire hydrant is required. Also, a letter from the water purveyor or installing contractor that indicated the approximate date the work will be started and completed for the fire hydrant is required. Provide proof of payment and a letter stating the time of installation from the water purveyor. The required public fire hydrant shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4

APPROVED AND PASSED THIS 8TH DAY OF MAY, 2019

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ANITA GUITERREZ
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

CHRISTI HOGAN
INTERIM 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."