

PC RESOLUTION NO. 14-036

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (MCUP 08-027-03) TO ALLOW AN APPROXIMATELY 2,860 SQUARE FOOT EXPANSION AND AN EXTERIOR ENTRANCE TO THE BASEMENT LEVEL AT A TEQUILERIA (TEQUILA BAR) IN THE MIXED USE – CENTRAL BUSINESS DISTRICT (MU-CBD) ZONE OF THE DOWNTOWN POMONA SPECIFIC PLAN (DPSP) LOCATED AT 184 WEST THIRD STREET

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, the subject property is in the MU-CBD (Mixed Use – Central Business District) land use district of the Downtown Pomona Specific Plan (DPSP);

WHEREAS, pursuant to the Downtown Pomona Specific Plan, 2005, Section 6.A., the approval of a Conditional Use Permit is required for any land use associated with the sale of alcohol, and entertainment;

WHEREAS, on September 24, 2008, the Planning Commission adopted Planning Commission Resolution No. 08-046 approving Conditional Use Permit (CUP 08-027), allowing the establishment of a bar (tequileria/tequila bar) with the sale of beer, wine and distilled spirits for on-site consumption (ABC License Type-48) and off-site consumption (ABC License Type 21);

WHEREAS, on January 12, 2009, the City Council adopted City Council Resolution No. 2009-4 approving the Finding for Public Convenience or Necessity for a Type-48 (on-sale general) and Type-21 (off-sale general) for the subject bar that was located in a census tract with an undue concentration of on-sale alcohol license and within a high-crime police reporting district;

WHEREAS, on May 25, 2011, the Planning Commission adopted Planning Commission Resolution No. 11-013 approving Modification of Conditional Use Permit (MCUP 08-027) to provide modifications allowing the addition of live entertainment and to expand and modify the floor plan for a previously approved bar at property located at 184 West Third Street;

WHEREAS, On August 24, 2011 the Planning Commission adopted Planning Commission Resolution No. 11-027 approving Modification of Conditional Use Permit (MCUP 08-027-2) which eliminated the sale of beer and wine for off-site consumption; and

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 25, 2014, concerning the requested Modification of Conditional Use Permit (MCUP 08-027-3); and

WHEREAS, the Planning Commission has carefully considered all 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, as follows:

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), that the project is Categorically Exempt under Section 15301, Class 1 (Existing Facilities) in that the action involves the licensing and minor alteration of an existing building for the proposed use.

SECTION 2. The Planning Commission hereby supersedes the previously approved Planning Commission Resolution No. 11-027, and adopts this Resolution by approving Modification of Conditional Use Permit (MCUP 08-027-3), as set forth herein. Previously approved Planning Commission Resolution No. 11-027 is hereby rescinded and no longer has any legal effect.

SECTION 3. 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 4. Pursuant to Section .580.B of the Zoning Ordinance, the Planning Commission must make the five findings listed below in order to grant a conditional use permit. Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *The proposed use at the particular location will contribute to the general well being of the neighborhood or community.*

The proposed modifications will enhance the facilities by providing a service and convenience to the public. The use of the property in conformity with the approved project plans at this location will provide a social and cultural improvement of the immediate neighborhood and community. The expanded floor plan and the proposed entertainment uses to the services provided will help ensure the economic viability of the proposed business, thus increasing the likelihood that the business will continue operating and providing a service to local residents and patrons. As conditioned, it is not expected that the proposed modifications will negatively affect the general welfare of the immediate area. As proposed by the applicant and as conditioned through this resolution, it is expected that the proposed modifications will have a positive effect on the neighborhood and 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 applicant's request will not be detrimental to the health, safety, peace or general welfare of people working in the area. The request of an expanded floor plan and the proposed of an exterior entrance to the basement level will not negatively impact the community because conditions will be placed on the resolution restricting the operations of the business.

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 proposed project is entirely located within an existing building that is sufficient enough in size to accommodate all of the development standards of the MU-CBD (Mixed Use - Central Business District) zone, such as setbacks, parking, walls/fences, landscaping, and signage.

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

The subject site is located on the southeast corner of Third and Thomas Streets which are capable of handling any additional vehicle trips generated by the proposed uses.

5. *The granting of such a conditional use permit will not adversely affect the General Plan of the City.*

Granting of the permit will not adversely affect the General Plan of the City in that the proposed use will add to the mix of services provided at the shopping center, and would be consistent with the intent of the General Plan's Transit Oriented District: Core place type. Furthermore, the proposed use is consistent with the following General Plan goal (7A.G2):

"Promote a balanced mix of uses throughout the city than can be part of an integrated and sustainable local economy that supports harmonious diversity and prosperity."

SECTION 5. Based upon the above findings, the Planning Commission hereby approves Modification of Conditional Use Permit (MCUP 08-027-3) 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 June 25, 2014, and as illustrated in the stamped approved plans dated June 25, 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 Modification of Conditional Use Permit (MCUP 08-027-3). 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 within one (1) year from the date of this approval (June 25, 2015), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for an additional two one-year periods 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 project shall be subject to an appeal period of twenty (20) days. Written appeals may be filed with the City Clerk by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property.
4. 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, including but not limited to

expert witness fees and attorney's fees. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

5. Before exercising the privileges authorized by this resolution, the applicant, operator and/or 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.
6. The property owner shall ensure that future tenants and persons controlling the premise as "promoters" are provided with the conditions of approval, and that any tenants of the property owner and any promoters sign a lease addendum confirming that they have read, understood and shall obey all local, state and federal laws and conditions relative to operation of the facility approved under MCUP 08-027-3. All "promoters" shall obtain a business license and shall comply with all ordinances in effect now or in the future relating to promoter activities. This MCUP shall not serve as vesting of any right of a "promoter" to operate at the premises.
7. A copy of the approved resolution and approved site plan shall be kept on the premises at all times. Applicant shall present the approved resolution and approved site plan upon request by any City Personnel. A copy of the approved resolution and approved site plan shall be kept in the possession of any "promoter" operating the premises and shall be presented to any City Personnel upon request.
8. In the event of a violation of any of the conditions of approval and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible for reimbursing 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.
9. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Planning 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 Planning Manager.
10. Windows graffitied by scratching or acid sketching shall be replaced or repaired within

90 days.

11. 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 Downtown Specific Plan and the City's sign ordinance, and all other conditions under this Conditional use Permit.
12. Loitering or panhandling on the premises shall be prohibited.

Operational Conditions

13. The establishment is subject to the following operating hours with alcohol sales, on-sale and off-sale, ending at 2:00AM:

Day of the Week	Proposed Hours of Operation
Sunday-Saturday	12:00 PM to 4:00 AM (following morning)

14. A security plan shall be submitted for review and approval by the Pomona Police Department prior to exercising the privileges authorized by this resolution. A copy of the approved Security Plan shall be submitted to the Planning Division to be kept on file. This condition shall be required for any new owner, operator, any substantial change in operations, any floor plan reconfigurations, and on a periodic basis as deemed appropriate by the Pomona Police Department. Any change in owner, operator, operations (of a substantial operational change), or any floor plan reconfigurations shall require a review and approval by the Pomona Police Department of the security plan then in effect. Such change shall also be reviewed by the Pomona Planning Division for conformity with the MCUP. Such requirements shall not supplant any requirement for business or other licenses or permit under the Pomona City Code.
15. The security company hired, if required by the security plan, must obtain a Business License from the City of Pomona and be bonded.
16. In January and June of each year, the business shall provide a list of no less than three employees, who can be contacted 24 hours a day, to the Pomona Police Department's Records Bureau. The list of names will be used to facilitate a Police response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.

17. All crimes occurring inside and on the property shall be reported to the Police Department by the applicant or the responsible party operating the premises on behalf of the applicant, and by any "promoter" operating the premises. Such notice shall occur no later than 30-minutes after the time of the occurrence of knowledge of such crime by the applicant, the responsible party operating the premises on behalf of the applicant, or "promoter" operating the premises.
18. At anytime when the licensee is absent from the premises, a responsible party shall be designated who can respond to any inquiries from City Officials.
19. All employees who sell, dispense or serve 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 on 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 ABC licenses.
20. Sales and service of alcoholic beverages under the on-sale privileges of the licenses shall be restricted to the confines of the building and the below grade outdoor open-air patio area.
21. No sales of any alcoholic beverages to obviously intoxicated patrons shall be allowed as identified by either the bar server, or reported to the server/on-site manager by other patrons.
22. No narcotics sales or usage shall be allowed on the Premise at any time.
23. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages or smoking products of any kind, except using the words "tequileria and/or tequila bar" as part of the business name. Interior signs clearly visible to the exterior shall constitute a violation of this condition.
24. Within 30 days of the date of this resolution, a Certificate of Occupancy for the existing tenant space shall be obtained.
25. Patrons shall not be allowed to bring into the location any alcoholic beverage to be consumed within the establishment. Beverages purchased on the premises through the off-sale license shall not be consumed on the premises.
26. The licensee shall not employ or permit any persons to solicit or encourage any customer, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage salary, or other profit sharing plan, scheme or conspiracy.

27. The applicant shall post signs near the exits of the business stating, "No open or unsealed containers of alcoholic beverages beyond this point". Such signage shall be subject to the review and approval of the Planning Division.
28. At no time shall there be a minimum drink requirement for any patron of the premise.
29. The alcohol sales for the Type-21 premise area shall be limited to distilled spirits of 750-ml (0.750 liter) or larger. The off-sale of beer and wine shall be prohibited.
30. Retail sales of products for the Type-21 premise area, in addition to distilled spirits, shall be limited to cigars. There shall be no sales of general retail items including, but not limited to items such as food, snacks, soft drinks and lotto tickets.
31. The Type-21 premise area shall only be accessible from inside the premises of the bar and will not have a separate point of access (i.e. store front entrance from Thomas Street).
32. Licensee shall not permit loitering on any property adjacent to the licensed premise under control of the licensee.
33. Live entertainment, DJ's and dancing on the ground floor level shall be limited only to the designated stage and dance areas as illustrated in the stamped approved plans dated June 25, 2014.
34. Live entertainment, DJ's and dancing on the basement floor level shall be limited only to the designated stage and dance areas as illustrated in the stamped approved plans dated June 25, 2014.
35. There shall be no live entertainment, amplified music or any other activity resonating outside the building walls, nor the sidewalk seating area, that exceeds 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.
36. The design approval of operable windows shall be obtained prior to the issuance of Certificate of Occupancy for the expansion approved in MCUP 08-027-03.
37. All fixtures and restroom facilities shall utilize low flow or low water usage fixtures (toilets, urinals, etc) compliant with 2013 California Plumbing Code sections 403.2-403.8.
38. The operable windows shall be closed at all times while amplified music is played within the establishment.
39. No temporary stages or alteration of the band stage shall be installed, allowed or

constructed without approval of the Planning Manager.

40. No dancing shall be allowed where persons dance, appear, or perform attired in swimsuits, bikinis, lingerie, nude, or any other attire in a nude or semi-nude state, or in violation of Pomona Zoning Ordinance section .5809-5. No such dancers shall be hired by the applicant, promoter, musician, band, D.J. or other person performing at the Premises.
41. At no time shall there be any admission charge, cover fee, or minimum purchase requirement requested of any attendee for any event, gathering or assembly without first obtaining an entertainment business permit from the City as required under Pomona City Code section 30-101, *et seq.*
42. All businesses that provide services for events within the premise, including but not limited to, photographers, florists, food caterers, entertainment and decorators, shall be required to obtain a City of Pomona business license and be able to provide it upon request to any City official.
43. There shall be no pay telephones installed within the enclosed portion of the premises equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the premises.
44. Windows of the premise shall not be tinted or covered in any way that obstructs a clear view of the interior of the premise from the exterior.
45. The licensee shall be responsible for maintaining free of litter and waste the area adjacent to the premise over which they have control.
46. The front and side of the exterior of the premise shall be illuminated at all times while the premises are open for business. 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 onto the adjacent properties.
47. Any change in the seating configuration as illustrated in the stamped approved plans dated June 25, 2014 shall require approval of the Planning Manager.
48. At no point shall any of the activities exceed the maximum occupancy load as determined by the Building & Safety Division.
49. Applicant shall post the occupancy limit in each building space designated as having an occupancy limit. Such posting of occupancy limits shall be in accordance with Building & Safety Division standards and shall be calculated based on the final square footage calculations of the premises at time of certification of occupancy. Such calculations shall be done utilizing those standards applicable under the Building Code applicable at the

time of certification of occupancy. If more restrictive occupancy limits are calculated by the Los Angeles County Fire Department utilizing those codes enforced by the fire marshal and based on final square footage at time of certificate of occupancy, such occupancy limits shall control.

50. A review hearing before the Planning Commission shall be held one (1) year after the date of exercising the Type-21 and Type-48 licenses, to evaluate compliance with this MCUP. The applicant shall notify the Planning Manager, in writing, of the date of issuance of the Type-21 and Type-48 licenses from the Department of ABC and the intended first day of exercising mentioned licenses.
51. Prior to exercising the privileges authorized by this resolution, the applicant shall request a hearing before the Vehicle Parking District Board of Commissioners for a reconsideration of the finding in support of presumption of sufficient off-street parking, and such finding must be granted by the Vehicle Parking District Board of Commissioners, based upon the revised project description, for MCUP 08-027-3.
52. Prior to exercising the privileges authorized by this resolution, the applicant shall request a hearing before the City Council for a consideration of the finding of "public convenience and necessity", and such finding must be granted, before issuance of the Type-21 and Type-48 Licenses by the Department of Alcohol and Beverage Control, based upon the revised project, for MCUP 08-027-3.
53. No valet parking shall be allowed on any City street pursuant to this approval. No valet parking shall be conducted by the Applicant in connection with the premises unless such valet parking activity has been approved by the Vehicle Parking District, the Planning Manager, and the Public Works Director.
54. Persons under the age of 21 shall be prohibited from entering the establishment at any time, except for underage musicians as provided for in the California Business and Professions Code Section 25663.5.
55. The ground floor and the basement level shall be operated together as a part of the same land use and business. The only circumstance under which independent activities shall occur is for occasional private parties for customers of the establishment.
56. The exterior basement stairwell system shall only be used during such time that there are private party events operating on either floor that prohibit the facility from operating as a single use.
57. During such time the basement space is in operation separately than the ground floor and the exterior stairway entrance is utilized as a separate entrance/exit there shall be security personnel present at all times directly at the top of stairs to monitor the gate entry/exit activity.

Police Department

58. Applicant shall install and maintain a video surveillance system to be approved by the Pomona Police Department at time of review of the security plan. Applicant shall maintain high definition video images for at least sixty (60) days. Video images shall cover 360 degrees of interior spaces with the exception of restroom areas and kitchens and include adjacent exterior premises surrounding the facility. Pomona Police Department personnel shall be provided video surveillance records upon request during such sixty day period.

Public Works Department

59. Pursuant to the Pomona Municipal Code Section 46-9.-Openings, Stairs and Vaults, applicant shall "...file a written application with the City Council..." for a potential permit therefore in regards to the alteration of the 2011 City Council approved Third Street sidewalk cut. Said sidewalk cut was allowed to provide light and ventilation to the below grade patio. Under the current CUP application, the existing sidewalk cut is proposed to be modified to accommodate an access stairway to the building basement from the ground level/sidewalk area.
60. If such permit is granted by the City Council, applicant shall submit detailed civil and structural plans and calculations to the Public Works and the Building and Safety Departments for review and approval of the proposed stairway. Said plans shall include:
- Gate to stairs; the gate shall not open beyond the corner of the building.
 - Enhanced height railings.
 - Any canopies/coverings will require subsequent CUP consideration by the Planning Commission.
61. Upon obtaining the approval of the aforementioned plans, applicant shall submit (i) an application to the Director of Public Works/City Engineer for an encroachment permit, and (ii) sign an Indemnity Agreement with the City agreeing to "...save the City harmless and indemnify the City from any loss or damage or liability resulting from such opening, stairway or use thereof". One year after new stairway is installed the Planning Commission shall review any incident reports to determine whether or not the sidewalk cut along Thomas Street should be closed.
62. The Applicant shall provide an insurance policy in the amount set by the City's Risk Manager and obtain the City Council confirmation of said insurance policy, concurrent with the City Council approval of the permit issuance.
63. The completion of the proposed stairway construction is expected to increase the pedestrian traffic at and around the southeast corner of Third and Thomas Streets, during the Tequila Bar regular operation hours and elevate the risk of injuries and accidents.

Consequently, if the stairway permit is granted by the City Council, this conditional use permit modification shall be reviewed by the Planning Commission 12 months after the issuance of a Temporary or Final Certificate of Occupancy.

64. Applicant shall improve the pedestrian ramp located at the southeast corner of Third and Thomas Streets, to comply with the City standards and ADA requirements.
65. Prior to issuance of the building permit Applicant/Developer shall implement Stormwater 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 post construction. The Owner/Contractor Water Quality Compliance Statement included on page 15 of the City of Pomona Construction Site BMP Guidelines must be signed and returned to the Building & Safety Department prior to the issuance of the building permit. The Construction Site BMP Guidelines are available for download at:

http://www.ci.pomona.ca.us/mm/pubwrks/Environ/pdf/Construction%20Site%20and%20Home%20Remodel_BMPs_Pamphlet.pdf

66. 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.

Public Works Improvements Permit

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

67. Prior to construction permit issuance Applicant/Developer shall post surety bonds for all public improvements.
68. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - Commercial General Liability;
 - Automobile Liability;
 - 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.
69. Permittee shall pay fees associated with and possess the City of Pomona Business License.

70. 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.


Building & Safety Division

71. 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).
72. 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.
73. 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.
74. 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.
75. All proposed electrical work shall comply with the 2013 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona applicable at the time of issuance of permits by the City of Pomona.
76. All proposed electrical work shall comply with the 2013 California Electrical Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona applicable at the time of issuance of permits by the City of Pomona.
77. 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.
78. All proposed plumbing work shall comply with the 2013 California Plumbing Code and all other relevant laws, ordinances and resolutions governing plumbing as adopted by the City of Pomona applicable at the time of issuance of permits by the City of Pomona.

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

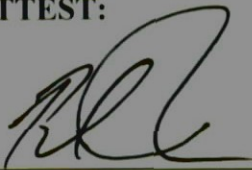
SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 25TH DAY OF JUNE, 2014.



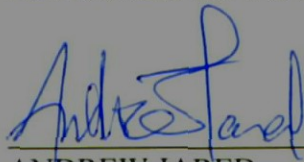
DENTON MOSIER
PLANNING COMMISSION CHAIRPERSON

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: Mosier, Starr, Coble, and Juarez.
NOES: None.
RECUSALS: Beans and Valencia.
ABSENT: Ixco.

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"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."

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