

**PC RESOLUTION NO. 21-028**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 14390-2020) FOR 12 RESIDENTIAL UNITS AS WELL AS ASSOCIATED ON-SITE IMPROVEMENTS ON A PROPERTY LOCATED AT 1137-1149 W. PHILLIPS BOULEVARD (APN NOS. 8343-012-015, 8343-012-016).**

**WHEREAS**, the applicant, Jackson Huang, has submitted an application for Conditional Use Permit (CUP 14390-2020) to develop a 0.9-acre site, that is currently vacant, with 12, two-story, attached townhomes as well as associated on-site improvements on a property located at 1137-1149 W. Phillips Blvd (APN Nos. 8343-012-015, 8343-012-016);

**WHEREAS**, the applicant has concurrently submitted an application for a Tentative Tract Map (TRACTMAP 14391-2020) and Major Oak Tree Permit (MAJOTP 14388-2020);

**WHEREAS**, the subject property is currently located within the R-2 (Low Density Multi-Family) zoning district;

**WHEREAS**, the subject property has a General Plan Place Type designation of "Residential Neighborhood;

**WHEREAS**, the subject property has a General Plan Transect Zone designation of "T-3" allowing up to 20 dwelling units per acre and "T4-B" allowing up to 40 dwelling units per acre;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on October 27, 2021, concerning the requested Conditional Use Permit (CUP 13195-2019); 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 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) in that the project involves the construction of 12 residential units. The proposed project is consistent with the City's General Plan and Zoning Ordinance; 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, no further environmental review is required. An environmental review was conducted to support this determination.

**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 the findings below in order to approve Conditional Use Permit (CUP 14390-2020). 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 use of the subject site for residential development, specifically, the development of 12 new residential units at this particular location will contribute to the general well-being of the neighborhood and the community by improving a vacant site and will expand housing opportunities for the City.

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 conformance with the applicable development standards of the R-2 (Low Density Multi-family) district as well as the General Plan place types of Residential Neighborhood and transect zones of T-3 and T4-B. 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 project, as designed, will enhance the neighborhood.

3. *That the site of 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 is relatively flat and approximately 0.9 acres in area. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential

development project.

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

The subject site has direct access to Murchison Avenue, which is a collector street, and Dudley Drive, which is a minor arterial. A traffic study was conducted to evaluate the potential circulation system deficiencies that may result from the development of the proposed project. Based on the results of the traffic analysis, the abutting streets are adequate in width and improvements to carry traffic generations typical of the proposed use of the project, as conditioned.

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 residential use is consistent with the “Residential Neighborhood” place type, which allows for a range of housing types. Further, the project will contribute to the City’s housing stock and expand housing opportunities for the community.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 14390-2020) 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 October 27, 2021, and as illustrated in the stamped approved plans dated October 27, 2021 and as conditioned. 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. 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 the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.
3. 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 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.
4. The project is subject to a twenty (20) calendar day appeal period. Written appeals may be filed with the City Clerk within twenty (20) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within twenty (20) calendar days from the date of action by the Planning Commission.

5. This approval shall lapse and become void if the privilege authorized is not utilized within 12 months from the date of this approval (October 27, 2022), in accordance with Pomona Zoning Ordinance (PZO) Section .580.I. The Planning Commission may extend this period twice for one 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. Extension requests shall comply with Sec. 580-I.LAPSE of the Pomona Zoning Ordinance.
6. Within six months from the date of approval, Applicant shall file for a Conditional Use Permit Inspection Request and pay applicable fees. Upon receipt of such Inspection Request, the Development Services Director shall conduct an inspection of the proposed operation and review any complaints received on the property. The Director shall determine if the applicant is satisfactorily in compliance against all conditions of approval identified in this Resolution. The Development Services Director may, at his or her discretion, approve or deny Inspection Requests. If noncompliance is determined, the Director may schedule the matter for review by Planning Commission to consider bringing revocation proceedings. Applicant shall file for subsequent Conditional Use Permit Inspection Requests on an annual basis.
7. Within thirty (30) days of approval of this Tentative Tract Map, the property owner shall execute a trespass authorization letter with the City to allow the Police Department to enforce trespassing on the subject property.
8. 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 Tentative Tract Map.

### ***Plan Check***

9. The applicant shall include all conditions of approval from Conditional Use Permit (CUP 15363-2021) on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the

PZO as applicable.

10. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and electric transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, utilities and/or equipment must be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
11. The installation of fences will require the submittal of a “Fence and Wall Permit” application 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 extent feasible. The applicant shall coordinate with the adjacent property owner(s) and make reasonable attempts to construct one common property line wall.
12. The installation of signage shall require the submittal of a “Sign Permit” application for review and approval by the Planning Division. Any proposed signs shall be consistent with PZO.
13. Prior to the issuance of any building permits, a Landscape Plan Check in substantial conformance to the conceptual landscaping plan submitted as part of the Conditional Use Permit Process. Plan should further conform to the State Model Water Efficient Landscape Ordinance, and applicable portions of Section .503-J of the PZO. 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, at an amount to be determined by the Development Services Director.
14. The applicant shall conform to Section .5809-24 of the PZO pertaining to public art requirements for private development by complying with one of the following two options:
  - I. Placement of an approved Public Art on the Project site.
    - a) 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.

- b) 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.
- c) 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.

II. Payment of an In-lieu Contribution.

- a) 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.

III. Use of In-lieu Contributions shall comply with the following:

- b) 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.
- c) 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.

- 15. A lighting plan will be submitted to Public Works for review of the proposed area of lighting that meets the minimum 1 FC requirement, including information of the light source type (ie LED) and Kelvin temperature. The plan shall be stamped and signed by a registered Professional Civil/Electrical Engineer in the State of California.
- 16. Before issuance of a zoning clearance and business, 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.

### ***Site Development & Maintenance***

17. During demolition, grading, site development, and/or construction, all requirements of the PZO 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 a.m. and 8:00 p.m., 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.
18. Temporary noise barriers and/or blankets with a minimum height of eight feet shall be constructed along the entire northern, western, and eastern project site. Applicant shall request an inspection from the Planning Division of said barriers and/or blankets. Please refer to noise and vibration study for detail.
19. 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.
20. The construction area shall be kept clean at all times prior to, during, and after construction.
21. 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.
22. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance



with Pomona City Code 62-351.

23. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Conditional Use Permit (CUP 14390-2021).
24. The property shall be maintained free of weeds and debris prior, during and after the construction period.

#### **BUILDING & SAFETY DIVISION**

25. This project must comply with 2019 California codes
26. The undergrounding of utility facilities is required. (PMC 62-31)
27. 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)
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

34. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
35. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
36. Fence and wall plan required.

## **PUBLIC WORKS – LAND DEVELOPMENT**

The following conditions and public improvements, as well as all applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws<sup>1</sup>.

All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.

### **Improvement plans requirements**

37. 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.
38. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications to the (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.

39. 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.
40. Prior to issuance of the grading permit, the Applicant/Developer shall submit a **soils and geologic report** to address the soil's stability, infiltration rate and geological conditions of the site.
41. 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 throughout occupancy.
42. Prior to the approval of the final map, Applicant/Developer shall submit **public street improvement plans** to include the following items and is responsible for the construction thereof:
  - a. New driveway approach per City standards and ADA requirements. Unobstructed visibility shall be ensured at the intersection of the driveway with Phillips Boulevard.
  - b. New sidewalk, curb and gutter to replace the existing driveway aprons proposed for removal and all damaged cracked and uplifted sections.
  - c. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along Phillips Boulevard property frontage, street repaving shall occur in accordance with the City standard A-26-02, at the minimum from gutter to street centerline:
    01. Remove all cracked, damaged, uplifted Portland Cement Concrete (PCC) and replace with new PCC panels (dowelled in), along the property frontage; all impacted PCC panels shall be removed and replaced to the nearest joint line; the PCC paving shall comply with the City standards, including using rapid set concrete and metal plating to allow for min. 48 hours of concrete curing.

02. All Asphalt Concrete (AC) patches shall be replaced with PCC paving.
  03. Street Asphalt Rubberized Hot Mix (ARHM) repaving shall occur in accordance with the City standard A-26-02.
  04. Additional street repaving might be necessary depending upon the required dry utility cuts beyond the lot frontage limits;
- d. To address site access safety and required City standard upgrades, a lighting analysis must be prepared and submitted to the PW Department for review and approval. The study area will be along the Phillips Boulevard project frontage, to ensure the roadway illumination design meets the IES RP-8 requirements; the Applicant/Developer is responsible for the compliance (design & installation) with all mitigation measures.
  - e. Street Landscaping:
    01. The parkway-landscaped areas along the project frontages shall be sprinklered and maintained by the property owner, as required by the City's Municipal Code Section 46-496; a note to this effect shall be added to the public street improvement plan.
    02. 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 on the public street improvement plan.
  - f. Parkway drains installed in compliance with the City standards.
  - g. Existing and proposed sewer, water and storm drain infrastructure, including laterals and easements.
  - 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 the existing (along Phillips Boulevard) and proposed overhead utility lines shall conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plan.
  - j. 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.

- k. 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.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. **Traffic:** Applicant/Developer is responsible for the implementation of the following traffic signage and striping mitigation measures:
  - 1. Establish a stop control for southbound traffic on the private driveway, by installing:
    - 01. "No Left Turn" regulatory sign (R3-2).
    - 02. "STOP" regulatory sign (R1-1).
    - 03. "CROSS TRAFFIC AHEAD" sign (W70 (CA)).
    - 04. Limit Line (per Caltrans 2018 Standard Plan A24G).
    - 05. "STOP" Pavement Marking (per 2014 CA MUTCD Rev. 5).
  - m. Remove the solid double yellow painted median between Prospect Drive and Hamilton Boulevard and replace it with a two-way left turn lane striping, Detail 32 (Caltrans 2018 Standard Plan A20B).
- 47. Prior to the issuance of the building permits or the approval of the public water and public sewer plans, whichever occurs first, 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.

48. Prior to issuance of the building permits, Applicant/Developer is responsible for paying the project's **impact fees** for traffic signals and control devices, road and highway improvements, public safety improvements and parks.
49. Prior to issuance of the building permits, Applicant/Developer is responsible for paying the project's **development tax fee**.
50. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the **City's Street Lighting District 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. This requirement applies to Assessor Parcel Numbers 8343-012-015 and -016.
51. 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.
52. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. 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 AutoCAD v. 2010 and .pdf formats.
53. Prior to the issuance of the Certificate of Occupancy Applicant/Developer is responsible for the project's compliance with the USPS Delivery Growth Management Program; related 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.

54. **Prior to the approval of the final map, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, storm drains, street paving and striping, driveway approaches, curb and gutter, sidewalk, overhead lines undergrounding, parkway landscaping, street lighting and traffic improvements.**
55. 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.
56. Permittee shall pay fees associated with and possess the City of Pomona Business License.
57. 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.

**PUBLIC WORKS – SOLID WASTE DIVISION**

58. Solid waste, recycling and green waste services are to be provided by the City's approved commercial solids waste non-exclusive franchise hauler.

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

**PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2021**

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ALFREDO CAMACHO  
PLANNING COMMISSION CHAIRPERSON

PC Resolution No. 21-028  
Conditional Use Permit (CUP 14390-2020)  
1137-1149 W. Phillips Blvd.  
Page 16 of 16

**ATTEST:**

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ANITA D. GUTIERREZ, AICP  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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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.