

PC RESOLUTION NO. 14-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 13-003) FOR THE DEVELOPMENT OF AN INDUSTRIAL BUILDING TOTALING 279,424 SQUARE FEET ON A 18.5-ACRE PROJECT SITE LOCATED AT 2205 MOUNT VERNON AVENUE

WHEREAS, Overton Moore Properties (hereafter "applicant"), has filed an application for Conditional Use Permit No. 13-003 for the development of a 279,424 square foot warehouse/distribution building on a 18.5 acre project site located at 2205 Mount Vernon Avenue (hereafter "subject site");

WHEREAS, the subject site is currently located within the M-1 (Light Industrial) zone;

WHEREAS, the subject site is currently designated "Industrial" by the City's General Plan;

WHEREAS, the applicant has concurrently submitted Street Vacation (V-307) to vacate a portion of Mount Vernon Avenue between Humane Way and the Chino Valley Freeway (SR-71);

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on January 29, 2014, concerning the requested Conditional Use Permit (CUP 13-003); and

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

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

SECTION 1. The Planning Commission exercising independent judgment finds that 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, an Initial Study was prepared to assess the potential effects of this project on the environment and found that although the proposed project could have a significant effect on the environment, the effects will not be significant because mitigation measures added to the project will reduce these effects to levels less than significant. Therefore, a Mitigated Negative Declaration of Environmental Impacts with mandatory findings of significance and mitigations has been prepared for the project. The Planning Commission hereby adopts said Mitigated Negative Declaration, including the Mitigation Measures that have been incorporated as Conditions of Approval in this Resolution.

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

SECTION 3. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 13-003). 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 industrial use of the project at this particular location will contribute to the general well being of the neighborhood and the community by enhancing the appearance of the area, developing an unoccupied property into an economically viable property and meeting the need for industrial uses and jobs in 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 M-1 (Light Industrial) zone. Based on the proposed project, it is not anticipated that the configuration of the site or activities associated with the industrial nature of the site will generate noise or other impacts that are associated with a typical industrial uses that will be detrimental.

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

The subject site is relatively flat, large-sized, and regular-shaped with a significant lot depth. Therefore, the site has the adequate topography, size and shape to accommodate the proposed development. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the M-1 (Light Industrial) zone while compatible with other uses in the neighborhood.

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

The project site has immediate access to Valley Boulevard, a major arterial street, to the north. Access to regional traffic routes are provided by on- and off-ramps to State Route 71 – Corona Expressway immediately to the east of the subject site via Valley Boulevard. The

proposed warehouse use is expected to generate additional traffic onto local streets and a significant portion of this traffic will be truck traffic due to the nature of warehouse uses. The streets that abut the site are adequate in width and improvement to carry traffic generations typical of the proposed warehouse 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 granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed warehouse use is consistent with the "Industrial" land use designation of the subject site shown on the General Plan Land Use Diagram. Furthermore, the project will develop a site that is currently unoccupied into an economically viable and aesthetically pleasing development, which is consistent with the following policies of the General Plan:

"To encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector (Economic Development Element);"

"To promote a balanced and dynamic economic growth for Pomona with continued development of commercial, financial, professional and industrial services to assure the expansion of local opportunities and to promote a rising standard of living for all residents in a quality environment (Economic Development Element);"

"It is the policy of the City of Pomona to place a major priority on improving physical and visual images of the community (Community Design Element)."

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 13-003) 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 January 29, 2014, and as illustrated in the stamped approved plans dated January 29, 2014. 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 Planning Manager.

2. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two (2) years from the date of this approval (January 29, 2016), 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 make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
4. The project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
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 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. 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 Planning Manager.
8. Prior to the 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 Planning Manager.
9. Prior to issuance of permits, applicant shall obtain the approval, during the Plan Check Process, from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and open space 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.
10. 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.

11. 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.
12. The property owner shall ensure that future tenants are provided with the conditions of approval and that tenants sign a lease addendum confirming that they have read and understand all conditions relative to operation of the facility.
13. Conformance with all included conditions of this resolution shall be achieved prior to the issuance of a Certificate of Occupancy.
14. Before issuance of a zoning clearance and business license for individual tenants, 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.
15. 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.
16. All revisions to site plan shall be reviewed and approved by the City's Community Development Department and/or Public Works – Transportation and Land Development Division, as applicable.
17. Prior to issuance of permits, the applicant shall obtain approval from the Planning Division of a mechanical plan demonstrating the location, type, size, and appropriate screening of all ground-mounted and roof-mounted mechanical equipment. All mechanical equipment shall be screened from public view.
18. Prior to issuance of a Certificate of Occupancy, decorative, permanent, commercial-rated bike racks shall be provided onsite. The quality, design and location of the bike racks shall be reviewed by the Planning Manager prior to installation.

19. 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.

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

Operating Conditions

20. As entitled, the subject industrial building is limited to warehouse uses. Activities incidental to the warehouse uses may be permitted. Manufacturing, assembly, and other uses that require parking greater than warehouse uses shall not be permitted unless an adequate number of parking spaces are provided pursuant to Pomona Zoning Ordinance .Section .503-H.
21. There shall be no parking, long term or short term, of trucks associated with this development along Mount Vernon Avenue or Humane Way at any time.
22. The operator shall not allow vehicles associated with the development to park, stage or queue on Mount Vernon Avenue or Humane Way at any time.
23. All maneuvering of trucks shall occur entirely on-site.
24. No outdoor storage shall be permitted, unless separate approvals are obtained from the Planning Division for outdoor storage areas fully screened by walls, as noted by the Specific Plan, provided that minimum required parking spaces, aisles, drives, and landscaping are maintained.
25. No overnight truck parking shall be permitted except within the designated truck bays and trailer stalls.
26. There shall be no washing, or any type of major or minor maintenance or repair of vehicles on the Premises.
27. The property owner shall provide quarterly maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351.

Mitigation Measures

Noise

28. The project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
29. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the west of the site.

30. The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise-sensitive receptors in the vicinity of the site during all project construction.
31. If loading docks are located along the northern side of the warehouse building, truck movement and loading/unloading activities shall be restricted during nighttime hours (between 10:00 p.m. and 7:00 a.m.) for the loading docks on the northern side of the warehouse building, unless a sound wall with a minimum height of 10 feet is built along the project's western boundary.

Biological Resources

32. A 14 day preconstruction survey for the burrowing owl shall be required to avoid any potential impacts to the species. State of California, Natural Resource Agency, Department of Fish and Wildlife (CDFW), Staff Report on Burrowing Owl Mitigation (March 2012). The survey shall include 100% coverage of the development area and within suitable habitat areas. If active burrowing owl burrows are determined to be present, the burrow shall be flagged and a 160-foot buffer would be created around the burrow during the non-breeding season (September 1 to January 30), and a 250-foot buffer shall be created during the breeding season (February 1 to August 31). The buffer limits may vary depending on the burrow location and burrowing owl sensitivity to human activity. Any relocation efforts must be coordinated with the CDFG and US Fish and Wildlife Service.
33. In addition, to ensure compliance with California Fish and Game Code and the MBTA, and to avoid potential impacts to other nesting birds, the proposed project site shall be cleared of vegetation outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. Should nesting birds be found, an exclusionary buffer shall be established by the biologist. This buffer shall be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing shall not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.

Cultural Resources

34. Should any cultural resources be discovered by the project Proponent or the Proponents Representative during project-related earthmoving activity, all earthmoving activity in the immediate area of the discovery shall cease and the Proponent or Representative shall notify the City. The Proponent or Representative shall retain a qualified archaeologist acceptable to the City to inspect the find and make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the *CEQA*

Guidelines.

35. If during implementation of **Condition No. 34**, above, the resources are determined to be "unique historic resources" as defined in § 15064.5 of the *CEQA Guidelines*, mitigation measures shall be identified by the qualified archaeologist and recommended to the City. Appropriate mitigation measures for significant resources may include: avoidance or capping; incorporation of the finds in green space, parks or open space; or data recovery and excavations of the finds. No further grading shall occur in the area of the finds until the City approves the measures to protect these significant resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow for future scientific study.
36. Prior to construction involving excavation eight feet or more below existing surface grades (note that fill areas are the top 2.5 to 6.5 feet below surface grade), the construction contractor shall provide evidence that a qualified paleontologist acceptable to the City has been retained, and that the paleontologist(s) shall be present during all grading and other significant ground-disturbing activities that reach four feet or more below natural soils depths. If the paleontologist(s) do not find evidence for Pleistocene-era deposits once the maximum excavation depth is reached, monitoring shall be discontinued. In the event fossiliferous deposits are encountered, the following measures shall be implemented:
 - a. Monitoring shall be conducted by qualified paleontological monitor(s) of excavation in areas identified as likely to contain paleontological resources, including undisturbed older Pleistocene alluvium. Paleontological monitors shall be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.
 - b. Paleontological monitoring of any earthmoving would be conducted by a monitor, under direct guidance of a qualified paleontologist. Earthmoving in areas of the parcel where previously undisturbed sediments are buried, but not otherwise disturbed, would not be monitored.
 - c. If too few fossil remains are found after 50 percent of the planned-for earthmoving has been completed, monitoring can be reduced or discontinued in those areas at the project paleontologist's direction.

- d. Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.
- e. Identification and curation of specimens into a professional, fully accredited museum repository with permanent retrievable storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities.
- f. Preparation of a report of findings with and appended itemized inventory of specimens. The report and report and inventory, when submitted to the City of Pomona along with confirmation of the curation of recovered specimens into an established, accredited museum repository, would signify completion of the program to mitigate impacts to paleontological resources.

COMMUNITY DEVELOPMENT DEPT. – BUILDING AND SAFETY DIVISION

- 37. 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).
- 38. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply the 2013 California Building Code, Chapters 5, 6, 7, 9, 10, 11, 12, 14, 15 and 25 for non-constructural provisions and Chapter 16, 17, 18, 19, 21, 22 and 23 for structural provisions, or such other building code applicable at the time of issuance of permits by the City of Pomona Building and Safety Division.
- 39. All proposed electrical work shall comply with the 2013 California Electrical Code and all other relevant laws, ordinances and resolutions governing electrical as adopted by the City of Pomona applicable at the time of issuance of permits by the City of Pomona.
- 40. All proposed mechanical work shall comply with the 2013 California Mechanical Code and all other relevant laws, ordinances and resolutions governing mechanical as adopted by the City of Pomona applicable at the time of issuance of permits by the City of Pomona.
- 41. All proposed plumbing work shall comply with the provisions of the 2013 California Plumbing Code, and all other laws, ordinances, and resolutions governing plumbing as adopted by the City of Pomona at the time of installation of improvements.
- 42. All grading shall comply with the 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.

43. 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.
44. 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 the 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.

PUBLIC WORKS DEPARTMENT

Land Development requirements

45. Applicant/Developer must submit applications for:
 - a) The **vacation of Mount Vernon Avenue** section located east of Humane Way, as depicted on the proposed site plan. Adequate easement, over the entire width of the vacated right-of-way, shall be dedicated to the City of Pomona for ingress/egress and the maintenance and operation of the existing sewer and water infrastructure along Mount Vernon Avenue. Additionally, said easement shall be granted to all public utilities for all existing utility lines within Mount Vernon Avenue boundaries.
 - b) The **lot line adjustment** between the subject parcel and the UPRR property, corresponding to the proposed street vacation. The lot line adjustment application and the subsequent property grant deed are required only if upon the completion of the aforementioned street vacation, the vacated public right-of-way will be split between the street abutting properties; this action will allow for the entire 70-foot width of the vacated portion of Mount Vernon Avenue to be integrated in the proposed development. The applications and the aforementioned grant deed must be approved and recorded prior to the issuance of the grading permit.
 - c) In the event that items 1a and 1b cannot be completed, the developer shall obtain the City Council approval for an exclusive License Agreement for permitted uses of Mount Vernon Avenue. The License Agreement shall be recorded prior to the issuance of the grading permit.
 - d) The grant of easement for roadway purposes, needed to complete the boundaries of the proposed offset cul-de-sac as public street.

Improvement plans requirements

46. 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) The proposed site grading shall not impact in any way the access to the City Water Well No. 19.

The vacated portion of Bellevue Avenue constitutes a 60-foot wide public utilities and ingress/egress easement granted to the City of Pomona to access said water well. The well is located within the city owned Assessor Parcel Number 8707-007-902. It is an active well site, monitored several times per week and unobstructed access to it must be provided at all times. The parking layout shall meet the unobstructed access requirement for the water well site. No relocation of the existing city owned infrastructure in Bellevue Avenue (vacated) is acceptable.

- e) There shall be no above ground permanent structure, landscaping or curb constructed within the existing 60-foot easement (vacated Bellevue). Provide a dedicated driveway approach at Bellevue. All proposed underground improvements shall be coordinated and approved by the City.
 - f) Construct a new fence and access gate around the City's water site.
 - g) The proposed curb proposed to be constructed directly adjacent and to the south of the City's water site shall be painted red to identify the area as a "No Parking" zone.
 - h) The portion of Mount Vernon Avenue east of the cul-de-sac area shall not be gated for any purpose or gate access shall be provided to the city water department.
 - i) Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
 - j) Provide proof of approval by Los Angeles County Flood Control District (LACFCD) to connect the onsite storm drains to the County storm drain system.
47. 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.
48. 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.

49. Applicant/Developer shall submit street improvement plans to include the following:
- a) Standard offset cul-de-sac for Mt. Vernon, approximately 350 feet east of Humane Way, to comply with the City and LACFD standards;
 - b) Vertical and horizontal alignments;
 - c) Street grind and overlay of Mt. Vernon Avenue proposed cul-de-sac, located east of Humane Way ramp;
 - d) Driveway approaches and parkway drains to comply with city standards;
 - e) Concrete sidewalk, curb and gutter;
 - f) ADA compliant curb ramps;
 - g) Existing/proposed street/utility easements and dedications;
 - h) Existing sewer, water and storm drain infrastructure, including laterals;
 - i) Unobstructed visibility shall be ensured at all intersections along the project boundaries;
 - j) Parkway landscaping including but not limited to UPRR side of Mt. Vernon Avenue, east of Humane Way and the sloped areas located on both sides of the Humane Way Bridge;
 - k) Two street lights on Mt. Vernon Avenue, between Humane Way and the cul-de-sac;
 - l) Undergrounding of all existing and/or proposed utility lines [City of Pomona Municipal Code Section 62-31(b)]; any applicable exemptions in compliance with the City's Municipal Code Section 62-31(c) shall be granted by the Building Official.
 - m) Note: "It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements".
 - n) The demolition or relocation of any public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by Public Works Engineering Department.
50. Prior to approval of any improvement plans and/or grading permit issuance 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 Department 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.

51. 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.
52. 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 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.
53. Prior to the approval of the water improvement plans Applicant/Developer shall provide hydraulic calculations showing the proposed demand required by the site and the demand's impact on the existing water system. The Applicant/Developer must to verify (based on fixture units) that the proposed service can provide the domestic and fire water demand given the size, pressure, and distance of these services from the proposed buildings.

If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department. The localized approximate static pressure for the proposed project area is 50-55 psi.

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:
 - i) Fourteen-inch (14") MLCSP in Mount Vernon Avenue; this main line is available for fire connection purposes.
 - ii) Twenty-one inch (21") MLCSP recycled water main in Mount Vernon Avenue.
 - iii) Sixteen-inch (16") ACP and fourteen-inch (14") steel mains in Bellevue Avenue.
 - iv) Eighteen-inch (18") MLCSP recycled water main in Bellevue Avenue.
 - v) Eight-inch (8") ACP main in Humane Way.
 - vi) Private water line feeding Lanterman Hospital.
 - vii) There is currently an existing 3" meter available to serve this site according to the current billing records and several public fire hydrants within 300 feet of the proposed project site.

The existing water infrastructure must also be shown on the site plan.

- b) All existing private/public infrastructure and water facilities adjacent to and affecting the development property including all underground utility connections.
 - c) All new water main lines shall be DIP with a minimum of 8-inches diameter, placed underground and 6' offset from curb lines, or as approved by the City Engineer.
 - d) The existing water facilities that serve or have served the project properties and will not be used by the project shall be removed to the satisfaction of the City Engineer.
 - e) 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.
 - f) Applicant/Developer may elect to pay City for installation of water services 2-inch or smaller.
 - g) Water/fire services may not cross property lines unless those separate properties have the same owner.
 - h) Property address, legal description, property lines, street centerline, curb-line, existing and proposed utility easements, and right-of-way with dimensions.
54. During construction the developer and/or contractor shall:
- a) Use the existing domestic water service provided that there is an existing backflow device in-line on the private side of the meter.
 - b) Request any water main shutdowns through the Public Works Department.
 - c) All newly installed water service lines shall be disinfected per City of Pomona, Water Division-Standard Specification for Water Facility Construction before connection to the existing water line.
 - d) Protect existing water lines in the area.
55. Any existing public water facilities located on private property must be installed within a City of Pomona easement of minimum 15-foot width, and will be maintained by the City.
56. Access to City water facilities for water operation crews shall be made available at all time for servicing and maintaining the water system and for reading water meters.
57. All public utilities (water, sewer and storm drain) within areas of street closure or full vacation must be protected by a public utility easement dedicated to the City of Pomona.
58. No permanent structures are allowed to be placed over the dedicated easement area.
59. 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 and accepted by the City of Pomona.

60. Easement rights shall hold the City harmless to removal and/or damage to the development improvements within easement during maintenance to and/or operation of public water facilities.
61. Prior to the issuance of the Certificate of Occupancy Applicant/Developer is responsible for installing approved Reduced Pressure Backflow Preventers (list brand and model) for the following water lines to the site:
 - a) Reduced principal pressure devices are required for all domestic services;
 - b) Reduced principal pressure devices are required for all dedicated irrigation service lines to the proposed site;
 - c) Double check detector assembly devices for all fire sprinkler service lines, or onsite mains serving solely hydrants.
62. Prior to the approval of the water improvement plans the applicant/developer shall meet all requirements of the Los Angeles County Fire Department (LACFD). Applicant/Developer shall contact LACFD to determine if additional fire hydrants are needed for the proposed development. Any new fire hydrants must be placed at least five (5) feet from proposed driveways and off of parking spaces. Proof of LACFD approval is required for Site Plan sign-off or final water improvement plan submittal to the Public Works Department. Contact the LACFD for information at (909) 620-2402. To meet any LACFD requirements for fire flow information for the existing mains in the area, a fire hydrant test shall be requested from the Public Works Department.
63. Prior to approval of project's improvement plans, the developer shall submit calculations of the expected increase in wastewater generated by the proposed development, to verify the adequacy of the existing sewer lateral(s) and sewer main.
64. Prior to issuance of the building permit Applicant/Developer shall submit sewer improvement plans for review and approval by the Public Works Department. The sewer plans must include the following items:
 - a) The existing sewer infrastructure and applicable easements (min. 10 ft width):
 - i) Fourteen-inch (14") VCP main, twenty-four inch (24") RCP trunk sewer and a thirty-three inch (33") RCP trunk sewer in Mount Vernon Avenue.
 - ii) Twelve-inch (12") VCP sewer main in Bellevue Avenue.
 - iii) Eight-inch (8") VCP sewer main in Humane Way
 - iv) The trunk sewers in Mount Vernon Avenue are not available for connections.
 - v) There is an existing sewer service for this site according to the current billing records.

The existing sewer infrastructure must also be shown on the site plan.

- b) The proposed sewer laterals with a profile and connection to the existing sewer laterals and sewer main; the sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
 - c) Construction Notes to include the following: 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.
65. The sewer laterals from the public main to the site are considered private and must be maintained by the property owners.
66. Effective January 1, 2014, 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.
67. 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.
68. The final improvement plans, as shown on the Mylar, shall be provided to the City on disk in Auto CAD v. 2004 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. 2004 and .pdf formats.
69. Prior to issuance of the Certificate of Occupancy Developer is required to repair trenches and all affected lanes of development street frontages to a condition "as good or better" following completion of all street/utility work. The trench repair shall comply with City Standard A-26-02.
70. Traffic: Prior to issuance of the Certificate of Occupancy for the project, the developer shall be responsible for installing a physical right-turn restriction commonly known as a "pork-chop" block, in order to enforce the right-in/right-out limitation at the Humane Way/Driveway 1 intersection. Landscaping on the project site (trees or shrubs) in excess of 3.5 feet shall be prohibited within 10 feet of the westbound stop sign in order to accommodate adequate site distance. The driveway on Humane Way shall be restricted to passenger vehicles only. A sign shall be posted facing northwards indicating "No Truck Access, Use Mount Vernon" to notify truck drivers that truck ingress is prohibited and to use Mount Vernon, and a second sign shall be posted facing eastward on the driveway indicating "No Truck Exit, Use Mount Vernon" to notify truck drivers that trucks egress is prohibited and to use Mount Vernon. This improvement shall be made to the satisfaction of and in coordination with the City traffic engineer.

71. Prior to issuance of the grading permit Applicant/Developer shall 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 Los Angeles County SUSMP Manual, and must include:
- a) Site Design BMPs;
 - b) Source Control BMPs;
 - c) Treatment Control BMPs; and
 - d) Recorded Maintenance Covenant for SUSMP.

If infiltration BMPs are proposed for the project, the results of infiltration testing shall be provided as part of the SUSMP submittal.

72. Prior to issuance of the grading permit Applicant/Developer shall electronically file the following documents with the California Water Quality Control Board, using the State's Storm Water Multiple Application and Report Tracking System (SMARTS):
- a) Notice of Intent (NOI);
 - b) Risk Assessment;
 - c) Site Map;
 - d) Storm Water Pollution Prevention Plan (SWPPP); the SWPPP shall be written, amended and certified by a Qualified Stormwater Developer (QSD), and shall include measures to effectively manage all run-on and site run-off discharges;
 - e) Signed Certification Statement; and
 - f) First Annual Fee.
73. Applicant/Developer shall obtain the Waste Discharge Identification Number (WDID#) issued by the Regional Water Quality Control Board for the construction of the project and shall display this number on the title sheet of the grading plans.
74. 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, and public safety improvements.
75. 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 due assessment levy will be adjusted based on the proposed subdivision. 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.

76. 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

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

77. Prior to grading permit issuance Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, storm drains, street frontage pavement, sidewalk, drainage and parkway improvements, and driveway approaches.
78. 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.

79. Permittee shall possess the City of Pomona Business License.
80. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

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

APPROVED AND PASSED THIS 29th DAY OF JANUARY, 2014.


DENTON MOSIER
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: Ixco, Beans, Valencia, Coble and Mosier.
NOES: None.
ABSTAIN: None.
ABSENT: Juarez and Starr.

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

