

PC RESOLUTION NO. XX-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 013792-2020) FOR DEVELOPMENT OF A ELEVEN UNIT TOWNHOME DEVELOPMENT ON A 0.85-ACRE LOT LOCATED AT 952 E. NINTH STREET IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.

WHEREAS, the applicant, Feng Xiao Architect, has submitted an application for Conditional Use Permit (013792-2020) to allow construction of a eleven unit townhome development on an existing 0.85-acre lot within the R-2-S, Low Density Multiple-Family Residential with Supplemental Use Overlay Zone, (APN: 8333-004-010 & APN 8333-004-012)

WHEREAS, a Conditional Use Permit is required for certain development on property with an “S” overlay projects, pursuant to Section .440 of the Pomona Zoning Ordinance;

WHEREAS, a Conditional Use Permit is required for multi-family residential units of ten or more, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, the subject site has two existing residential units;

WHEREAS, the City Council approved MAJCOA 3515-2015 for the demolition of the two existing residential units on the subject site;

WHEREAS, the subject property is on a parcel designated as “Residential Neighborhood” on General Plan Land Use Map;

WHEREAS, the proposed development meets all the development standards of the R-2-S (Low Density Multiple Family with Supplemental Overlay) which permits multi-family residences;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 8, 2020, concerning the requested Conditional Use Permit (CUP 013792-2020); 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 the proposed project meets the criteria for a Class 32 Categorical Exemption (In-fill development) pursuant to Section 15332 of the Guidelines for Implementation of the Environmental

Quality Act (CEQA). The proposed project is consistent with the City's General Plan and PZO; the proposed project site is less than five (5) acres; the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment; and the site can adequately be served by all required utilities and public services. Therefore, the project is not subject to further environmental review.

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 five (5) findings in order to approve Conditional Use Permit (CUP 013792-2020). Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *That the proposed use at the particular location will contribute to the general wellbeing of the neighborhood or community;*

The proposed use of the subject site for residential development, specifically the development of eleven townhome units, at this location will contribute to the general well-being of the neighborhood and the community by expanding housing opportunities for residents and by enhancing the appearance of the general area.

2. *That 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;*

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 R-2-S Zone. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties, which are zoned and planned for residential uses by the General Plan. The new project will also enhance the neighborhood and replace the dilapidated homes.

3. *That the site for the proposed use is of adequate topography, size and shaped to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto;*

The subject site has adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the R-2-S Zone while compatible with other uses in the vicinity.

4. *That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use;*

The subject site has street access directly to East Ninth Street, a minor arterial street with access to both S. Towne Ave. and S. San Antonio Ave. All available access to the subject site are adequate in width to carry traffic generations typical of multi-family residential development projects.

5. *That the granting of such conditional use permit will not adversely affect the General Plan of the city or any other adopted 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 residential use is consistent with the "Residential Neighborhood" place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would:

"Improve neighborhoods exhibiting substandard conditions and declining private investments (Goals 6G.G3)

Promote attractive community character as viewed from the public streets, while providing adequate buffer areas between homes and heavily-travel roads (Goals 6G.G7)

Ensure continuity in development scale and character with careful transitions between areas of differing use composition and density (Goals 6G.G9)."

The project also meets the following goals and policies of the Housing Element:

"Assist in the development of adequate housing to meet the needs of low- and moderate-income households." (Goal 2)

"Support the construction of multi-family housing in close proximity to transit, employment centers, shopping, schools, community facilities and public services." (10-P-12)

"Encourage single-family and multi-family infill development integrated into and compatible with the surrounding neighborhood." (10-P-13)

SECTION 4. Based on the above finding, the Planning Commission hereby approves Conditional Use Permit (CUP 013792-2020), subject to the following conditions:

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 July 8, 2020. 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. To the extent any condition in this resolution is not in conformity with the stamped approved plans, the conditions herein shall prevail.
2. This approval shall lapse and become void if construction has not commenced under a valid building permit within one (1) year from the date of this approval (July 8, 2021), 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 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.
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. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

5. In case 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 a 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 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.

Plan Check:

6. The applicant shall include all conditions of approval from Conditional Use Permit (CUP 013792-2020) on the title sheet of construction plans prior to plan check submittal.
7. 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. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be avoided to the greatest extent feasible. The applicant shall coordinate with the adjacent property owner(s) and make reasonable attempts to construct one common property line wall. If coordination with the adjacent property owner(s) cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private property and construction of a new common wall shall include approval by the adjacent property owner(s). The plans shall identify materials, seep holes, and drainage.
8. The proposed common open space areas shall include additional amenities such as playground equipment, barbeque grills, community gardens, and bike rack to the satisfaction of the Planning Manager.
9. Section .5809-24 of the City of Pomona Zoning code requires residential development of 10 or more units to provide public artwork pieces or pay an in-lieu fee.

Site Development & Maintenance:

10. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.
11. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, *et seq.*, and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
12. The construction area shall be kept clean at all times prior to, during, and after construction.
13. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall 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.
14. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.
15. The property shall be maintained free of weeds and debris prior, during and after the construction period.
16. Landscaping is to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained on the subject site. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, which meets the most current State of California Drought Executive Order Model Water Efficiency Landscape Ordinance (MWELo) and any modification as adopted by the City of Pomona.
17. The precise landscape and irrigation plans shall include landscape area in the rear and side yards of the proposed development, subject to the review and approval of the Planning Division.
18. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks,

water hose, etc.)

19. Any proposed fencing on the subject site shall be in compliance with Section .503-I of the Pomona Zoning Ordinance and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.
20. Garages shall not be utilized as storage. This condition shall be recorded in deed for enforcement purposes.
21. Once tenants has vacated the property, the property owner shall execute a Trespass Arrest Authorization form with the City to allow the Police Department to enforce trespassing on the subject property.
22. Prior to, during, and until construction is completed, the subject property shall be maintained clean and free of debris, trash and clutter at all times, and monitored on a regular basis to ensure compliance with this condition and report any unauthorized trespassing onto the property to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation of this Conditional Use Permit.

BUILDING AND SAFETY DIVISION

23. This project must comply with 2019 California codes
24. The undergrounding of utility facilities is required. (PMC 62-31)
25. 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)
26. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2019 California Building Codes.
27. All grading shall conform to the 2019 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.
28. 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.
29. All proposed work shall comply with the 2019 California Energy Code and all other relevant

laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.

30. Proposed project shall comply with the 2019 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
31. 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.
32. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
33. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
34. Fence and wall plan required.

Land development requirements

35. Tentative Tract Map TTM 83094 has been submitted concurrently with CUP 013792-2020. The tentative tract map for the proposed development shall be recorded as one final map and developed as one tract. The final map shall be recorded prior to the issuance of the building permits.

Improvement plans requirements

36. 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.

37. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications** of to the next adjacent (non-City) property owners as indicated on the Planning Commission meeting notification list regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public services (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development and outline the City approval process (City review, public notification, Planning Commission approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.
38. 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.
39. 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.
40. Prior the issuance of the building permits, Applicant/Developer shall submit for review and approval **public street improvement plans** to include the following items and are responsible for the construction thereof:
 - a. New driveway approach to comply with the City standards and ADA requirements. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - b. New sidewalk, curb and gutter to replace (i) the existing driveway approach proposed for removal and (ii) all cracked, damaged sections of the existing sidewalk, curb and gutter along the property frontage.
 - c. Removal of the existing sections of block wall located along the westerly property line and chain link fence located along the easterly property line, both encroaching in the public right-of-way.
 - d. Ninth Street paving: in the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Ninth Street lot frontage, overlay paving shall occur in accordance with the City standard A-26-02.
 - e. Parkway drains built in compliance with the City standards.
 - f. Existing and proposed sewer, water and storm drain infrastructure, including laterals.
 - g. 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.

- h. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries and a note to this effect shall be added to the public street improvement plan.
 - i. Undergrounding of all existing (along the Ninth Street lot frontage) and proposed utility lines will be required as per City of Pomona Municipal Code Section 62-31(b)(1) and a note to this effect shall be added to the public street improvement plan.
 - j. The parkway landscaped area shall be designed to comply with the City standard A-34-11 (Intersection Sight Distance) and a note to this effect shall be added to the street improvement plan.
 - k. The parkway landscaping shall be maintained by the property owner per City of Pomona Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plan.
 - l. 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.
 - m. The demolition or relocation of all public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by the Engineering Division of the Public Works Department.
41. 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.
42. If future placement of permanent structures conflicts with location of existing public utilities (water, sewer and storm drain), then improvement plans proposing the relocation or abandonment of identified utilities must be submitted, reviewed and accepted by the Public Works Department. No public utility infrastructure shall be removed or modified as part of the onsite demolition plan approved by the Building and Safety Department.
43. Applicant/Developer is responsible for the implementation of **storm water** Good Housekeeping Best Management Practices for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.
44. Prior to the issuance of the building permits Applicant/Developer is responsible for the payment of any/all applicable City **water and sewer connection fees** and shall make proof of payment of the **Los Angeles County Sanitation District fees** associated with the proposed development.

45. 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 park and recreation improvements.
46. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's **development tax fee**.
47. Prior to the issuance of the building permits, the 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.
48. All 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.
49. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic (AutoCAD v. 2010) format. 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 in AutoCAD v. 2010 format.
50. The development shall comply with the USPS Delivery Growth Management Program. Additional information is available at <https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/residential-delivery.htm>

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.

51. **Prior to final map approval, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, street frontage pavement, sidewalk, drainage and parkway improvements, driveway approaches and utility undergrounding.**
52. 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.

- 53. Permittee shall pay fees associated with and possess the City of Pomona Business License.
- 54. 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/Developer.

WATER

- 54. There currently exists two water mains within Ninth Street:
 - a. Sixteen-inch (16") STLP
 - b. Sixteen-inch (16") DIP that may not be connected to for any purpose.
- 55. The localized approximate static pressure for the proposed project area is about 50-55 psi. **The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WRD regarding the extent of proposed public water and sewer main within the proposed project area.**
- 56. **If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.**
- 57. Any private on-site water improvements shall be the owner's responsibility and not the City's.

Domestic and Fire Service Line

- 58. Per City records there is an existing 5/8" meter currently serving 952 E. Ninth Street. **Please identify if the existing meter will be used for the development.**
- 59. The City may install meters less than or equal to two-inches (2") in size. Contact the WRD at (909) 620-2212 for information regarding meter installation fees.
- 60. **This development shall be served by an above-ground master meter, within a security cage, per City of Pomona standard drawings 13A through 13C. The City will not maintain any separate sub-meter(s) on private property. Please obtain aesthetic requirements for the required security cage from the Planning Division. There shall not be any public improvements located onsite to the extent possible.**

61. Contact WRD for a list of acceptable master meter manufacturers and models. Meter(s) shall not be placed in driveways, parking spaces or obstructed by walls. City of Pomona shall be provided an easement for maintenance access.
62. The edge of all new meter vaults, if necessary, should be located in public right-of-way or the sidewalk two inches (2") from the back of the curb per Standard No.'s 11 and 12. Meter (s) cannot be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
63. There are public fire hydrants within 500 feet of the proposed project site. **All proposed onsite hydrants shall be private and be painted red.**
64. Contact the Los Angeles County Fire Department regarding this project and their proposed requirements for the building, sprinklers and general land development. If new fire hydrants are required, they shall be placed at least five-feet (5') away from proposed driveways and parking spaces.
65. All newly installed water lines shall be disinfected per the *City of Pomona Water Division Standard Specifications for Water Facility Construction* before connection to the existing water main.
66. Approved low lead (0.25%) backflow devices (list the manufacturer and model) are required for the following service lines to the site:
 - Reduced pressure principle assembly (RPPA) devices are required for dedicated irrigation service lines to the proposed site, and
 - Reduced pressure principle assembly (RPPA) devices are required for all domestic services; and
 - Double check detector assembly (DCDA) devices for all fire sprinkler service lines.

SEWER

67. There is currently an existing eight-inch (8") VCP sewer main within Ninth Street. All proposed sewer main or laterals onsite shall be privately owned and maintained. **The existing sewer infrastructure shall be shown on the site plan.**
68. The applicant/developer shall connect to the existing eight-inch (8") VCP main with a private VCP lateral. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.

69. The applicant/developer shall calculate the expected wastewater generated by the development to properly size the sewer lateral(s) to serve the new site. Due to the additional discharge volume anticipated by this development, a flow meter test is required in order to determine the existing capacity of the sewer system. Please submit a flow test report that includes seven days of data for the existing manhole closest to the proposed point(s) of connection. This flow test report shall be submitted to the WRD for review and acceptance.
70. New sewer laterals must be constructed per Standard Drawing Numbers S5 and S6. Construction shall also comply with Standard No. A-26-02 per the Public Works Standards.
71. **The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.**
72. For further information on how charges are assessed, contact the City's Public Works Business Services Division.
73. The applicant/developer shall submit and include the following items in the sewer development plan:
 - A. The proposed sewer lateral(s) profile and connection to the existing sewer main.
 - B. Construction Notes:
The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.

FIRE DIVISION

74. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
75. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
76. All fire lanes shall be clear of all encroachments and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

77. The Fire Apparatus Access Roads and designated fire lanes shall be measured flow line to flow line.
78. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2
79. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5
80. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
81. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
82. A minimum 5-foot-wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
83. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall always be maintained. Fire Code 503.4

WATER SYSTEMS REQUIREMENTS

84. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the 2017 County of Los Angeles Fire Code, Table B105.1
85. The required fire flow for the public fire hydrants for this project is 1500 GPM at 20 psi residual pressure for 2 hours. Two public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1

86. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
87. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department

SOLID WASTE

88. Each owner and/or each occupant of a commercial, multi-family, industrial, or institutional establishment shall be responsible for the disposal and/or diversion, where appropriate or solid waste through the contractual services of a franchised solid waste enterprise that has been granted such by action of the city council. (PCC 62-701, Ord 3884)
89. Mandatory Commercial Recycling pursuant to Public Resources Code #42649 the purpose of mandatory commercial recycling is to preserve local landfill space and to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services in Pomona. (PCC 62-785, Ord 4153).
90. Every person occupying, leasing, owning, managing, or in possession of any multifamily, commercial, industrial or institutional establishment or premises within the city shall provide sufficient portable containers or trash bins for solid waste to accommodate the amount of solid waste generated by that particular establishment (PCC 62-811, Ord 3884). Stored in a fully enclosed structure, constructed of masonry block or concrete and designed to be architecturally compatible with the buildings on the site (PCC 62-812, Ord 4098).
91. Assembly Bill 341 – the State mandates recycling for business producing four or more cubic yards of solid waste and multi-family dwellings of five or more units.
92. Assembly Bill 1826 – the State mandates organic waste recycling for qualifying businesses and multi-family dwellings of five units or more. January 1, 2019 – All generators of 4 or more cubic yards of municipal solid waste per week.
93. Pomona Zoning Code .503-C. Recycling and Solid Waste Disposal Requirements
94. General Provisions. General recycling and solid waste requirements as defined herein shall apply to new development projects requiring a building permit and any modification which adds twenty-five (25) percent or more to the existing gross floor area in all zones as follows:

Zoning District

Applicability

Residential

Two or more multifamily dwellings

Commercial

All development

Industrial

All development

Specific plan areas and publicly owned land

All development

95. Materials, Construction, Design and Location.
 - a. The walls of each recycling and trash enclosure shall be constructed of solid masonry material with an exterior surface finish compatible with the main structure(s).
 - b. Each recycling and trash enclosure shall have decorative, solid, heavy gauge metal gates. The gate shall incorporate a locking device during closing hours of industrial or commercial uses.
 - c. Each recycling and trash enclosure shall be six (6) feet in height.
 - d. Each recycling and trash enclosure shall be designed to allow walk-in access without having to open the main enclosure gate for residential projects.
 - e. Maintenance of each recycling and trash enclosure shall be the responsibility of the property owner.
 - f. The recycling collection area shall be located within the trash enclosure area.
 - g. If feasible, the trash enclosure area shall be located adjacent to a building.
96. Instructional Signs. Signs shall be conspicuously posted on each recycling and trash enclosure giving instructions on the use of the recycling bins and containers.
97. Landscaping. The perimeter of the recycling and trash enclosure shall be planted, if feasible, with drought resistant landscaping, including a combination of shrubs and/or climbing evergreen vines.
98. Lighting. All trash collection areas shall be well lit with a minimum one foot candle, subject to approval of the city planner or designee.
99. Setbacks. Recycling and trash enclosures shall be prohibited in any front of street side yard setback.
100. Use of Parking Spaces. Recycling or trash enclosures shall not be located in any required parking space, except as provided in this section.
101. Existing Trash Enclosures. If an existing development project has a trash enclosure, the required recycling containers shall be located inside such trash enclosure. If it is not feasible to locate the required recycling containers within the trash enclosure, such recycling containers shall be located adjacent to the trash enclosure and shall be appropriately screened, subject to approval by the city planner or designee.
102. Nonresidential Uses and Projects. Nonresidential uses and projects within all zones of the city shall provide exterior trash and recyclable material storage areas as herein specified. The following are minimum exterior trash and recycling storage requirements. The following requirement shall apply:
 - a. Dimensions of the storage area shall accommodate containers consistent with current methods of collection. The exterior storage area shall not be located within any required front yard, street

side yard, any required parking and landscaped areas, or any other area required by the Pomona City Code to be constructed or maintained unencumbered according to fire and other applicable building and public safety codes. The storage area shall be accessible to all occupants and haulers. In all cases where a lot or premises is served by an alley, all exterior storage areas shall be directly accessible to such alley. If the exterior storage area is located outside or on the exterior of any structure it shall be screened with a six (6) foot high solid wood, metal or masonry enclosure. A sign identifying each exterior trash and recycling storage area shall be displayed. Each sign shall not exceed four (4) square feet in area and shall be posted on the exterior of the storage area adjacent to the access point.

- b. Any new development projects or any modifications to existing developments located in the Central Business District (CBD) area which add twenty-five (25) percent or more to the gross floor area shall be required to be in compliance with this section. The owner(s) of a property which has an existing "off-site" trash enclosure prior to adoption of the ordinance codified in this subsection shall be required to make any and all necessary modifications to the "off-site" trash enclosure in order to be in compliance with the provisions stated herein.
 - c. There shall be at least one (1) trash facility for every commercial or industrial lot, except as permitted above. Additional trash facilities may be required, subject to approval by the city planner or designee.
103. Residential Projects. Multiple-family residential projects within all zones of the city shall provide trash and recycling storage areas as follows:
- a. Dimensions of the storage area shall accommodate containers consistent with current methods of collection. Exterior storage area shall not be located in any required front yard, street side yard, any required parking and landscaped areas, or any other area required by the Pomona City Code to be constructed or maintained encumbered according to fire and other applicable building and public safety codes. The storage area shall be accessible to residents and haulers. If the exterior storage area is located outside or on the exterior of any structure/building the storage area for five (5) or more dwelling units shall be screened with a six (6) foot high solid material (wood, masonry, etc.) enclosure. In all cases where a lot or premises is served by an alley, all exterior storage areas shall be directly accessible to such alley. One sign identifying each exterior trash and recycling storage area shall be displayed. Each sign shall not exceed four (4) square feet in area and shall be posted on the exterior of the storage area adjacent to the access point.
 - b. A minimum of one (1) recycling and one (1) solid waste disposal container shall be provided for every fifteen (15) units.
 - c. Trash and recycling storage areas shall be located a maximum of one hundred fifty (150) feet from the residential unit(s) they serve.
 - d. Projects with two (2) and three (3) dwellings on a lot need not provide a trash enclosure but must provide trash containers for both recyclable and solid waste disposal, subject to approval of the public works department.

104. Severability. All provisions of this subsection and, if for any reason any sentence, paragraph, or section of this subsection shall be held invalid, such decision shall not affect the validity of the remaining parts of the subsection.

(Ord. No. 3737, 3)

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

APPROVED AND ADOPTED THIS 8TH DAY OF JULY, 2020.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GUSTAVO N. GONZALEZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY 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 California Code of Civil Procedure Section 1094.6."