



**City of Pomona  
Annual Report on Development Impact Fees  
For  
Fiscal Year Ended  
June 30, 2021**

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**City of Pomona**  
**Annual Compliance Report – AB 1600**  
**Fiscal Year Ended June 30, 2021**

**Background Information and Legal Requirements**

This report contains the status of the City of Pomona's Development Impact Fees for the fiscal year 2020-21. The State of California Government Code Sections 66001 and 66006 require local agencies that impose Development Impact Fees to prepare an annual report providing specific information about those fees. This report is presented to comply with these requirements, also referred to as AB 1600 requirements.

Summarized in this report are the following code requirements:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of fees collected and interest earned.
- An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

## **Description of Development Impact Fees**

Traffic and Signal Control Device Fee – To provide for the construction or reimbursement for construction of traffic signals and control devices or to reimburse the City of Pomona for the cost to design and construct such facilities which are required due to the expansion of development and increased populations in the City, which yield as a byproduct increased vehicular movement.

Road and Highway Fee – To provide for the construction or reimbursement for construction of road improvements, streetscape and street lights which are required due to expansion of development and increased populations in the City, which yield as a byproduct increased vehicular movement.

Public Safety Improvement Fee – To provide for the construction or reimbursement for construction of public safety improvements which are required due to expansion of development and populations in the City, which yield as a byproduct increased vehicular movement and environmental impacts requiring more public safety facilities.

Park and Recreation Improvement Fee – To provide for the development, expansion or improvement of park and recreation facilities which are required due to expansion of development and increased populations in the City, which yield as a byproduct a need for expanded park and recreation areas and facilities.

Art in Public Places Program Fee – To provide for public art projects on both private and public properties throughout the City needed as a result of development infringing on areas where public art may be displayed and enjoyed.

Sewer Connection Fee – To provide for funds to cover costs of adding new sewer connections due to new construction.

Water Connection Fee – To provide for funds to cover costs of adding new water connections due to new construction.

## **Schedule of Development Impact Fees**

For the Fiscal Year ended June 30, 2021, the City of Pomona has seven development impacts fees in place. The first four fees were enacted pursuant to the Pomona City Code Article III, Sections 70-67 through 70-70 of the Pomona Municipal Code, Per City Council Adopted Resolution No. 89-200 and Ordinance 3506 (See Appendix A) as follows:

- Traffic Signal and Control Device Fee shall be \$5.00 per trip generated by new construction.
- Road and Highway Fee shall be \$5.00 per trip generated by new construction.
- Public Safety Improvement Fee shall be \$0.25 per square foot for new construction.
- Park and Recreation Improvement Fee shall be \$675.00 per dwelling unit.

Three additional development impact fees are as follows:

Art in Public Places Program Fee per Ordinance No. 4151 (and Section .5809-24C of the Zoning Code) (See Appendix B) are:

- Projects that are not exempt and meet certain criteria must comply with this requirement by either placement of an approved Public Art on the project site or payment of the in-lieu contribution to be one percent (1%) of the building valuation for a project.

Sewer Development Impact Fee per Resolution 1988-122 (See Appendix C) are:

- Sewer Connection Fee - \$30.00 per foot, additional \$500 per acre in excess of 150 foot depth. (See Section 1, Line G of Resolution 88-122)

Water Development Impact Fee established per Resolution 2006-166 (See Appendix D). Water Connection and New Service Fee – listed in Appendix E (See Sections 62-321 and 62-322 for rates in effect as of June, 30 2021), or see below:

<u>Water Rate</u>		Effective <u>1/1/2021</u> (1.8993% CPI)
<u>Section 62-321. New Connection Charges (System Buy-In Fee)</u>		
Based on Meter Size		
5/8"		\$3,136.70
3/4"		\$4,705.08
1"		\$7,841.90
1-1/2"		\$15,683.92
2"		\$25,094.35
3"		\$50,188.82
4"		\$78,420.12
6"		\$156,840.33
8"		\$250,944.59
10"		\$360,732.89
<u>Section 62-322. Connection Charges - Main Extension Charges</u>		
Per Front Foot		\$ 85.15

## **Financial Summary Report of All Development Impact Fees for FY 2020-21**

On the next page is a chart summarizing the Fiscal Year 2020-21 beginning and ending balances for:

- Traffic Signal and Control Devices Fee
- Road and Highway Fee
- Public Safety Improvement Fee
- Park and Recreation Improvement Fee
- Art in Public Places Program Fee
- Sewer Connection Fees (FY 2020-21 net balance only since these fees are part of the Sewer Fund)
- Water Connection Fees (FY 2020-21 net balance only since these fees are part of the Water Fund)

Sewer and Water Connection Fees are not segregated out from their respective funds and therefore do not have a cumulative balance. The balances have been computed based on total fees received minus total CIP related debt service paid for the FY 2020-21 fiscal year only.

The following findings are also to be noted:

- There are not currently any loans made from any of these fee accounts.
- Any negative balances for Traffic Signal and Control Devices Fee and Road and Highway Fee accounts result from being used to fund Series BC Bonds debt service payments (formerly Series AN). Since development is cyclical and bond debt payments are fixed, it is expected that there will be fluctuations in the balances of these fees accounts throughout the term of the bonds.
- Overall negative balances for Sewer and Water Connection Fees have resulted from more being paid out for CIP related debt service than has been taken in as Sewer and Water Connection Fees since the inception of these two fees.
- As of this report posting date, the FY 2020-21 Audit has not been finalized.

**Financial Summary Report**  
**Statement of Revenues, Expenditures and Changes in Account Balance**  
**For the Year Ended June 30, 2021**

Description	Development Impact Fees						Sewer Connection Fee (581-2565-40228-00000)	Water Connection Fee (571-8110-40228-00000)
	Traffic Signal and Control Devices Fee (418-2590-40101-70614)	Road and Highway Fee (418-2590-40102-70615)	Public Safety Improvement Fee (418-2590-40103-70616)	Park and Recreation Improvement Fee (418-4090-40425-70613)	Art in Public Places Fee (133-1712-40119-00000) <sup>A</sup>			
<b>REVENUES</b>								
Fees	5,795	5,795	75,529	66,825	428,206		34,709 <sup>4</sup>	660,138 <sup>5</sup>
Interest	-	-	-	-	-		-	-
Other Revenues*	-	-	-	-	(19,663)		-	-
<b>Total Revenues</b>	<u>5,795</u>	<u>5,795</u>	<u>75,529</u>	<u>66,825</u>	<u>408,543</u>		<u>34,709</u>	<u>660,138</u>
<b>EXPENDITURES</b>								
Expenditures	-	-	300,000	-	281,520 <sup>2</sup>		-	-
Deposit Refunds	-	-	-	-	-		-	-
Transfers to Debt Service	60,604 <sup>1</sup>	60,604 <sup>1</sup>	91,901 <sup>1</sup>	-	-		417,000 <sup>4</sup>	600,000 <sup>5</sup>
<b>Total Expenditures</b>	<u>60,604</u>	<u>60,604</u>	<u>391,901</u>	<u>-</u>	<u>281,520</u>		<u>417,000</u>	<u>600,000</u>
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(54,809)</b>	<b>(54,809)</b>	<b>(316,372)</b>	<b>66,825</b>	<b>127,022</b>		<b>(382,291)<sup>4</sup></b>	<b>60,138<sup>5</sup></b>
<b>Account Balance, Beginning of Year</b>	<u>(1,433)</u>	<u>(3,588)</u>	<u>340,598</u>	<u>506,252</u>	<u>2,414,830</u>			
<b>Account Balance, End of Year</b>	<u>(56,242)</u>	<u>(58,397)</u>	<u>24,226</u>	<u>573,077</u>	<u>2,541,852<sup>3</sup></u>			

\*Other Revenues include GASB 31 Adjustment

<sup>1</sup>Transfers for Series BC (Formerly Series AN) Debt Service.

<sup>2</sup>Details of which projects had expenses for FY 2020-21 are located on page 12, "Art in Public Places Fee," Note 3.

<sup>3</sup>For breakdown of Fees, expenses and fund balance of the Art Fund between Adult and Youth Artists, please see p. 12.

<sup>4</sup>Sewer Connection Fees are part of the Sewer Fund balance and used to cover CIP related debt service, which over the life of the fee has exceeded total fees received.

<sup>5</sup>Water Connection Fees are part of the Water Fund balance and used to cover CIP related debt service, which over the life of the fee has exceeded total fees received.



## **Traffic Signal and Control Devices Fee**

### **Statement of Revenues, Expenditures and Changes in Account Balance For the Five Years Ended June 30, 2021**

<u>Description</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
<b>REVENUES</b>					
Fees	15,143	15,175	17,327	20,912	5,795
Interest	-	-	-	-	-
Other Revenues	-	-	-	175,000 <sup>2</sup>	
<b>Total Revenues</b>	<u>15,143</u>	<u>15,175</u>	<u>17,327</u>	<u>195,912</u>	<u>5,795</u>
<b>EXPENDITURES</b>					
Expenditures	-	-	-	-	-
Transfers to Debt Service	58,201 <sup>1</sup>	60,767 <sup>1</sup>	60,720 <sup>1</sup>	-	60,604 <sup>1</sup>
<b>Total Expenditures</b>	<u>58,201</u>	<u>60,767</u>	<u>60,720</u>	<u>-</u>	<u>60,604</u>
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(43,059)</b>	<b>(45,592)</b>	<b>(43,393)</b>	<b>195,912</b>	<b>(54,809)</b>
<b>Account Balance, Beginning of Year</b>	<u><b>(65,301)</b></u>	<u><b>(108,360)</b></u>	<u><b>(153,952)</b></u>	<u><b>(197,345)</b></u>	<u><b>(1,433)</b></u>
<b>Account Balance, End of Year</b>	<u><b>(108,360)</b></u>	<u><b>(153,952)</b></u>	<u><b>(197,345)</b></u>	<u><b>(1,433)</b></u>	<u><b>(56,242)</b></u>

<sup>1</sup>Transfers for Debt Service payments for Bond Debt used to finance CIP Improvements in the past have resulted in negative ending balances in the Traffic Signal and Control for the past five Fiscal years.

<sup>2</sup>Transfer from General Fund.

## **Road and Highway Fee**

### **Statement of Revenues, Expenditures and Changes in Account Balance For the Five Years Ended June 30, 2021**

<b>Description</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>REVENUES</b>					
Fees	15,143	15,175	17,327	20,912	5,795
Interest	-	-	-	-	-
Other Revenues	-	-	-	250,000 <sup>2</sup>	
<b>Total Revenues</b>	<u>15,143</u>	<u>15,175</u>	<u>17,327</u>	<u>270,912</u>	<u>5,795</u>
<b>EXPENDITURES</b>					
Expenditures	-	-	-	-	-
Transfers to Debt Service	58,201 <sup>1</sup>	60,767 <sup>1</sup>	60,720 <sup>1</sup>	-	60,604 <sup>1</sup>
<b>Total Expenditures</b>	<u>58,201</u>	<u>60,767</u>	<u>60,720</u>	<u>0</u>	<u>60,604</u>
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(43,059)</b>	<b>(45,592)</b>	<b>(43,393)</b>	<b>270,912</b>	<b>(54,809)</b>
<b>Account Balance, Beginning of Year</b>	<u>(142,456)</u>	<u>(185,515)</u>	<u>(231,107)</u>	<u>(274,500)</u>	<u>(3,588)</u>
<b>Account Balance, End of Year</b>	<u><u>(185,515)</u></u>	<u><u>(231,107)</u></u>	<u><u>(274,500)</u></u>	<u><u>(3,588)</u></u>	<u><u>(58,397)</u></u>

<sup>1</sup>Transfers for Debt Service payments for Bond Debt used to finance CIP Improvements in the past have resulted in negative ending balances in the Road and Highway Fee account for the past five years.

<sup>2</sup>Transfer from General Fund.

## **Public Safety Improvement Fee**

### **Statement of Revenues, Expenditures and Changes in Account Balance For the Five Years Ended June 30, 2021**

<b>Description</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>REVENUES</b>					
Fees	185,708	145,121	115,849	41,415	75,529
Interest	345	-	-	-	-
Other Revenues	-	-	-	-	-
<b>Total Revenues</b>	<u>186,053</u>	<u>145,121</u>	<u>115,849</u>	<u>41,415</u>	<u>75,529</u>
<b>EXPENDITURES</b>					
Expenditures	-	-	-	-	300,000 <sup>1</sup>
Transfers to Debt Service	99,159	95,639	94,558	91,855	91,901
<b>Total Expenditures</b>	<u>99,159</u>	<u>95,639</u>	<u>94,558</u>	<u>91,855</u>	<u>391,901</u>
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>86,894</b>	<b>49,482</b>	<b>21,291</b>	<b>(50,440)</b>	<b>(316,372)</b>
<b>Account Balance, Beginning of Year</b>	<u>233,372</u>	<u>320,266</u>	<u>369,747</u>	<u>391,038</u>	<u>340,598</u>
<b>Account Balance, End of Year</b>	<u><u>320,266</u></u>	<u><u>369,747</u></u>	<u><u>391,038</u></u>	<u><u>340,598</u></u>	<u><u>24,226</u></u>

<sup>1</sup>Expenses for Police - Main Facility and Fire Station 181 Roof Replacement Project.

## Park and Recreation Improvement Fee

### Statement of Revenues, Expenditures and Changes in Account Balance For the Five Years Ended June 30, 2021

Description	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
<b>REVENUES</b>					
Fees	104,625	145,125	147,825	357,075	66,825
Interest	421	-	-	-	-
Other Revenues*	(46)	-	-	-	-
<b>Total Revenues</b>	105,000	145,125	147,825	357,075	66,825
<b>EXPENDITURES</b>					
Expenditures	137,999 <sup>1</sup>	365,513 <sup>2</sup>	157,500 <sup>3</sup>	98,336 <sup>4</sup>	-
Transfers to Debt Service	-	-	-	-	-
<b>Total Expenditures</b>	137,999	365,513	157,500	98,336	-
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(32,999)</b>	<b>(220,388)</b>	<b>(9,675)</b>	<b>258,739</b>	<b>66,825</b>
<b>Account Balance, Beginning of Year</b>	<b>510,575</b>	<b>477,576</b>	<b>257,188</b>	<b>247,513</b>	<b>506,252</b>
<b>Account Balance, End of Year</b>	<b>477,576</b>	<b>257,188</b>	<b>247,513</b>	<b>506,252</b>	<b>573,077</b>

\*Other Revenues include GASB 31 Adjustment

<sup>1</sup> Expenses for Playground Enhancements, development of a new pocket park, demolition of an old restroom building to add more usable park space, Park Plaza enhancements, and miscellaneous other enhancements.

<sup>2</sup> Expenses for Upgrades and Improvements in Park Plaza, Kennedy and Ganesha Parks and La Casa Primera.

<sup>3</sup> Expenses for construction costs of Phil and Nell Soto Park and La Casa Primera and ADA related park improvements.

<sup>4</sup> Expenses for construction costs of Phil and Nell Soto Park and ADA related improvements.

## Art in Public Places Program Fee

### Statement of Revenues, Expenditures and Changes in Program Balance For the Five Years Ended June 30, 2021

Description	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
<b>REVENUES</b>					
Fees for Adult Artists (51339)	585,116	40,634	121,235	774,771	214,103
Fees for Youth Artists (51340)					214,103
Interest	-	-	-	-	-
Transfer from Capital	-	-	-	-	-
Other Revenues*	(11,160) *	10,544 *	4,045 *	24,949 *	(19,663) *
<b>Total Revenues</b>	<u>573,956</u>	<u>51,178</u>	<u>125,280</u>	<u>799,719</u>	<u>408,543</u>
<b>EXPENDITURES</b>					
Expenditures - Adult Artists (51339)	-	-	-	45,212 <sup>1</sup>	281,520 <sup>3</sup>
Expenditures - Youth Artists (51340)	-	-	-	-	-
Deposit Refunds	-	-	-	-	-
<b>Total Expenditures</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>45,212</u>	<u>281,520</u>
<b>REVENUES OVER (UNDER) EXPENDITURES - ADULT AR</b>	<b>573,956</b>	<b>51,178</b>	<b>125,280</b>	<b>754,507</b>	<b>127,023</b>
<b>REVENUES OVER (UNDER) EXPENDITURES - YOUTH ARTISTS</b>					
<b>Program Balance, Beginning of Year</b>	<b>909,909</b>	<b>1,483,865</b>	<b>1,535,042</b>	<b>1,660,322</b>	<b>2,414,830</b>
<b>One Time Transfer to Youth Program Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(600,000)</b>
<b>Adult Program Balance, End of Year</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,414,830 <sup>2</sup></b>	<b>1,737,581</b>
<b>Youth Program Balance, End of Year</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>804,271</b>
<b>Combined Program Balance, End of Year</b>	<u><b>1,483,865</b></u>	<u><b>1,535,042</b></u>	<u><b>1,660,322</b></u>	<u><b>2,414,830 <sup>2</sup></b></u>	<u><b>2,541,852</b></u>

\*Other Revenues include GASB 31 Adjustment

<sup>1</sup> Expenses of \$19,712 for Pomona Library Children's Room Mural, \$25,000 (1st installment) for Mural at 280 W. Second St., Pomona, and \$500 for design cost of Tony Cerda Park Mural Project.

<sup>2</sup> Fund Balance/Retained Earnings revised by audit on 1/14/21 after date of FY 2019-20 report.

<sup>3</sup> Expenses of \$25,000 for mural at 280 W. Second St., Pomona, \$191,832.32 for Robert Brian Worley-Fountains Restoration Project, \$25,000.00 D A Center For the Arts - Mural - 295 N. Garey Ave., \$39,687.98 - Public Art Program

## **Sewer Connection Fee**

### Statement of Revenues Over (Under) Expenditures For the Five Years Ended June 30, 2021

Description	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
<b>REVENUES</b>					
Fees	27,902	13,711	20,889	125,638	34,709
<b>Total Revenues</b>	27,902	13,711	20,889	125,638	34,709
<b>EXPENDITURES</b>					
Transfers to Debt Service from Sewer Fund	417,000	417,000	417,000	417,000	417,000
<b>Total Expenditures</b>	417,000	417,000	417,000	417,000	417,000
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(389,098) <sup>1</sup></b>	<b>(403,289) <sup>1</sup></b>	<b>(396,111) <sup>1</sup></b>	<b>(291,362) <sup>1</sup></b>	<b>(382,291) <sup>1</sup></b>

<sup>1</sup> Sewer Connection Fees are part of the Sewer Fund balance and used to cover CIP related debt service, which over the life of the fee has exceeded total fees received.

## **Water Connection Fee**

### Statement of Revenues Over (Under) Expenditures For the Five Years Ended June 30, 2021

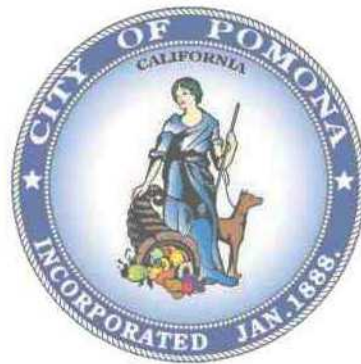
Description	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
<b>REVENUES</b>					
Fees	1,035,199	472,645	762,199	1,088,695	660,138
<b>Total Revenues</b>	1,035,199	472,645	762,199	1,088,695	660,138
<b>EXPENDITURES</b>					
Transfers to Debt Service from Water Fund	600,000	600,000	600,000 <sup>2</sup>	600,000	600,000
<b>Total Expenditures</b>	600,000	600,000	600,000	600,000	600,000
<b>REVENUES OVER (UNDER) EXPENDITURES</b>	<b>435,199 <sup>1</sup></b>	<b>(127,355) <sup>1</sup></b>	<b>162,199 <sup>1,2</sup></b>	<b>488,695 <sup>1</sup></b>	<b>60,138 <sup>1</sup></b>

<sup>1</sup> Water Connection Fees are part of the Water Fund balance and used to cover CIP related debt service, which over the life of the fee has exceeded total fees received.

<sup>2</sup> No debt service was transferred out of the Water Fund in FY 2018-19 as of publication of the FY 2018-19 report but was retroactively corrected and transferred by final audit of FY 2018 -19.

City of Pomona

# Appendix A



Resolution 1989-200 and Ordinance 3506



8/14 89-200

RESOLUTION NO. 89-200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING FEES FOR TRAFFIC SIGNAL AND CONTROL DEVICES, ROAD AND HIGHWAY IMPROVEMENTS, PUBLIC SAFETY CAPITAL PROJECTS AND PARKS.

WHEREAS, Article XXIV of Chapter 9 of the Pomona City Code provides that fees for traffic signal and control devices, road and highway improvements, public safety capital projects and parks be established by resolution of the City Council; and

WHEREAS, the City Council finds that the fees shown as alternative one of staff report dated July 19, 1989, and the fees herein satisfy the requirements of Article XXIV of Chapter 9 of the Pomona City Code;

NOW, THEREFORE, the City Council of the City of Pomona resolve as follows:

1. Traffic Signal and Control Device Fee shall be \$5.00 per trip generated by new construction.
2. Road and Highway Fee shall be \$5.00 per trip generated by new construction.
3. Public Safety Improvement Fee shall be \$.25 per square foot for new construction.
4. Park and Recreation Improvement Fee shall be \$675.00 per dwelling unit.
5. The effective date of the fees established herein shall coincide with the adoption of Ordinance No. 3506.

APPROVED, PASSED AND ADOPTED this 14th day of August, 1989.

Donna Smith  
Mayor

ATTEST:

Elizabeth Villarreal  
City Clerk

APPROVED AS TO FORM:

[Signature]  
City Attorney

Ba

THE CITY OF  
**POMONA**  
MEMORANDUM

August 1, 1989

TO: INTERIM CITY ADMINISTRATOR  
FROM: DEVELOPMENT SERVICES MANAGER  
SUBJECT: RESOLUTION IMPLEMENTING SPECIFIC FEE AMOUNTS

Pursuant to the City Council's action at their July 24th hearing, the attached resolution implements the fee amounts shown as alternative one. Once again, these amounts are estimated to generate \$1,180,000 for traffic signals, road and highway improvements, public safety capital projects and parks. Also on the agenda is the second reading of the ordinance approving the fee program.

If you have any questions regarding this matter, please let me know.



KONRADT BARTLAM

KB/ms

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Pomona, California, and signed by the Mayor of said City at an adjourned regular meeting of said Council, held on the 14th day of August, 1989, by the following vote, to wit:

AYES: Councilmember: Soto, Ursua, Bryant, (Mayor) Smith.

" " \_\_\_\_\_

NOES: " Nymeyer.

ABSTENTIONS: " \_\_\_\_\_

ABSENT: " \_\_\_\_\_



City Clerk

ORDINANCE NO. 3506

AN EMERGENCY AND REGULAR ORDINANCE OF THE COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADDING ARTICLE XXIV TO CHAPTER 9 OF ORDINANCE 1673, ALSO KNOWN AS THE CODE OF THE CITY OF POMONA, TO BE ENTITLED "MISCELLANEOUS FEES" RELATING TO A TRAFFIC SIGNAL AND CONTROL DEVICE PROGRAM, A ROAD AND HIGHWAY IMPROVEMENT PROGRAM, A PARKS AND RECREATION IMPROVEMENT PROGRAM AND A PUBLIC SAFETY IMPROVEMENT PROGRAM.

WHEREAS, continuing development and growth in the City of Pomona yields as a byproduct increased vehicular movement; and

WHEREAS, environmental and planning documents identify increased vehicular movement as a negative environmental impact on the community which is mitigated through traffic control devices; and

WHEREAS, a significant aspect of traffic management is signalization of warranted intersections throughout the community; and

WHEREAS, the increase in population has impacted the existing parks and recreation and public safety facilities; and

WHEREAS, the new systems and improvements to meet such needs are set forth in the Five Year Capital Improvement Program; and

WHEREAS, as a condition of developing real estate projects impacting the City, the City Council is desirous of providing a financing mechanism for the provision of traffic signals, improvement to roads, highways, public safety facilities, and parks in a fair and equitable basis;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA DOES ORDAIN AS FOLLOWS:

SECTION 1. That Article XXIV is hereby added to Chapter 9 of Ordinance No. 1673, also known as the Code of the City of Pomona, California, which shall read as follows:

**Article XXIV. Miscellaneous Fees.**

**Sec. 9-280.** A traffic signal and control device development program is hereby ordered and adopted pursuant to the following guidelines:

- a. Development priorities. The City Council shall annually establish a priority list of intersections eligible for construction of traffic signals. The City Council may authorize, as funding and needs dictate, the construction of signal control devices at any location included on the priority list.
- b. Traffic signal control device construction fee. A traffic signal and control device construction fee is hereby

established which shall be collected from all land developers in the City of Pomona prior to the issuance of any building or public works permits by the City according to the resolution set forth by the City Council and incorporated herein by reference.

- c. Fee schedule basis. The basis for the fee schedule in the Council resolution shall be the ratio of the traffic generated by the development for which a particular permit is requested compared to the traffic volume identified in the minimum Cal Trans warrant for a traffic signal in an urban area, multiplied by the average cost of a traffic signal system. The fee schedule is based, more specifically, on the following factors:

- (1) Generated Traffic - traffic generated by each development shall be calculated from the latest traffic generation data promulgated in the publication "Trip Generation" (Current Edition), an information report as prepared by the Institute of Transportation Engineers.
- (2) Minimum Signal Warrant - the traffic volume equivalent to the minimum Cal Trans warrant for a traffic signal in an urban area shall be 12,800 vehicles per day from all approaches.
- (3) Average Traffic Signal Cost - the average cost of a traffic signal shall be \$85,000.

- d. Traffic signal and control device fund. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Traffic Signal and Control Device Fee Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of traffic signals and control devices or to reimburse the City of Pomona for the cost to design and construct such facilities.

**Sec. 9-281.** A road and highway improvement program is hereby ordered and adopted in order to implement the City's capital facilities needs and to mitigate the various impacts caused by development projects within the City of Pomona. The program shall be operated pursuant to the following guidelines:

- a. Road and highway improvement fee. A road and highway improvement fee is hereby established which shall be collected from all land developers in the City of Pomona prior to the issuance of building or public works permits. The fee amount shall be as periodically set by resolution of the City Council.
- b. Fee schedule basis. The basis for the fees charged as shown in the City Council resolution shall be based on the traffic generated by the development for which a particular permit is requested. The fee represents the fair share cost of constructing the necessary public

facilities outlined in the Five Year Capital Improvement Program. The traffic generated by each development shall be calculated from the latest generation data promulgated in the publication "Trip Generation" (Current Edition), an information report as prepared by the Institute of Transportation Engineers.

- c. Road and Highway improvement fund. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Road and Highway Improvement Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of road improvements, streetscape and street lights as shown in the Five Year Capital Improvement Program.

Sec. 9-282. A Parks and Recreation Improvement Program is hereby ordered and adopted. This section is enacted pursuant to the authority granted by Section 66477 of the State Government Code. The purpose of this article is to provide for the development of park and recreation facilities through subdivision regulations. Each person constructing any new dwelling unit, habitation unit or space for a mobile home in the City of Pomona shall dedicate lands or pay fees in lieu thereof, or a combination of both, for park and recreational purposes. Dedication requirements shall be conveyed to the City concurrent to recordation of the Final Map or prior to issuance of building permits. In-lieu fees shall be paid to the City prior to issuance of building permits.

Sec. 9-283. Land dedication figures per dwelling unit and in-lieu fees per dwelling unit shall be based on a ratio of 3.0 acres of park per 1,000 persons pursuant to Section 66477 (b) of the State Government Code. The number of persons per dwelling unit shall reflect the most recent Department of Finance figures. The actual amount of land dedication or fee amount shall be as periodically set by resolution of the City Council.

Sec. 9-284. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Park Improvement Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of park improvements or to reimburse the City of Pomona for the cost to design and construct such facilities.

Sec. 9-285. A public safety improvement program is hereby ordered and adopted in order to implement to City's capital facilities needs for public safety services. The needs are shown in the Five Year Capital Improvement Program.

- a. Public safety improvement fee. A public safety improvement fee is hereby established which shall be collected from all land developers in the City of Pomona prior to the issuance of building or public works permits. The fee amount shall be as periodically set by resolution of the City Council.

- b. Public Safety Improvement Fund. The fees required pursuant to this ordinance shall be paid to the City of Pomona and deposited into a separate Public Safety Improvement Fund. Moneys in this fund shall be expended solely for the construction or reimbursement for construction of public safety improvements as shown in the Five Year Capital Improvement Program.

Sec. 9-286. A developer of any development project subject to the fees described in this chapter may apply to the City Council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of facilities to be financed. The request shall be made in writing and filed with the City Council. A building or public works permit shall not be issued until such time the City Council has rendered a decision upon the request. The request shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The City Council shall consider the request within 30 days after the filing of the fee adjustment application. If a reduction, adjustment or waiver is granted and approved by the City Council, any change in use or size of the project shall invalidate the waiver, adjustment or reduction of the fee. This ordinance shall not affect any development which has received final Planning Commission or City Council approval.

SECTION 2. This ordinance shall become effective immediately as an emergency ordinance in order that the health, safety and welfare of the City should be furthered for the reason that this is a crucial requirement in financing crucially needed capital improvement projects. It shall also become effective as a regular ordinance upon its second and final reading, posting as required by law, and the elapse of thirty days.

APPROVED, PASSED AND ADOPTED this 14th day of August, 1989, as an Emergency Ordinance.

APPROVED, PASSED AND ADOPTED this 14th day of August, 1989, as a Regular Ordinance.

ATTEST:

E. Elizabeth Villanueva  
City Clerk

THE CITY OF POMONA

By Donna Smith  
Mayor

APPROVED AS TO FORM:

Patricia Spence  
City Attorney

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I HEREBY CERTIFY that the foregoing Ordinance was introduced at a \_\_\_\_\_ regular meeting of the Council of said City, held on the 7th day of August, 1989 and thereafter at an adjourned regular meeting of said Council held on the 14th day of August, 1989 was reread, and was approved and adopted as an Emergency and Second Reading Ordinance by the following vote, to wit:

AYES:	Councilmember:	<u>Soto, Ursua, Bryant, (Mayor) Smith.</u>
"	"	_____
NOES:	"	<u>Nymeyer.</u>
ABSTENTIONS:	"	_____
ABSENT:	"	_____

  
\_\_\_\_\_  
City Clerk



ELIZABETH VILLERAL  
City Clerk

# THE CITY OF POMONA

Office of the City Clerk



## DECLARATION OF POSTING

I, **ELIZABETH VILLERAL**, say: That I am employed by the City of Pomona in the capacity of **CITY CLERK**: that on the 16th day of August 1989, I posted **ORDINANCE NO.** 3506 at the following places to wit:

- (a) On the bulletin board in the lobby of the City Hall of the City of Pomona.
- (b) On the official bulletin board in the County Courts Building.
- (c) On the bulletin board in the lobby at the Pomona Public Library.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT  
AND IF SWORN AS A WITNESS, I CAN TESTIFY COMPETENTLY THERETO.**

Executed this 16th day of August, 1989.

*Elizabeth Villeral*  
Declarant

City of Pomona

# Appendix B



Ordinance 4151  
(Including Section .5809-24C of the Zoning Code)  
And Resolution 2011-145

**ORDINANCE NO. 4151**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, ADOPTING CODE AMENDMENT (CA 10-002) TO AMEND THE ZONING CODE TO ADD SECTION .5809-24 TO ESTABLISH A PUBLIC ART REQUIREMENT FOR PRIVATE DEVELOPMENT AND TO ADD SECTION .5809-25 TO ESTABLISH REGULATIONS FOR ORIGINAL ARTWORK MURALS**

**WHEREAS**, the City of Pomona has duly initiated Code Amendment (CA 10-002) to amend the Zoning Code Section .5809-24 to establish a public art requirement for private development and Section .5809-25 to establish regulations for original artwork murals;

**WHEREAS**, on July 26, 2010, the Cultural Arts Commission discussed the proposed Code Amendment (CA 10-002) to establish regulations for a public art requirement for private development, and regulations and a permit requirement for original artwork murals and voted to approve the Code Amendment (CA 10-002);

**WHEREAS**, the Downtown Pomona Specific Plan recommends that the City adopt a new public art ordinance that requires a percentage of new construction costs be spent on public art;

**WHEREAS**, the City desires to facilitate the development of Public Art as part of private development throughout the City;

**WHEREAS**, the establishment of a requirement that private development provide public art will promote the general welfare by ensuring that public art is generated in conjunction with private development that contributes to the urbanization of the community;

**WHEREAS**, the City desires to amend the Zoning Code to establish requirements for Original Artwork Murals citywide to promote the general welfare of the community and to protect the public health, safety, and welfare;

**WHEREAS**, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on May 25, 2011 concerning Code Amendment (CA 10-002);

**WHEREAS**, on May 25, 2011, the Planning Commission of the City of Pomona adopted Resolution No. 11-005 recommending City Council approval of Code Amendment (CA 10-002);

**WHEREAS**, the City Council of the City of Pomona, after giving notice thereof as required by law, held a public hearing on September 19, 2011 that was continued to the October 3, 2011 meeting and continued again to the November 7, 2011 meeting, concerning Code Amendment (CA 10-002); and

**WHEREAS**, the City Council of the City of Pomona 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 CITY COUNCIL  
OF THE CITY OF POMONA AS FOLLOWS:**

**SECTION 1.** The City Council finds that the project is exempt per Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3) exempts projects where it can be seen with certainty that the activity does not have the potential to cause a significant direct effect on the environment. The adoption of Code Amendment (CA 10-002) to add section .5809-24 to establish a public art requirement for private development and to add section .5809-25 to establish regulations and permit requirements for original artwork murals does not, in itself, have the potential to cause a significant direct effect on the environment.

**SECTION 2.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance adopting Code Amendment (CA 10-002), or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 3.** The City Council hereby adopts Code Amendment (CA 10-002) amending the Zoning Code to add the sections listed below:

**Sec. .5809-24. Public art requirement for private development**

**A. PURPOSE AND INTENT**

The City Council finds and declares as follows:

1. New development and redevelopment within the City of Pomona increases urbanization and decreases the amount of land available for development of cultural and artistic resources for the community.
2. Development of cultural and artistic asset should be financed by those whose development and redevelopment project decreases the availability of the community's resources for those opportunities and contributes to urbanization of the City.
3. The establishment of the Art in Public Places Program will promote the general welfare by balancing the community's physical growth and revitalization and its cultural and artistic resources.
4. This section establishes a public art requirement for private development that involves the provision of new public art on private development project sites within the City.

5. The public art requirement for private development provides exemplary art pieces installed in publicly accessible and visible areas such that the art pieces will enrich and enliven the community.
6. The requirement for the provision of well conceived and executed public art as part of private development will enhance the economic vitality of the City, develop community pride and identity, and improve the general welfare and quality of life in the City.
7. Maintenance of existing public art provides a benefit to the community by preserving existing public artworks that are freely available and viewable by the general public.

## B. DEFINITIONS

1. **Applicant:** A person who is overseeing or responsible for a Project that is subject to the requirements of this Section. An "Applicant" may include, but is not limited to, a developer or a property owner, or an art consultant retained by a developer or property owner.
2. **Annual Reporting:** The use of all in-lieu fees collected and deposited in the Fund, including identification of all income, expenditures, and resulting Fund Balance shall be reported annually to the City Council by the Finance Director of the City.
3. **Art in Public Places Policy and Guidelines Manual (or the Manual):** A manual approved by resolution of the City Council that contains submittal requirements; guidelines for the selection of artists, artwork and locations for public artworks; and application procedures for the provision of Public Art.
4. **Building Valuation:** The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.
5. **Budget:** The Art in Public Places Program shall have an annual budget that shall be included as a part of the City's budget.
6. **City:** The City of Pomona.
7. **Commission:** The City of Pomona Cultural Arts Commission.
8. **Conceptual Design Plan:** The initial phase of the approval of Public Art on private development sites that includes review of the artist's or artist design team's qualifications, conceptual artwork design, and artwork location.
9. **Final Design Plan:** The final phase of the approval of Public Art on private development sites that involves a highly defined proposal that conforms to the concept previously considered and approved by the Cultural Arts Commission.
10. **In-lieu Contribution:** An amount equal to one percent (1%) of the Building Valuation for a Project.

11. **Institutional Project (as it pertains to this section):** A project involving a nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, museum or college or university.
12. **Project:** A project that is listed in Sub-section C, below, and that is subject to the requirements of this Section.
13. **Public Art:** Any permanent display of a work of visual art that was specifically designed to be located on a site where it would be accessible to public view on private or public property within the City of Pomona. Public Art may include, but need not be limited to, sculpture, murals, mosaics, fountains, stained glass, and earthworks.
14. **Public Art Allocation:** An amount equal to one percent (1%) of the Building Valuation for a Project.
15. **Public Art Fund:** An interest-bearing Fund of the City that is managed by the Finance Director, or designee, into which public art funds, including donated funds and in-lieu funds, are deposited.

**C. PROJECTS SUBJECT TO THE PUBLIC ART REQUIREMENT**

Effective January 4, 2012 the following Projects, except as provided in subdivision D below, shall be subject to the requirements of this Section:

1. New commercial, institutional, and industrial development where the total building valuation for the project is \$750,000 or more;
2. New residential development of 10 units or more, whether detached single-family residences, condominiums, apartments, townhouses, or other dwelling units;
3. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing commercial, institutional and industrial property where the total building valuation for the project is \$750,000 or more;
4. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing residential property of 10 units or more where the total building valuation is \$750,000 or more; and
5. Infrastructure improvements including telecommunications, natural resource development, and delivery systems valued at \$3 million or more.

Two years from the effective date (January 4, 2014), the City Council shall review the ordinance.

**D. EXEMPTIONS**

Notwithstanding Sub-section C, above, the following projects shall be exempt from the requirements of this Section:

1. All mechanical, plumbing and electrical system upgrades, structural or seismic upgrades, and modifications for disabled access, unless occurring in conjunction with interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing commercial and industrial property as provided in Sub-section C.3 above.

2. Remodeling, repair or reconstruction of structures solely for the purpose of repairing damage to such structures caused by fire, flood, wind, earthquake, or other natural cause.
3. City capital improvement projects that include the following:
  - a. Basic road projects including, but not limited to, construction, curbing, drainage, striping and signalization;
  - b. Public utility projects;
  - c. Sewer and water main improvements;
  - d. Projects funded by a revenue source that by law cannot be used for the acquisition of works of art;
  - e. Acquisition of land; or
  - f. Public improvements that are in progress upon the adoption of this section, and where the construction budget cannot be modified to allow for the funding allocation.
4. Projects approved through Redevelopment Agency with current, valid development agreements in place (RDA to provide list of projects with addresses) prior to the effective date of the ordinance.
5. Projects that have been approved prior to the effective date of the ordinance through entitlement applications through the Planning Commission and/or City Council and all of the entitlements granted are still valid and have not expired based on allowed timing of project commencement.
6. Projects that have complete building plan check applications submitted and are in review by the building and safety division prior to the effective date of the ordinance.
7. Projects that have approved plan checks prior to the effective date of the ordinance and such plan checks are still valid and have not expired, which would allow for issuance of a building permit.
8. Projects that have been issued building permits prior to the effective date of the ordinance and such permits have not been allowed to expire.
9. Any planning division project applications deemed to meet the minimum submittal materials for planning commission entitlements, prior to the effective date of the ordinance.

**E. [RESERVED]**

**F. REQUIREMENT TO PROVIDE PUBLIC ART**

For all Projects that are subject to the requirements of this Section, the Applicant shall comply with one of the following two options:

1. **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 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.

**2. 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 permit for the Project.
- b. Use of In-lieu Contributions shall comply with the following:
  - i. 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.
  - ii. 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.

Refunds of in-lieu fees are subject to the provisions of California Government Code §§ 66000-66025 (Mitigation Fee Act).

Procedures for use of In-lieu Contributions to provide Public Art shall be established in the Manual.

**G. APPLICATION AND APPROVAL PROCEDURES FOR PLACEMENT OF PUBLIC ART ON PRIVATE PROPERTY**

- 1. **Staff review.** If a Project is subject to the requirements of this Section, the Applicant shall submit a Conceptual Design Plan to the City's Planning Division for preliminary review by Planning staff. Planning staff shall make a determination on completeness of the Conceptual Design Plan within 30 days of submittal to the Planning Division. At a minimum, the Conceptual Design Plan shall include the following:
  - a. Artist, or artist team, biographical materials demonstrating how they meet the artist selection guidelines contained in the Manual
  - b. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed Public Art



- c. An appraisal or other evidence of the value of the proposed Public Art, including acquisition and installation costs
  - d. Preliminary plans containing such detailed information as may be required by the Planning Division staff to adequately evaluate the location of the Public Art in relation to the proposed Project, and its compatibility with the proposed Project, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal
  - e. A narrative proposal with elevations, site plans, lines of sight studies, renderings, and other descriptive materials as deemed necessary by Planning staff to demonstrate that the Public Art will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the Public Art or its placement on the Project site
  - f. Preliminary budget showing how the total value of the Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), meets or exceeds the amount of the Public Art Allocation for the Project
2. **Commission / Committee Review.** Once the Conceptual Design Plan has been determined to be complete, the Conceptual Design Plan shall be considered by (i) an Advisory Committee of the Commission, or, (ii) in the event an Advisory Committee has not been formed, the Commission. The Committee or the Commission shall meet with the Applicant and/or Applicant's art consultant and artist team to review the Conceptual Design Plan and the proposed Public Art. Once the Committee or Commission has completed its review of the proposed project, it shall provide recommendations to the Applicant for the development of the Final Design Plan, pursuant to the procedures described in the Manual.
3. **Commission's Review of Final Design Plan.** Once the Conceptual Design Plan has been reviewed by either the Advisory Committee or the Commission, the Applicant must then submit a Final Design Plan of the Public Art that incorporates recommended changes by the Committee or the Commission. The Commission shall consider the Final Design Plan, and may either approve, approve with changes or deny the Final Design Plan for the Public Art. Consideration of the Final Design Plan shall take place at a public hearing before the Commission. Notification of the public hearing shall be sent to all property owners and occupants within 400 feet of the property where the artwork will be located at least 10 days before the meeting of the Commission on the Final Design Plan for the Public Art. Detailed procedures for the approval of Public Art provided by the Applicant shall be established in the Manual.
4. **Appeal of the Commission's Decision on the Final Design Plan.** The applicant, one or more City Council Members, or any person owning property within 400 feet of the exterior boundaries of the proposed Project site may file a written request for an appeal to the City Council within 20 days of the decision of the Commission. Written appeals shall be filed with the City Clerk. The City Clerk shall set the public hearing date and notify the applicant. The City Council will receive the original application, the Final Design Plan, any written reports and the appeal request. The City Council may affirm, reverse or modify in whole or in part any Commission decision or requirement. The decision by the City Council shall be final.

Submittal requirements and additional application procedures shall be further described in the Manual.

**H. CRITERIA FOR ARTIST SELECTION, ARTWORK SELECTION AND GUIDELINES FOR PLACEMENT OF PUBLIC ART**

Criteria for the selection of an artist or artist design team, selection of the location for the public artwork and criteria for approval of artwork shall be established in the Manual approved by resolution of the City Council.

**I. OWNERSHIP AND MAINTENANCE OF ARTWORK**

1. All Public Art placed on the site of the Applicant's Project pursuant to this Section shall be the property of either the property owner or his/her successors in interest, or when applicable, the artist.
2. The property owner shall maintain the Public Art in good condition, including protecting the artwork against physical defacement, mutilation, or alteration, and securing and maintaining fire and extended coverage insurance in an amount to be determined by the City's Risk Manager.
3. Prior to the placement of an approved Public Art on the Project site, the Applicant shall execute and record a covenant in a form approved by the City Attorney for maintenance of the Public Art.
4. Failure to maintain the Public Art as provided herein is declared to be a public nuisance and may be summarily abated, demolished or repaired by the City with the owner's consent. The City may pursue additional remedies to obtain compliance with the provisions of this Section as appropriate.
5. In addition to other remedies provided by law, in the event the property owner fails to maintain the Public Art, upon reasonable notice, the City may perform all necessary repairs or maintenance to the Public Art or secure insurance, and all costs incurred by the City shall become a lien against the property.

**Sec. .5809-25. Original Artwork Murals**

- A. PURPOSE AND INTENT.** The purpose of this section is to permit and encourage Original Artwork Murals (as defined below), on a content-neutral basis, that (i) are sufficiently durable and will be properly maintained; (ii) are located on appropriate places on buildings, and constitute a particular scale of the building façade; (iii) do not include any unsafe features, or would not pose any unsafe conditions to vehicular or pedestrian traffic; (iv) provide avenues for artistic expression, and (v) are assets to the community.

It is the intent of this section to establish regulations for the installation and application of Original Artwork Murals on private property.

- B. ORIGINAL ARTWORK MURAL PERMIT REQUIREMENT.** An Original Artwork Mural may be located on any privately owned building in the City provided it is first approved by permit issued by the City's Planning Division in accordance with the procedures and criteria listed in this section.

**C. EXEMPTIONS.** The following murals are exempt from this section:

1. Murals that are proposed as Public Art for private development as regulated by Section .5809-24 of the Pomona Zoning Code
2. Murals that are funded by In-Lieu Contributions and donations to the City's Public Art Fund and that are subject to the procedures established in the Art in Public Places Policy and Guidelines Manual

**D. DEFINITIONS**

**Alteration:** Any change to a permitted Original Artwork Mural including, but not limited to, any change in the image or images, materials, colors, or size of the mural. "Alteration" does not include: (i) naturally occurring changes to the mural caused by exposure to the elements or the passage of time; (ii) minor changes to the mural that result from the maintenance or repair of the mural, including, but not limited to, slight and unintended deviations from the original image, colors or materials.

**Building Façade:** That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

**Changing Image Mural:** A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or a change of mural image or message. "Changing Image Murals" do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

**Character-defining feature:** A prominent or distinctive physical feature of a structure that contributes significantly to its historic character

**Commission:** The Cultural Arts Commission

**Historical Structure:** A locally designated historic landmark structure or structure located within the boundaries of a locally designated historic district; or single landmark building or building located within a district listed on the National Register of Historic Places

**Nonconforming Mural:** A mural in existence as of the effective date of this Section

**Original Artwork Mural:** A painting that is applied to and made an integral part of an exterior wall, or a tiled artwork applied on an exterior building wall, with the property owner's permission or consent. An "Original Artwork Mural" does not include:

1. Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl;
2. Murals containing electrical or mechanical components; or
3. Changing Image Murals, as defined above.

For all future references to Original Artwork Mural(s) in this section, the term "mural(s)" is used.

**E. DEVELOPMENT STANDARDS.** Original Artwork Murals shall comply with all of the following:

1. The mural shall remain in place without alterations for a minimum of five years from the date the mural is completed. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a minimum period of five years without Alterations.
2. The mural shall not extend more than six inches from the plane of the wall to which it is attached.
3. The mural shall not be applied to the principal building façade facing a public street. The principal building façade, in most cases, is distinguished from secondary building façades by its enhanced architectural treatment.

**F. PROHIBITED MURALS.** The following are prohibited in the City:

1. A mural that is placed on single-family residences or multiple-family residential buildings with fewer than five dwelling units.
2. A mural that is placed on historical structures, unless approved by a Major Certificate of Appropriateness (MCOA). The MCOA shall be approved by the City's Historic Preservation Commission before approval of the Original Artwork Mural Permit by the Cultural Arts Commission. The Historic Preservation Commission shall review the mural for consistency with the following:
  - a. The mural shall not obscure or cover character-defining features of the historical structure.
  - b. The mural shall not be painted over an existing historical mural.
  - c. The application or installation of a mural shall be done so that it does not result in any permanent physical damage to any historic material on the structure.
  - d. The application or installation of a mural shall be done so that it does not result in any permanent physical damage to any historic material on the structure.
3. A mural for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
4. A mural that contains obscene matters, as defined in Section 311 of the California Penal Code, or images that would incite immediate violence, so as to constitute "fighting words."

**G. GUIDELINES FOR ORIGINAL ARTWORK MURALS**

Original Artwork Murals shall comply with all of the following:

1. The Original Artwork Mural must demonstrate the highest aesthetic qualities, originality and artistic excellence.
2. The Original Artwork Mural is appropriate in scale, material, form, content and value with the immediate social and physical environment.
3. The mural shall be durable, permanent, and easily protected from vandalism and weathering. Substantial consideration shall be given to the structural and surface integrity and stability of the building facade, the permanence and durability of the mural, and the mural's resistance against weathering, theft, and vandalism.

4. The mural shall not have any unsafe features or conditions that may affect public safety; and
5. The mural shall not disrupt traffic, nor create any unsafe conditions or distractions to motorists and pedestrians.

**H. APPLICATION REQUIREMENTS.** An application for a mural permit shall be filed with the Planning Division and shall include the following:

1. Name of the artist(s);
2. Examples of previous work done by the artist(s) with references;
3. Description of the materials to comprise the proposed mural and manner of application;
4. Statement regarding durability of the materials considering the location and positioning of the proposed mural;
5. Plans and specifications for the proposed mural including an exact picture, graphic or other description;
6. Application fee as established by resolution of the City Council.

**I. APPLICATION PROCEDURE**

1. **Staff review.** The application for an Original Artwork Mural permit shall be submitted to the City's Planning Division for preliminary review by Planning staff. Planning staff shall make a determination on completeness of the application within 30 days of its submittal to the Planning Division.
2. **Advisory Committee Review.** Within 30 days of the determination that the application is complete by the Planning Division, the application shall be considered by the Advisory Committee of the Commission, as described in Section .5809-24. The Advisory Committee shall review the application and make a recommendation to the Commission on whether to approve the application. The Committee shall recommend approval of the application if all of the following findings are made:
  - a. The mural meets all of the Development Standards listed in sub-section E and is consistent with all of the Guidelines listed in Sub-section G
  - b. The artist, or artist team, is capable of completing the work in accordance with the plans and specifications
  - c. The information contained in the application regarding the durability and maintenance requirements of the mural is accurate
  - d. The proposed materials to be used and the manner of application will not require excessive maintenance and repair costs by the owner.
3. **Commission Review.** Within 45 days of the submittal of the Advisory Committee's recommendation, the Commission shall review the application at a public hearing. The scheduling of the public hearing for consideration of the application may be more than 45 days after the submittal of the Advisory Committee's recommendation with the applicant's approval. Notice of the public hearing shall be mailed to all property owners and occupants of property immediately adjacent to and directly across the street from the property where the mural is to be placed. The notice of public hearing shall be mailed not less than ten days before the date of the public hearing. The Commission shall consider the application, and may either approve,

approve with changes or deny the application, based on the findings set forth in Sub-section I.2. The Commission shall approve the application if all of the findings listed in Sub-section I.2 are made. The decision to approve or deny the permit shall be made and announced at the public hearing. In making its decision, the Commission may consider evidence of property values and the opinions of the owners and occupants of adjacent properties. Within 15 days of the approval of the Commission, the Planning Manager shall issue the mural permit.

4. **Appeal.** The applicant may file a written request for an appeal to the City Council within 20 days of the decision of the Commission. The City Council shall only review applications that have been denied by the Commission. The City Clerk shall set the public hearing date and notify the applicant. The City Council shall receive the original application, written reports and the appeal request. The City Council may affirm, reverse or modify in whole or in part any Commission decision or requirement. The City Council shall reverse the Commission's decision, and approve the original application, if all of the findings listed in Sub-section I.2 are made. The decision by the City Council shall be final.

#### **J. PERMIT EXPIRATION AND EXTENSIONS**

1. Except as provided in Subsection J.2. below, if installation of the permitted Original Artwork Mural has not taken place within 12 months of the date of issuance of the mural permit, the permit is void and no further work on the mural may be done at the site until a new permit has been approved and new fee paid.
2. An approved mural permit may be extended by the Planning Manager for an additional period of no more than 12 months upon the Planning Manager's finding that the applicant was unable to begin or continue the installation of the approved mural for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the Planning Manager before the original permit's expiration date. If the approved mural has not been completed within this extended time period, the permit is void. A permit may be extended only once.

#### **K. MAINTENANCE**

1. The property owner is responsible for ensuring that a permitted Original Artwork Mural is maintained in good condition and fully repaired in the case of vandalism or accidental destruction.
2. Failure to maintain the Original Artwork Mural as provided herein is declared to be a public nuisance, and may be summarily abated or repaired by the City. The City may pursue additional remedies to obtain compliance with the provisions of this Section as appropriate.
3. In addition to other remedies provided by law, in the event the property owner fails to maintain the mural, upon reasonable notice, the City may perform all necessary repairs or maintenance to the mural or secure insurance, and all costs incurred by the City shall become a lien against the property.

**L. MURAL ALTERATIONS.** Alterations to an Original Artwork Mural within five years from the date of completion shall only occur pursuant to a new mural permit, approved and issued by the procedures described in Sub-section I. A new mural permit for Alterations shall only be issued under the following circumstances:

1. The building on which the mural is located is sold, or
2. The building or property is substantially remodeled or altered in a way that precludes continuance of the mural.

**M. REMOVAL OF A PERMITTED MURAL**

1. Removal of an Original Artwork Mural within the first five years of the date of completion shall only be approved under the following circumstances:
  - a. The building on which the mural is located is sold, or
  - b. The building or property is substantially remodeled or altered in a way that precludes continuance of the mural.
2. The removal of the mural shall be in accordance with all federal and state laws and regulations pertaining to artists' rights.
3. Removal of the permitted mural for reasons other than the circumstances described above preclude approval of a new mural permit at the site for a five-year period after the date of the original mural permit completion.
4. Before removal of the mural, the applicant or property owner must notify the Planning Division Manager with a letter stating intent to remove the mural and an explanation of the circumstances necessitating the removal. At that same time, the applicant shall also provide proof to the Planning Manager that the applicant has notified the artist or artists who created the mural of the applicant's intent to remove the mural.
5. Within 45 days of the applicant's or property owner's notification, the Planning Manager shall approve the request provided it meets at least one of the circumstances described under M.1 and that the applicant has shown sufficient proof of notification of the artist or artists who created the mural of the applicant's intent to remove the mural.
6. After the term of five years from the date of completion, an Original Artwork Mural may be removed without notification. Any associated materials that were used to secure the mural to the wall, including, but not limited to, mounting hardware, brackets, caulk, grout, adhesives and/or glues, must be removed at the time of removal of the mural, and the building wall surface must be fully restored to its original, pre-mural condition.

**N. NONCONFORMING MURALS**

1. Upon the effective date of this Section, the City's Planning Division shall notify those property owners with properties that feature existing murals, that the mural is deemed a "Nonconforming Mural." A mural permit may be issued for a Nonconforming

Mural, provided the Nonconforming Mural is otherwise in compliance with this section.

2. Unless a mural permit has been issued to a Nonconforming Mural, the Nonconforming Mural existing at the time of approval of this section shall be removed within six months of the date of notification by the City pursuant to subsection N that the mural is not in conformance with this section. Additional time may be granted by the Commission.
3. The expansion of a Nonconforming Mural is prohibited.

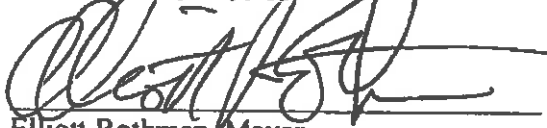
**SECTION 4.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

**APPROVED AND PASSED THIS 5th DAY OF DECEMBER, 2011.**


**ATTEST:**

  
Marie Michel Macias, City Clerk

**CITY OF POMONA:**

  
Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on November 7, 2011, and was approved at second reading at a regular meeting of the City Council of the City of Pomona held on December 5, 2011, by the following vote:

AYES: COUNCILMEMBERS: Soto, Rodriguez, Carrizosa, Escobar, Atchley, Rothman  
NOES: COUNCILMEMBERS: Lantz  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

  
Marie Michel Macias, City Clerk



**RESOLUTION NO. 2011-145**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA  
ADOPTING THE "ART IN PUBLIC PLACES POLICIES AND  
GUIDELINES MANUAL."**

**WHEREAS**, the City of Pomona (the "City") has duly initiated development of the Art in Public Places Policies and Guidelines Manual to establish detailed approval procedures, artwork criteria and public art location criteria and maintenance requirements for developer-provided public art, public art provided through an in-lieu fees, donated public art and artwork developed using donated funds;

**WHEREAS**, on July 26, 2010, the Cultural Arts Commission reviewed the Art in Public Places Policies and Guidelines Manual and voted unanimously to approve the Art in Public Places Policies and Guidelines Manual;

**WHEREAS**, the Downtown Pomona Specific Plan recommends that the City adopt a new public art ordinance that requires a percentage of new construction costs be spent on public art;

**WHEREAS**, the City desires to facilitate the development of Public Art as part of private development throughout the City;

**WHEREAS**, the establishment of an Art in Public Places Policies and Guidelines Manual will facilitate to the provision of public art throughout the City that will promote the general welfare by ensuring that public art is generated in conjunction with private development that contributes to the urbanization of the community;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 25, 2011, concerning the Art in Public Places Policies and Guidelines Manual;

**WHEREAS**, on May 25, 2011, the Planning Commission adopted Resolution No. 11-016, recommending City Council approval of the Art in Public Places Policies and Guidelines Manual;

**WHEREAS**, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 19, 2011 which was continued to the October 3, 2011 meeting and continued again to the November 7, 2011 meeting, concerning the Art in Public Places Policies and Guidelines Manual; and

**WHEREAS**, the City Council 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 CITY COUNCIL OF THE CITY OF POMONA AS FOLLOWS:**

**SECTION 1.** The City Council finds that the project is exempt per Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3) exempts projects where it can be seen with certainty that the activity does not have the potential to cause a significant direct effect on the environment. The approval of the Art in Public Places Policies and Guidelines Manual does not, in itself, have the potential to cause a significant direct effect on the environment.

**SECTION 2.** 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 City Council hereby finds that the proposed the Art in Public Places Policies and Guidelines Manual is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is consistent with the goals, objectives, policies, and programs of the Pomona General Plan.

**SECTION 3.** The City Council of the City of Pomona hereby approves the Art in Public Places Policies and Guidelines Manual attached as Exhibit A to this resolution.

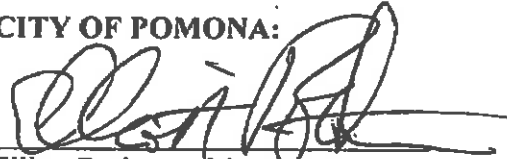
**SECTION 4.** The City Clerk shall attest and certify to the passage and adoption of this Resolution.

**APPROVED AND PASSED THIS 7th DAY OF NOVEMBER, 2011**


**ATTEST:**

  
Marie Michel Macias, City Clerk

**CITY OF POMONA:**

  
Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 7<sup>th</sup> day of November, 2011 by the following vote:

AYES: COUNCILMEMBERS: Soto, Rodriguez, Carrizosa, Escobar, Atchley,  
NOES: COUNCILMEMBERS: Lantz, Rothman  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

  
Marie Michel Macias, City Clerk

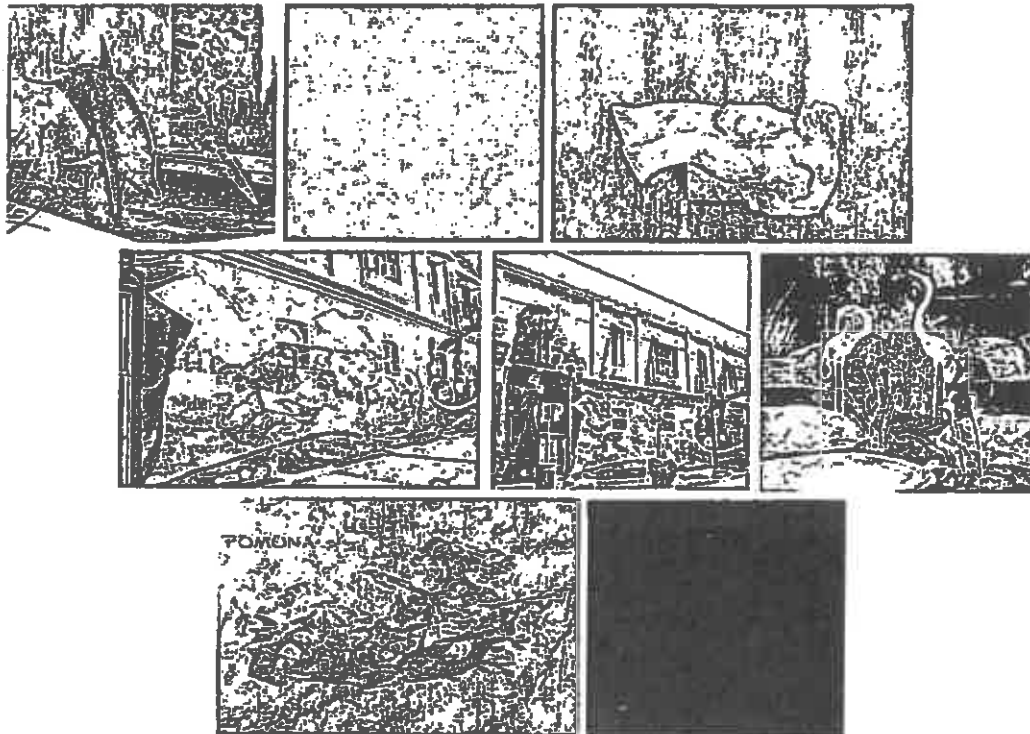
"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."



City of Pomona

## Art in Public Places

# POLICY and GUIDELINES MANUAL



Approved by the City Council of the City of Pomona on November 7, 2011 by Resolution No. 2011-145.

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# 1

## Introduction and Overview

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### I. Introduction

The City of Pomona is dedicated to preserving and building on the inventory of existing public art within the community. Towards that goal, the City Council established the Art in Public Places Program that includes both a public art for private development component and a public acquisitions and donations component. The public art requirement for private development was approved by the City Council by ordinance xxxx on xxx, 2010, thereby adding section .5809-24 to the Zoning Code. The City Council approved the Art in Public Places Program Policies and Guidelines Manual by Resolution No. 2011-145 on November 7, 2011. With its inception, the Art in Public Places Program will become a vital element of Pomona's personality. With original public artwork located throughout the City, Pomona will truly be known as a "Place for Art."

Public art increases cultural awareness, stimulates imaginations, and provokes creative dialog among those in the community. Public art pieces become landmarks. They identify and draw attention to buildings and parks. Residents, business owner and customers, neighbors, and visitors will enjoy the quality of life that art provides on a daily basis. We invite you to tour the City and view both new and historic public artwork located throughout Pomona.

The Art in Public Places Program Policies and Guidelines Manual (the Manual) includes three sections: 1) Overview and Introduction; 2) Public Art for Private Development; and 3) Public Art Donations and Acquisitions. The Overview and Introduction section includes a mission statement, goals and objectives and the program components that are common to both parts, including definitions, acceptable types of artwork, and a description of the Public Art Fund.

Part 2 of the Manual establishes for the public art for private development program policies and objectives; artist, artwork and location criteria and guidelines; and a detailed description of the application process. This part of the Manual is also intended to provide guidance to developers of projects subject to the public art requirement in maneuvering through the application process.

Part 3 of the Manual is directed towards those wishing to donate artwork or funds for the provision of public artwork. By publicizing the procedures and criteria used for selecting public artwork, it is hoped that the selection of artists and artworks will be seen as an open and fair process. Those wishing to donate artwork and funds for the city to acquire public artwork are truly appreciated for their generosity and public spirit. This manual provides a process for the acceptance of public art pieces as well as for acceptance of monetary donations intended to provide public artwork. The manual also includes a detailed step-by-step process for use of public art funds in the development of new pieces of public art.

This manual is also intended for artists who are interested in becoming involved in the public art process. It is hoped that by clarifying and demystifying the public art process in the Manual, artists will be encouraged to participate in the public art process.

We hope that your experience with Pomona's Art in Public Places Program is a positive one and that the result of our collaboration is a work of art of which all can be proud.

Please contact the Planning Division at 909.620.2191 with any questions. We look forward to continuing successful partnerships, as, together, we make Pomona a special place to live, work and visit.

## **II. General Goals and Objectives**

### **A. Mission Statement**

Through the acceptance of public artworks and donated funds to provide public artwork and the provision of public artwork on private development sites, the City intends to increase citizens' appreciation of art, to improve the quality of life, and to enhance and identify Pomona as a unique community. The Art in Public Places Program is intended to be integrated into the physical and social environment of the City and to reflect a broad range of community input and involvement by artists and art professionals.

#### **Sense of Place**

Art is important to our common experience because it brings focus, importance, and cohesion to public spaces. Public art develops images and provides experiences that reflect the historical and cultural essence of a community. Public art transforms public spaces by giving them context and relevance and making them places of community interest and pride. Public art has the potential to improve the appearance of an entire business block; to heighten the ethnic, historical or cultural aspects of a neighborhood; and to attract foot traffic to a street that formerly had little or none.

#### **Artist Participation**

Artists are encouraged to become involved in the public artwork selection process. Through their participation, artists can provide a layer of aesthetic insight that expands the possibilities for creating public spaces for a community.

#### **Community Involvement**

A neighborhood or community often develops a unique identity and character over time. Residents are uniquely qualified to interpret the character of a neighborhood or community and to provide insight into the types of public artwork that are best suited for those areas. Those who reside or work in the community or neighborhood in which the artwork will be placed are encouraged to participate in the selection of public artwork.

#### **Summary**

The intent of the Art in Public Places Program policies is to make the public art one of the primary resources in the revitalization of the City. Through the policy concepts described above, the Cultural Arts Commission and the citizens of Pomona will reap the physical, social, cultural, and economic benefits that only a public art program can make happen.

### **B. Goals**

The goals of the Art in Public Places Program are as follows:

- To increase understanding and enjoyment of art in public places and encourage interaction of Pomona residents, business owners, arts patrons, and visitors;
- To acquire and commission quality and diverse works of art for community enrichment;
- To contribute to the civic pride of Pomona citizens;



- To develop an Art in Public Places program unique to the City of Pomona;
- To encourage an environment for artistic creativity in Pomona;
- To place public art that is site specific and environmentally responsive in publicly accessible and visible locations;
- To encourage placing public art throughout the City;
- To administer and maintain an inventory and historical record of public artwork acquired through the program for the purpose of conserving the public art collection;
- To promote Pomona as a local, state, and national leader of Art in Public Places;
- To increase business and tourism in the City;
- To encourage participation by all socioeconomic and ethnic groups in the public art process.

### C. Objectives

The objectives of the Art in Public Places Program are as follows:

- Establish an artwork selection process involving artists and arts professionals to ensure quality in the selection of public art;
- Establish policies and guidelines for administering and maintaining the public art collection;
- Establish criteria and guidelines for the review and approval of new public artwork;
- Establish criteria and guidelines for the selection of locations for proposed artworks and for the integration of public artwork into a site;
- Develop guidelines for reviewing and/or recommending the removal, relocation, or alteration of any artwork owned by the City.

## III. Terms and definitions

**Annual Reporting:** The use of all in-lieu fees collected and deposited in the Fund, including identification of all income, expenditures, and resulting Fund Balance shall be reported annually to the City Council by the Finance Director of the City

**Artist:** An individual or team of individual artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts. Members of architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by this Manual shall not be considered artists for the purpose of meeting the requirement to provide public art.

**Arts professional:** An individual who works in the fine arts field (such arts consultant, fine arts curators, fine arts collectors, art critics or art educators), but is not a professional artist.

**Artwork or work of art:** Visual work of art, as distinguished from the performing arts, media art, and literary or cultural arts. The works of art may either be permanent or temporary in nature, as required by the specific project, and installed in public view.

**Artwork cost:** Artwork cost is the total amount budgeted by the Commission for a public artwork project.

**Budget:** The Arts in Public Places Program shall have an annual budget that shall be included as part of the City's budget.

**Building valuation:** The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.

**Conceptual Design Plan:** The initial phase of the approval of public artwork that includes review of the artist's or artist team's qualifications, conceptual artwork design and artwork location.

**Cultural Arts Commission (Commission):** The Commission is the formal body established by the City of Pomona Municipal Code Section 2.581 who's primary responsibilities in relation to the Art in Public Places Program is to appoint the seven voting members of the Advisory Committee and to make decisions on public art proposals presented by the Advisory Committee.

**Design:** Artwork detailing project design, including scale drawings within site context, sealed by an engineer, if required.

**Design team approach:** The creation of a public artwork piece for large public projects, such as police and fire stations, and parks, through the collaboration of an artist or group of artists, architect, appropriate City staff, project proponent, engineer, and project managers to integrate works of public art into buildings or landscapes.

**Fabrication:** A detailed description of the methods of fabrication as well as any uncommon or unusual details regarding the approach to creating an artwork piece.

**Final design plan:** The final phase of the approval of public artwork that involves consideration of a highly defined proposal that conforms to the concept previously considered and approved by the Advisory Committee.

**In-lieu contribution:** In place of an approved artwork on the site, a developer may elect to pay to the City an amount equal to the program allocation set forth in Section .5809-24 of the Zoning Code. In-lieu fees shall be submitted to the City and deposited into the Public Art Fund before issuance of a building permit for the development project.

**Installation:** A detailed description of the installation procedure if the artwork will not be fabricated directly on the selected site. Installation would include the construction of any required footings or foundation.

**Institutional use (for the purpose of the Art in Public Places Program):** A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, museum or college or university

**Public Art:** Any permanent display of a work of visual art that was specifically designed to be located on a site where it would to be accessible to public view on private or public property within the City of Pomona. The work of art may include, but need not be limited to, sculpture, murals, mosaics, fountains, stained glass, and earthworks.

**Public Art Advisory Committee (Advisory Committee):** A seven-member committee appointed by the Cultural Arts Commission whose main purpose is to review and make recommendations to the Cultural Arts Commission on applications for public art.

**Public Art Allocation:** The public art allocation is the percentage of the construction costs of projects subject to the public art requirement that are to be allocated by the developer for public art in an amount equal to one percent of the total building valuation for an applicable project. In the cases where

the developer elects to pay an in-lieu contribution, the allocation shall be equal to 1 percent of the total building valuation.

**Public Art Fund:** An interest-bearing ~~account~~ Fund of the City that is managed by the ~~City Manager~~ Finance Director, or designee, into which public art funds, including donated funds and in-lieu funds, are deposited.

**Public place:** Any interior or exterior area on public or private property that is easily accessible by and clearly visible to the general public.

#### **IV. General Criteria**

The following criteria apply to both the public and private components of the Art in Public Places Program.

##### **A. Acceptable types of public artwork**

Public artwork work is limited to permanent visual works of art, as opposed to performing art, including, but need not be limited to, murals, mosaics, sculptures, artist-designed landscape features, streetscape features, and earthworks.

Additional artwork selection guidelines and criteria are included for acceptable public artwork on private development sites. Refer to Part 2 Sections X and XI for more information.

##### **B. Public Art Fund**

Any monies ~~donated~~ for the purpose of providing public artwork shall be deposited into a separate interest-bearing account referred to as the Public Art Fund. The City Manager, or designee, shall administer the funds and establish accounting records sufficient to identify and control these funds. The City Manager or designee shall authorize all disbursements from the Public Art Fund. The account shall not be added to the City's general fund.

The Public Art Fund may also be used as a depository for endowments, bequests, grants or donations. These funds may be used for the provision of public artwork on a location that is consistent with the criteria in Parts 2 and 3 of the Manual or for other purposes consistent with the Manual provisions. The City Manager or designee shall keep clear accounting of each type of fund paid into the Public Art Fund.

##### **C. Public Art Advisory Committee (Advisory Committee)**

The Advisory Committee is responsible for reviewing and making decisions on conceptual design plans submitted by a developer of a project subject to the public art requirement. The Advisory Committee shall ensure that all public art projects meet the program criteria and guidelines for selection of an artist or artist team, artwork, and artwork location established in this manual before submittal of the Final Design Plan to the Cultural Arts Commission. Members of the Advisory Committee shall be appointed by the Cultural Arts Commission as follows:

Appointment and terms of office:

1. The Advisory Committee shall consist of the following seven voting members
  - a. Three members of the Cultural Arts Commission;
  - b. Four community members who have a background as an artist or arts professional.

2. All members of the Advisory Committee shall reside in or own a business in the City, or be on the board or active member of a non-profit organization based in the City of Pomona.
3. The terms of office for members of the Advisory Committee shall be for a two-year period.
4. Any vacancy that occurs before expiration of a term shall be appointed by the Cultural Arts Commission for the unexpired portion of the term.
5. The Advisory Committee shall appoint a chairperson.

The primary duties of the Advisory Committee shall include:

1. Review and approval of the Conceptual Design Plan application.
2. Making recommendations to the Cultural Arts Commission on use of public art funds for acquiring and locating public art on a property.

Other City staff, as may be appropriate, shall serve as resource persons to the Advisory Committee as deemed appropriate by the City Manager or her/his designee.

**D. General artwork location criteria**

Public artwork should be consistent with the following general criteria:

- Public sites in an outside area that are open, freely available and visible to the general public;
- Interior sites that are regularly open to the public and in a location within the building that is freely available and viewable by the general public;
- Artwork shall not be placed adjacent to monument signs, wall signs, bus benches, or utility boxes or other similar structures since these structures may impede the public's view from the street or diminish the aesthetic value of the artwork.

Additional location criteria for the placement of public artwork on private development sites are included in Part 2, Section XI of this manual.

**E. Artist selection criteria**

The Advisory Committee and the Commission evaluate artistic excellence and technical abilities as demonstrated by the artists' professional qualifications, proven ability to undertake project of a similar scope, and artistic merit as evidenced by submitted material. The Advisory Committee and the Commission shall evaluate an artist's ability to work at a scale and in materials appropriate for commissioned permanent artwork. Each program component has additional artist selection criteria. Refer to the Parts 2 and 3 of the Manual for additional information.

# 2

## Private Development Policy and Guidelines

### I. Program Introduction

Pomona's Art in Public Places Program (AIPP) for Private Development is intended to provide high-quality and thought-provoking works of art throughout the City where they are easily accessible and viewable by the general public. The AIPP program requires developers of certain private development projects to provide a permanent display of public artwork on project sites. All artwork placed on private property is intended to be privately owned and maintained. The primary goals of the art requirement for private development are to enhance property values and encourage pride in ownership, and to provide exemplary art pieces in publicly accessible and visible areas such that the art pieces will enrich and enliven the community.

Part 2 of the Manual establishes policies, guidelines and an application process for private development projects subject to the Public Art requirement. This part of the Manual also establishes criteria to be used for the selection of artists, artwork and artwork locations. Part 2 is intended to be used as a guide by private developers whose projects are subject to the Public Art requirement. This part of the Manual is also intended to be used by the Cultural Arts Commission and Advisory Committee as a guide in making decisions on applications for public art provided by private developers.

### II. Public Art Requirement for Private Development

Section .5809-24 of the City of Pomona Zoning Code requires the following private development projects to provide public artwork pieces:

1. New commercial, institutional, and industrial development with a building valuation of \$750,000 or more;
2. New residential development with 10 or more units, whether detached single-family residences, condominiums, apartments, townhouses or other dwelling units.
3. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing commercial and industrial property where the total building valuation for the project is \$750,000 or more;
4. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing residential property of 10 units or more where the total building valuation is \$750,000 or more.
5. Infrastructure improvements including telecommunications, natural resource development, and delivery systems valued at \$3 million or more.

Section .5809-24 exempts the following types of projects from the public art requirement:

1. All mechanical, plumbing and electrical system upgrades, structural or seismic upgrades, and modifications for disabled access, unless occurring in conjunction with alteration of a building or an above ground structure project.
2. Remodeling, repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other natural cause.
3. City of Pomona capital improvement projects funded in whole or in part by the City including the following types of projects:
  - a. Basic road projects including, but not limited to, construction, curbing, drainage, striping and signalization;
  - b. Public utility projects;
  - c. Sewer and water main improvements;
  - d. Projects funded by a revenue source that by law cannot be used for the acquisition of works of art;
  - e. Acquisition of land;
  - f. Public improvements that are in progress upon the adoption of this section, and where the construction budget cannot be modified to allow for the funding allocation.

### **III. Public Art Allocation**

Section .5809-24.E (Public art requirement for private development -- Public Art Allocations) of the Zoning Code states as follows:

1. The public art allocation is the percentage of the construction costs of projects subject to the public art requirement that are to be allocated by the developer for public art in an amount equal to one percent of the total building valuation for an applicable project.
2. Building valuation is the total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.
3. For in-lieu fees, the allocation is equal to 1 percent of the total building valuation for an applicable project.

### **IV. Eligible Expenditures for the Installation/Provision of Public Artwork**

The public art allocation for installation of public artwork shall be expended only if budgeted and only on costs associated with the selection, acquisition, purchase, commissioning, design, fabrication, placement, installation, and/or exhibition of the public artwork. Eligible expenditures are limited to the following:

1. The work of art itself, including the artist's fees for design, structural engineering and fabrication.
2. Reasonable art consultation fees not to exceed 20% of the total public art allocation. The developer may choose to hire an art consultant to assist with the selection of the artist and the application process. The role of the art consultant is to research and present to the developer qualified artists who are able to create an appropriate artwork for their specific project. The art consultant is responsible for providing written and visual collateral on the artist(s) for the application. Consulting fees over 20 percent of the allocation shall be absorbed by the developer.
3. Other materials that are integral to the creation of the work of art.
4. Transportation of the public artwork to the site.
5. Installation of the completed public art on the site.

6. Mountings, anchorages, containments, motors or subterranean equipment or other materials necessary for installation of the public art piece up to 5% of the total artwork allocation amount.
7. Lighting specifically illuminating the artwork itself.
8. Appraisal fees as required for review of the public art application by the City.
9. Identification plaque as required by the Commission.
10. Permits, engineering or legal fees necessary for the installation of the artwork.
11. For in-lieu-funded projects, up to one-third of the total in-lieu fee may be spent on maintenance of the proposed artwork or maintenance of existing artworks listed on the City's public art registry.

#### **Ineligible Expenditures for the Installation/Provision of Public Artwork**

The following expenses are not eligible as public artwork expenditures:

1. Promotional materials or activities for the artist, the public artwork, the development project, the developer or other parties involved in the development project;
2. Opening, dedication, or other event for the public artwork, artist or development;
3. Services, materials, utilities, or other expenses associated with the operation or maintenance of the public artwork. (See maintenance exception above.);
4. Land costs or any other costs associated with the development that are not part of and solely attributable to the public artwork; and
5. Illuminating the public artwork if not integral to the design.

#### **I. Procedure for approval of on-site public art provided by a private developer**

##### **Overview**

Once informed of the public art requirement, the developer should begin the process of selecting and approving the work of art as early as possible in the development process. The advantage of early involvement is so as not to delay the development project and to ensure that the artwork is successfully integrated into the overall project design. The developer is responsible for selecting the artist and submitting a Conceptual Design Plan application to the Planning Division. The developer may hire an art consultant to assist with selection of the artist and the application process.

Review and approval of public artwork involves the following two-step process:

1. Planning Division review for completeness of Concept Design Plan application.
2. Conceptual Design Plan review, which includes review of the artist or artist team's qualifications, conceptual artwork design and artwork location for consistency with the established criteria in this manual. Conceptual Design Plan review and approval is completed by the Advisory Committee.
3. Final design plan review is completed by the Cultural Arts Commission.

##### **Application procedure**

1. An application for Conceptual Design Plan review shall be submitted to the Planning Division for preliminary review by staff. The application shall, at a minimum, include the following information:

- a. Artist, or artist team, biographical materials demonstrating how they meet the artist selection guidelines contained in Section VIII of this part.
  - b. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
  - c. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs. If the value of a proposed artwork piece (by past records of comparable work sold, etc.) cannot be verified, City staff may choose to have the artist's proposal and/or other completed works appraised by a qualified art appraiser selected by the City. The developer shall pay up front for any art appraisal service fees. This expense will be deducted from the total artwork allocation costs.
  - d. Preliminary plans containing such detailed information as may be required by the Planning Division staff to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal;
  - e. A narrative proposal with elevations, site plans, lines of sight studies, renderings, and other descriptive materials as deemed necessary by Planning staff to demonstrate that the artwork will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site.
  - f. Preliminary budget showing how the public art project is consistent with the public art allocation fee and the permissible expenditures in sections VI and VII of this part.
2. **Advisory Committee Review and Approval of the Conceptual Design Plan.**
    - a. Within 30 days of when the application is determined to be complete by the Planning Division, the application shall be transmitted to the Advisory Committee and the Advisory Committee shall meet with the developer and/or developer's art consultant and artist team to review the proposed public artwork. At the request of the developer, the Advisory Committee's review may be later than the 30 days. Once the Advisory Committee has completed final review of the proposed project, it shall make a decision, based on criteria established in the Manual, on whether to approve, approve with conditions or deny the request within ten days of the Advisory Committee review.
    - b. If the applicant proposes significant changes to the artwork at any time, a revised application shall be submitted by the developer to the Planning Division for review for completeness and transmitted to the Advisory Committee for review under the same schedule listed above.

3. **Cultural Arts Commission Review**

Following the approval of the Conceptual Design Plan, the artist/artist team will refine project objectives and the conceptualized art project. The developer, and/or art consultant will present to the Cultural Arts Commission a Final Design Plan (including final narrative, budget, and anticipated maintenance plan and installation schedule) and a two- or three-dimensional model with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication and installation expenses. Any additional expenses such as construction fees must be detailed as well.



Within 45 days of the submittal of the Final Design Plan, the application shall be scheduled for review by the Cultural Arts Commission at one of its regularly scheduled meetings. At the Cultural Arts Commission meeting, the developer, and/or artist consultant and artist team will be required to make a presentation on the Final Design Plan. At the conclusion of the meeting, the Cultural Arts Commission shall approve, approve the Final Design Plan with conditions, or deny the Final Design Plan.

If the Final Design Plan is denied by the Commission, the developer may file a written request for an appeal to the City Council within 20 days of the decision of the Cultural Arts Commission. (See Section .5809-24 of the Zoning Ordinance for more information on the appeal process.)

## **VII. Procedure for approval of public art projects funded by in-lieu contributions**

### **A. Overview**

Instead of providing a public artwork on site, a developer may elect to pay an in-lieu fee to the City equal to 1% of the building valuation for the proposed project. In-lieu fees may only be used for expenditures related to the acquisition and installation of art on private or public property, except that one-third of the total in-lieu fee may be used for maintenance of the proposed artwork or on existing artwork. In-lieu fees may be aggregated with other in-lieu funds that have been paid to the City.

Review and approval of public artwork involves the following two-step process:

1. Conceptual Design Plan review, which includes review of the artist or artist team's qualifications, conceptual artwork design and artwork location for consistency with the established criteria in this manual. Conceptual Design Plan review and approval is completed by the Advisory Committee.
2. Final design plan review is completed by the Cultural Arts Commission.

Once an in-lieu contribution has been paid into the Public Art Fund, a minimum of two thirds of the in-lieu funds must be used to provide artwork on a ~~privately owned~~ site. It is the Advisory Committee's responsibility to select a location for placement of the artwork. The location selection must be consistent with all of the requirements in this part.

### **B. Approval procedure**

The Advisory Committee works with City staff to select an artist or artist team to design the public artwork in accordance with the City's purchasing code and procedures if in-lieu fees are to be utilized. The artist, artwork and artwork location must be consistent with all applicable criteria in this manual and the Public Art Ordinance.

#### **ARTWORK APPROVAL PROCESS**

Advisory Committee review:

1. The Advisory Committee, with City staff's concurrence, shall selection ~~a~~ public location, based on the criteria in Section XI of this part and Section IV.D of Part 1, before selection of the artist or artist team.
2. The process for selecting an artist, or group of artists, is the same as the process for using donated funds for the provision of public artwork. (See Part 3 Sections III.D. & E.)

3. The Advisory Committee and City staff, as needed for the particular project, shall meet at least once with the selected artist, or artist team, in developing a concept artwork proposal that meets the artwork and location criteria stated in this manual.
4. The Conceptual Design Plan application shall be submitted by the artist or artist team to the Planning Division for review for completeness. The Conceptual Design Plan shall include the following materials:
  - a. Artist, or artist team, biographical materials demonstrating how they meet the artist selection guidelines contained in Part 3, Section III.E of the Manual.
  - b. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
  - c. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs.
  - d. Preliminary plans containing such detailed information as may be required by the Planning Division staff to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal;
  - e. A narrative proposal with elevations, site plans, lines of sight studies, renderings, and other descriptive materials as deemed necessary by Planning staff to demonstrate that the artwork will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site.
  - f. Preliminary budget showing how the public art project is consistent with the public art allocation fee and the permissible expenditures in section VI of this part.
5. Within 30 days of submittal of a complete Conceptual Design Plan application, the Advisory Committee shall make a recommendation on whether to approve the concept plan for development of the Final Design Plan or recommend revisions. The Advisory Committee shall make its decision on the Conceptual Design Plan based on the criteria stated in Section VIII, IX, X and XI of this part.

#### Cultural Arts Commission Review

1. Following the approval of the Conceptual Design Plan, the artist/artist team shall refine project objectives and the conceptualized art project based on the Advisory Committee's recommendations. The artist or artist design team will submit to the Cultural Arts Commission a Final Design Plan (including final narrative, budget, and anticipated maintenance plan and installation schedule) and a two- or three-dimensional model with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication, transportation, and installation expenses. The budget shall equal the in-lieu contributions allocated for the artwork. Any additional expenses such as construction fees must be detailed as well.
2. Within 45 days of the submittal of the Final Design Plan, the application shall be scheduled for review by the Cultural Arts Commission at one of its regularly scheduled meetings. Representatives from other city departments, stakeholder groups and adjacent property owners will be invited to attend the meeting and participate in the review. At the Cultural Arts Commission meeting, the artist or artist team will be required to make a presentation

on the Final Design Plan to the Commission. At the conclusion of the meeting, the Cultural Arts Commission shall approve, approve with conditions, or deny the Final Design Plan. If the Final Design Plan is denied, the Commission shall make recommendations on revisions or send the artwork proposal back to the Advisory Committee to restart the process.

#### **VIII. Artist Selection Guidelines**

Artists are evaluated for artistic excellence and technical abilities as demonstrated by the artist's professional qualifications, proven ability to undertake projects of a similar scope, and artistic merit as evidenced by submitted material. An artist's potential to work at a scale and in materials appropriate for commissioned permanent artwork will also be evaluated. The artwork shall be designed and constructed by an individual artist or team of artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

Selection of the artist, or artist team, and artwork, shall be based on the guidelines. The City does not keep a list of approved artists from which the developer can select. Each artist and artwork piece is considered on a case-by-case basis.

Artists selected by developers will be required to submit the following to the City of Pomona as part of the AIPP application as evidence that they meet the criteria:

1. Current curriculum vitae (including art education, training, group and solo exhibitions, private and public collections);
2. Artist's history of artwork commission;
3. Digital images, photographs, and critiques of past works

#### **IX. Artwork Selection Guidelines**

Proposed public artwork shall be reviewed for consistency with the following guidelines:

1. The artwork effectively engages the public and invites interest. The types of artwork that involve the public can be described as thought provoking, inspiring, entertaining, clever, whimsical, powerful, reflective or symbolic. Public artwork is expected to be innovation and show originality.
2. The artwork must demonstrate the highest aesthetic quality, originality and artistic excellence.
3. The artwork is appropriate in scale, material, form, content and value with the immediate social and physical environment. The artwork should not appear to be an afterthought to the development and should be thoroughly integrated into the proposed location on the site.
4. Substantial consideration shall be given to structural and surface integrity and stability, permanence and weathering, resistance against theft, vandalism, and the probability of excessive maintenance and repair costs. Artwork must be constructed of long-lasting materials (including nuts, bolts, and other metal fixtures) that will be in contact with each other that may produce oxidation.
5. Artwork should not have any unsafe conditions or factors that may affect public safety. In the design of the artwork, the artist and developer must be aware that the artwork will be viewed from major public streets and areas easily accessible to the public. Acceptable artwork must not disrupt traffic or create unsafe conditions or distractions to motorists and pedestrians, which may expose the City or property owner to liability. Consideration should be given to sharp or protruding edges that may pose a danger to pedestrians. Attention should also be give to the

ability to withstand weight, as the City may be held responsible for repairs resulting from persons climbing, sitting or otherwise damaging the artwork.

#### **X. Acceptable Types of Public Art**

Public artwork provided for private development is limited to the following types of art:

1. Artwork is limited to permanent works of art that include, but are not limited to: mosaics, murals, site-specific monumental works (sculptures); artist-designed landscape features, artist-designed streetscape features (such as benches, bike racks, entry monumentation, gates, public gazebos, and pavement features) and earthworks;
2. Water features or artwork requiring water must be conceptually designed by an acceptable, qualified visual artist. The artwork must stand on its own should the water cease to function. There must be a demonstrated collaboration between the artist and the water features design company. The intent of the public art program is to promote the work of visual artists and not to feature design companies. Water related costs such as pump and pool construction will be evaluated by the Cultural Arts Commission for consideration as part of the overall art allocation. Developers are welcome to exceed the arts budget to construct a water feature. No more than 30 percent of the total art allocation may be utilized for water-related costs.
3. Violent and gang-related images are not permitted.

The following types of artwork do not qualify as public artwork for private development:

1. Mass-produced reproductions or replicas of original artworks, busts and statuary memorials, performance art, and signage are not eligible. Exceptions are signed sculptures by the original artist for reproductions.
2. Temporary artwork;
3. Decorative or ornamental elements of a building that are designed by the building architect;
4. Busts and statutory memorials are generally not encouraged unless it can be clearly demonstrated that the memorial artwork meets all of the following:
  - The memorial represents broad community values;
  - The significance of the person or persons or event being memorialized has a timeless quality and makes a statement to future generations;
  - There is a specific geographic justification for the memorial being placed at the proposed location.
5. Art as advertisements or commercial signage mixed with imagery.

#### **XI. Public Art Location Guidelines**

##### **1. Visibility**

Public art on private development sites shall be placed in a location that is consistent with the following:

- All public art shall be displayed on the development site in an outside area that is open, freely available and visible to the general public;

- Public art shall be displayed within the interior of a building that is regularly open to the general public and in a location within the building that is freely available and viewable by the general public;
- Public art shall not be placed adjacent to monument signs, wall signs, bus benches or utility boxes or other similar structures since these structures may impede the public's view from the street or diminish the aesthetic value of the public art;
- Public art should be placed on the site where it will enhance and not detract from its surroundings;

## **2. Signage**

Permanent signage of any type is not permissible in or around the immediate area of the public art. This includes the foreground, background, or adjacent areas of the public art. Signage should not detract or diminish the aesthetics of the public art when the public views the work from the most accessible vantage points (intersections, entryways). Signage plans will be reviewed at the time of review of the Conceptual Design Plan.

## **3. Lighting and Electrical**

Public art shall be properly lit during evening and nighttime hours. All lighting and electrical elements should be in good working condition and meet all current safety conditions. Lighting and electronic elements that are not integral to illumination of the work of art will not be included as part of the art allocation costs. Lighting plans must be submitted as part of the public art application.

## **4. Landscaping and Base**

Landscaping and the artwork bases (if required) should be well integrated. If the artwork must be secured to the base, the base should be securely installed on the site. If the installation of the artwork includes a base, or the art piece is structural or attached to the structure, a licensed structural engineer must approve and certify the installation plans as structurally sound, safe and durable. The base shall only support the artwork and plaque, if applicable.

## **5. Identification of Artwork**

Each artwork piece shall be identified by a rosin plaque approximately 8" by 8". The plaque should be placed in a location near the artwork piece. The Advisory Committee or CAC may recommend approval of any additional plaques, an alternative location or different size that may be requested. The plaque shall include the artist's or group of artists' name or names, the name of the design piece, date of production, etc. and shall not include memorial designation or collector information.

# **XII. Ownership and Maintenance**

Per Section .5809-24 of the Zoning Code, the requirements pertaining to ownership and maintenance of the public artwork on a private development are as follows:

1. All artwork placed on the site of an applicant's project shall become the property of the property owner and his/her successor's in interest.
2. The property owner shall maintain the public artwork in good condition, including protecting the artwork against physical defacement, mutilation, or alteration, and securing and maintaining fire and extended coverage insurance in an amount to be determined by the City's Risk Manager.

3. Prior to placement of an approved artwork on site, the applicant and property owner shall execute and record a covenant in a form approved by the City Attorney for maintenance of the artwork.
4. Failure to maintain the artwork as provided herein is declared to be a public nuisance and may be summarily abated as such by the City. The City may pursue additional remedies to obtain compliance with the provisions of this Section requirement as appropriate.
5. In addition to other remedies provided by law, in the event the property owner fails to maintain the artwork, upon reasonable notice, the City may perform all necessary repairs or maintenance to the artwork or secure insurance, and the costs incurred by the City shall become a lien against the property.

### **XIII. Budget and Contracts**

#### **1. Budget Breakdown.**

As part of the public art application, the developer shall submit a line item budget breakdown that reflects costs of the artwork and artist design fees, transportation fees, and installation fees, and any other fees as applicable and necessary. The budget breakdown should equal or exceed that total minimum artwork allocation.

#### **2. Contract of Sale.**

The developer must also submit an unsigned copy of the contract of sale including the long-term care and maintenance instructions for the artwork with their application. Once the Cultural Arts Commission approves the artwork, the contract of sale shall be modified if necessary and signed by the property owner, artist and property owner association, if applicable.

### **XIV. Property Owner's Responsibilities**

#### **1. Art Insurance.**

The public artwork must remain permanently installed at the site as a condition of the project approval as stated in a recordable agreement that is binding on successors to the title to the subject property in a form approved by the City Attorney. As part of the agreement, the property owner shall be made legally responsible for repairing or replacing the artwork with artwork of equivalent value in the event the artwork is damaged, destroyed or stolen

#### **2. Damaged Artwork.**

The property owner is responsible for repairing the artwork in the event of damage and/vandalism. Artwork damaged or vandalized shall be repaired as closely as possible to the original approved artwork. If repair is needed, the original artist must be given first refusal on repair for a reasonable fee. If the original artist is not available or is unwilling to perform the required repair work for a reasonable fee, the property owner shall be responsible for notifying the Cultural Arts Commission and City staff of the steps that will be taken to repair the artwork.

#### **3. Replacement of Artwork.**

If the artwork is destroyed, damaged beyond repair, stolen or otherwise removed from the site, the property owner shall replace the artwork with a new work of art. The owner shall submit an application to the City for review and recommendation by the Advisory Committee. The new artwork shall comply with all of the requirements of the Public Art Program in place at the time the work is replaced. The allocation for the new (replacement) artwork shall be calculated at 1 percent of the current total building valuation. As ICBO figures typically increase each year,

property owners are advised to take steps to replace damaged or destroyed artwork immediately. The replacement process shall be completed within six to 12 months unless otherwise agreed to by the City.

4. Removal of artwork.

The City will not authorize removing public artwork, except under the most extenuating circumstances. Owners wishing to remove, modify, destroy, or in any way alter their artwork must provide a compelling reason for taking such action with the artwork. All such requests must also be submitted to the Commission for their consideration. Factors to be considered by the Commission include, but are not limited to, reasons and costs for relocation, risk of damage to the artwork, maintenance costs, and artist and owner rights and responsibilities in accordance with state and federal law pertaining to artists' rights.

# 3

## Public Art Donations and Acquisitions Policy and Guidelines

### I. Purpose

#### Mission Statement

The City of Pomona wishes to develop guidelines for the acquisition and acceptance of public artwork and for receiving donated funds for the purpose of providing public artwork. The purpose of the guidelines is to ensure that all artwork donated to the City is culturally and ethnically diverse and of the highest quality. Part 3 of the Manual applies solely to the Art in Public Places Program for Public Art Donations and Acquisitions.

### II. Donated or Loaned Artwork

Only works of art that are consistent with the artwork criteria listed in II.A.2.a-e below shall be considered for donation or loan to the City. This Section shall also apply to works of art proposed for long-term loan to the City. The minimum loan period for loaned works of art shall be one year unless the artist or the artist's sponsors are willing to cover all costs for the placement of the art and providing the loan is approved by the City Council.

#### A. Procedure for Acceptance of Donated or Loaned Works of Art

1. Individuals, businesses, and/or groups wishing to donate artwork with an estimated value over \$2,000 shall submit a written request, along with a professional appraisal stating the value of the artwork, of their offer to the Cultural Arts Commission. The Commission may request a second independent appraisal if necessary.
2. The Commission shall review and make recommendations to the City Council on all requests to donate artwork and the proposed location of artwork based on the following criteria:
  - a. Artwork that negatively depicts any race, gender, ethnicity, religion, etc. or that may be associated with illegal acts shall not be accepted.
  - b. Artwork shall maintain high artistic standards by demonstrating the highest aesthetic quality, originality and artistic excellence.
  - c. Artwork shall not create unsafe conditions or factors that may affect public safety.
  - d. Artwork shall clearly demonstrate quality, craftsmanship, and durability.
  - e. Artwork shall have reasonable maintenance requirements as specified by the artist and these requirements shall be compatible with routine city maintenance procedures.
  - f. Artwork shall be placed in a location that is consistent with the following:



- Exterior site that is open, freely available and visible to the general public;
  - Interior site within city-owned public buildings that is regularly open to the public and in a location within the building that is freely available and viewable by the general public;
  - Artwork shall not be placed adjacent to monument signs, wall signs, bus benches, or utility boxes or other similar structures since these structures may impede the public's view from the street or diminish the aesthetic value of the artwork.
3. The City Council shall review all Commission recommendations on offers to donate artwork, which shall also include a location proposed by the Commission, and either, approve, approve with conditions or refuse to accept the artwork. The City Council's decision shall be final.
  4. The Advisory Committee will review the artwork and assist the Commission in the development of a recommendation for Council action on the acceptability or rejection of the gift or donated artwork.

## **II. Donation of Funds for the Provision of Public Artworks**

### **A. Overview**

From time to time, individuals, civic businesses or corporate groups may wish to donate funds for the acquisition and placement of public art within the City. It is the policy of the Commission and the City to encourage donations of funds to acquire public artworks that are consistent with the objectives and criteria provided in Section II.A.2.a-e of this part of the Manual. Donated funds can be used for a specific project or added to the public art fund and pooled with other donated funds, or grant funds, if permitted by the grant, for the purpose of providing public artwork in the future.

1. All donated funds will be set aside in a Public Art Fund, an account specifically established for the support of the Arts, upon acceptance by the City Council.
2. All funds will be spent in accordance with provisions of Section III.I of this Manual and City policies and procedures.
3. Artworks acquired with the donated funds will be selected according to procedures outlined in Sections III.C and D of this Manual.

### **B. Expenditures of Public Art Funds**

Public Art Funds specifically donated for the purpose of providing public artwork shall be expended only for the purpose of providing artwork within the City of Pomona consistent with the policies in this Manual. Expenditures of Public Art Funds on the provision of public artwork in public places, including artist and location selection, shall be consistent with those outlined in Section III.I of this manual and City policies and procedures.

### **C. Procedure for the Acquisition of Public Artworks Using Donated Funds**

Once a donation has been made to the Public Art Fund, it is the Advisory Committee's responsibility to select an artist, or artist team, to design the public artwork and select a public location for the

artwork for recommendation to the Commission. The artist, artwork and artwork location must be consistent with all applicable criteria in this part of the Manual and in accordance with the City's purchasing code, policies and procedures. The selected artwork will be installed and maintained by the City and will become the City's property.

1. Public artwork budget.

The Advisory Committee shall decide on the total amount of donated funds that are to be expended on a single public artwork project before start of the artist selection process.

2. The Advisory Committee shall select a public location for the artwork consistent with the criteria stated in Section II.A.2.f of this part and the Public Art Ordinance.

3. Artist approval process.

The Advisory Committee shall select an artist, or group of artists, through a public process using one of the following methods. The selected artist(s) for public artwork projects with an estimated budget in excess of the informal bidding limits established by the City Council through adoption of the City's Purchasing Code must be approved by the City Council:

- a. Request for qualifications (RFQ);
- b. Request for proposals (RFP);
- c. ~~Invitational competition.~~

Refer to Section D for details on the artist selection methods indicated above.

4. Commission shall make a decision on Advisory Committee recommendations on artist and artwork location.

5. The Advisory Committee (See Art in Public Places Program Overview and Introduction for more information on the Advisory Committee) and other City staff, as needed for the particular project, shall meet regularly with the selected artist, or group of artists, in developing a Conceptual Design Plan that meets the artwork and location criteria stated in this manual.

6. Once the Conceptual Design Plan has been approved by the Advisory Committee (or City Council if applicable), the artist or artists' team shall refine the project objectives and the Conceptual Design Plan according to the direction of the Advisory Committee. The artist or artist team shall submit to the Cultural Arts Commission a Final Design Plan (including final narrative, budget, and anticipated maintenance plan and installation schedule) and a two- or three-dimensional model with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication, transportation, and installation expenses. The budget shall equal not exceed the total amount to be expended on the proposed artwork.

7. After the Final Design Plan has been submitted to the Commission, the artist, or artist team, shall make a presentation of the final design to the Commission for review and approval. Representatives from other City departments and any stakeholder groups will be invited to attend the Commission meeting and participate in the review. A status report summarizing the action of the Advisory Committee shall also be provided to the Commission at this time.

**D. Artist Selection Methods**

Artists will be reviewed and selected based on merit of their past works, background in the arts,

and appropriateness for a particular project. Prospective artists should review the criteria for each project and submit applications for projects for which they are an appropriate fit for the type of work they produce. The Advisory Committee may use one of the following ~~three~~ two methods for soliciting and selecting an artist:

1. Request for Qualifications (RFQ):

- a. This method is the preferred method to be used by the Advisory Committee to select the artist or group of artists. The Advisory Committee shall base the selection on the submittal of credentials and examples of past work as well as the criteria in Section III.E of this manual. A short list of finalists will be invited to interview and one artist and an alternate will be selected by the Advisory Committee. If two finalists are chosen having equal qualifications one of which is a locally based artist (artists who reside in or own a gallery or studio in the City of Pomona), the locally based artist shall be given preference. If the design process is sufficiently advanced that a context has been established for the artists to respond to, each of the finalists may be asked to develop a preliminary proposal, which will be evaluated during an interview. If a preliminary proposal is requested, an honorarium will be paid to the artists. The honorarium shall be equal to one percent of the art budget, with a minimum of \$500 and a maximum of \$5,000.

2. Request for Proposals (RFP):

- a. This method is appropriate for selection of artists where there is an existing site or building or for projects with small budgets where locally based entry-level artists are being targeted. This is not an appropriate selection process for projects where a design team approach is desired.
- b. The City may issue an RFP requesting conceptual proposals and detailing the proposal requirements. The respondents' proposals will provide the Commission members with an understanding of the artists' thought process or approach. The Commission may choose to invite several finalists to interview before making a final selection. Artists responding to an RFP will not be compensated for proposals.

~~3. Invitational Competition:~~

~~a. This process may be appropriate in the case of complex projects where a limited number of artists may be capable of successfully competing. It is also appropriate in a case where there are severe schedule restrictions.~~

~~b. Based on the project requirements, submittal of qualifications or a specific proposal may be requested. Invitational competitions may also be conducted in two stages, with the first phase based on qualifications and the second phase based on a proposal. Artists invited to develop proposals will be compensated in the same manner as described in the RFQ process.~~

Both methods shall be advertised and conducted in accordance to the City of Pomona Purchasing Code.

E. Artist Selection Criteria

The Advisory Committee evaluates artistic excellence and technical abilities as demonstrated by the

artist's professional qualifications, proven ability to undertake project of a similar scope, and artistic merit as evidenced by submitted material. The Committee may also consider the artist's potential to work at a scale and in materials appropriate for commissioned permanent artwork.

1. The Commission and Advisory Committee will consider the following in the selection of artists based on submitted materials:
  - a. The individual artist's or artist team's experience in design concept, fabrication, installation, and long-term durability of exterior artworks or artwork on display in publicly accessible interiors of public buildings.
  - c. The individual artist's or artist team's ability and willingness to successfully collaborate with design teams, architects, art consultants, project managers, engineers, fabricators, city staff, and landscape architects.
  - d. Whether the individual artist's or artist team's body of work and professional activities demonstrates serious ongoing commitment to the fine arts.
  - e. The artist's or artist team's ability to meet scheduled deadlines.

Artists selected by the Advisory Committee are required to submit the following to the City of Pomona as part of the application:

- a. Current curriculum vitae (including art education, training, group and solo exhibitions, private and public collections);
- b. Artist's history of artwork commissions if available;
- c. Digital images, photographs, reviews and critiques of past works.

**F. Criteria for approval of public artworks**

When an artist is selected for a project, he or she will be asked to present a final design to both the Advisory Committee and the Commission. A successful design shall meet the criteria stated in Part 2, Section IX of this Manual.

**G. Acceptable types of public artwork**

Refer to Part 2, Sections IX and X of the Manual for criteria for acceptable types of public artwork.

**H. Artwork Location Criteria**

Locations chosen for the placement of public artwork shall be consistent with the criteria in Section II.A.2.f of this part of the Manual.

**I. Artwork Expenditures**

The artist or group of artists selected for a project may include following expenditures as part of the overall artwork costs for an individual project:

1. The work of art itself, including the artist's fees for design and engineering and fabrication;
2. Transportation of the public art to the site;
3. Installation of the completed public art on the site;
4. Mountings, anchorages, containments, or other materials necessary for installation of the

- public art piece up to five percent of the total art allocation;
5. Lighting specifically illuminating the artwork itself;
  6. Appraisal fees as required for review of the public art application by the City;
  7. Identification plaque as required by the Commission;
  8. Permits, insurance, engineering or legal fees necessary for the installation of the artwork;
  9. Other materials that are integral to the creation of the work of art.

Ineligible expenditures for the placement of artwork on-site include:

1. Promotional materials or activities for the artist, the public artwork, the development, the developer or other parties involved in the development project;
2. Opening, dedication, or other event for the public art, artist or development;
3. Services, materials, utilities, or other expenses associated with the operation or maintenance of the public art work;
4. Land costs or any other costs associated with the development that are not part of and solely attributable to the public artwork; and
5. Illuminating the public art work if not integral to the design or specifically illuminating the artwork itself.

The selected artist or group of artists shall submit an estimated budget that is consistent with the above on the form in Appendix xx to the Commission when the project proposal is submitted.

Payment will be made to artist at the completion and acceptance of the artwork in accordance with accounts payable procedures.

#### **J. Maintenance**

The selected artists should demonstrate that the artwork is constructed for permanent display and that provisions have been made for its long-term care.

##### **1. Maintenance Instructions**

The artist shall provide maintenance instructions that specify the on-going and long-term maintenance requirements for the artwork. These instructions will be used for routine cleaning and occasional treatments to prevent damage from weather elements, bird guano, tree droppings, spray from sprinklers, and aging. Maintenance instructions shall include:

- a. Materials for the maintenance and/or repair of the artwork including but not limited to, brands and mixes of pigment, color samples, material finishes, types of brushes, bolts, and other needed materials.
- b. Methods of cleaning: how to apply cleaning agents, paint, wax, or other materials. Specify number of coats and drying time. Specify whether the work can be performed by a general maintenance service or must be performed by a professional art conservation service.
- c. Frequency of routine cleaning per year.

#### **IV. Value Verification**

If City staff cannot verify the value of a proposed art piece (by past records of comparable work sold, etc.) the City may choose to have the artist's proposal and/or other completed work appraised by a qualified appraiser selected by the City and paid for by the artist.

#### **V. Removal or Relocation of Public Art**

- A. When deemed necessary, the City may choose to remove or relocate Public Art with the Cultural Art Commission's recommendation and in accordance with all federal and state laws and regulations pertaining to artists' rights.
- B. When deemed necessary, the City may choose to remove public artwork for the purpose of maintaining the public artwork. Removal of public artwork for maintenance purposes shall be done in accordance with all federal and state laws pertaining to artists' rights.

City of Pomona

# Appendix C



Resolution 1988-122

**RESOLUTION NO. 88-122**

A Resolution of the City Council of the City of Pomona, California, approving fees and deposits as required by Chapters 27, 28, 29, and 32 of Ordinance No. 1673, also known as the Code of the City of Pomona.

WHEREAS, Sections 27-10, 27-14, 28-42, 28-43, 28-83, 28-83.1, 28-92, 28-301.1 and 29-46 authorizes the Director of Public Works to update and change appropriate fees and/or deposits as approved by City Council by Resolution to cover the cost of municipal services in connection with plan checking, inspection, issuance of permits, the processing of various legal documents, and the resurfacing of utility trenches.

WHEREAS, Section 32-15.0 authorizes the City Traffic Engineer on the basis on an engineering and traffic survey, to prohibit, regulate, or limit stopping, standing, or parking vehicles.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Pomona as follows:

**SECTION 1.** That processing fees for the City of Pomona shall be as follows:

A. CERTIFICATE OF COMPLIANCE	\$125.00
B. LOT LINE ADJUSTMENT	\$400.00 for 2-parcel lot line adjustment plus \$75.00 for each additional parcel.
C. PLAN CHECK (including plot plans, street improvement plans, etc.)	3% of estimated construction cost with \$250 minimum, an additional \$75 per submittal after fourth check.
D. PROCESSING EASEMENTS/ DEEDS/LEGALS	\$175.00
E. PROCESSING QUITCLAIM	\$175.00
F. RELEASE OF LIEN	\$75.00
* G. SANITARY SEWER CONNECTION FEE	\$30.00 per foot, additional \$500 per acre in excess of 150 foot depth.
H. TENTATIVE SUBDIVISION MAP	\$900 plus \$30 per lot.
I. TRAFFIC REPORT REVIEW	\$75
J. VACATION OF PUBLIC RIGHT OF WAY	\$350

**SECTION 2.** That permit fees for the City of Pomona shall be as follows:

A. INSPECTION PERMITS	3% of estimated construction cost with \$50 minimum except as indicated below.
1) Curb, or Curb & Gutter	\$60.00 plus \$0.45 per L.F. over 100 L.F.



- 2) Drive Approaches:
  - a) Residential, standard width \$50.00
  - b) Residential, over width \$75.00
  - c) Commercial, thru 30' width \$75.00
  - d) Commercial, over 30' width \$100.00
- 3) Reinstatement of expired permit \$35 each, in addition to any cost difference between current and past fees.
- 4) Sewer Laterals \$60.00 plus \$0.75 per L.F. over 30 L.F.
- 5) Sidewalk \$60.00 plus \$0.10 per S.F. over 600 S.F.
- 6) Street Light Installation \$100.00 per light.
- 7) Street Trees \$75.00
- 8) Utility Company Permits \$45.00, plus \$0.45 per L.F. over 30 L.F.

**B. SPECIAL PERMITS**

- 1) Encroachment, closures, street banners, oversize loads, etc. \$40.00
- 2) Annual oversize/load \$300.00

**SECTION 3.** That the fixed deposits to guarantee replacement of street improvements shall be as follows: (\$150.00 Minimum)

- A. CURB \$12.00 L.F.
- CURB AND GUTTER \$15.00 L.F.
- SIDEWALK \$3.25 S.F.
- ASPHALT PAVEMENT
- 1) Trench \$6.00 S.F.
- 2) Street \$2.00 S.F.
- STREET TREES \$175.00 each

B. Deposit not indicated above shall be as estimated by the City Engineer.

**SECTION 4.** That the fixed charges to cover costs of installation or repairs in City street right-of-way shall be as follows:

- A. CURB PAINT \$50 plus \$2 per L.F. over 20 L.F.
- B. CURB SANDBLAST \$100 lump sum
- C. PAVEMENT MARKERS Time and materials plus 20% overhead.
- D. PERMANENT RESURFACING OF UTILITY TRENCHES:
  - 1) 1 -- 50 S.F. @ \$5.50
  - 2) 51 -- 200 S.F. @ \$4.00
  - 3) 201 -- 500 S.F. @ \$3.50
  - 4) 501 -- 2,000 S.F. @ \$3.00
  - 5) 2,001 -- Over S.F. @ \$2.50
- E. SANITARY SEWER DYE TEST \$50.00
- F. STREET SIGN \$75.00 per blade.
- G. STREET SIGN POST \$115.00

**SECTION 5.** That the City Clerk shall certify to the adoption and passage of this Resolution and it shall thereupon take effect and be in force.

APPROVED AND PASSED this 20th day of June, 1988

ATTEST: THE CITY OF POMONA

Elizabeth Villal, interim  
City Clerk

By: Donna Smith  
Mayor

APPROVED AS TO FORM:

Robert H. Gunn  
City Attorney

(Fees)

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES)

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Pomona, California, and signed by the Mayor of said City at a \_\_\_\_\_ regular meeting of said Council, held on the 20th day of June, 1988, by the following vote, to wit:

AYES: Councilmember: Soto, Gaulding, Nymeyer, (Mayor) Smith.

"

"

NOES:

"

Bryant.

ABSTENTIONS:

"

ABSENT:

"

  
\_\_\_\_\_  
INTERIM City Clerk

THE CITY OF  
**POMONA**

MEMORANDUM

May 19, 1988

To: Dayle Keller, Administration  
From: Dick Bissonnette, Public Works  
Subject: Resolution to Update Public Works Fees and  
Revised List of Revenues for FY 88-89 and 89-90

Attached please find a resolution to update Public Works Department fees. Also attached is a comparison of existing to proposed fees.

Listed below is the revised list of revenues. These revenues are expected to be generated if the City Council approves the updating of our department fee schedule.

<u>Revenues Generated</u>	<u>Without Update</u>	<u>With Update</u>
Street Repairs	(3,000)	(3,000)
Plan Check Fee	(110,000)	(130,000)*
Engineering Permits	(20,000)	(20,000)
Sale of Service	(80,000)	(86,000)*
Street/Engineering Misc.	(12,000)	(14,000)*
Street Light Repairs	(3,000)	(3,000)
Utility Cut Repairs	(80,000)	(92,000)*
Admin. Services - Sanitation	(65,980)	(65,980)
	<u>\$373,980</u>	<u>\$413,980</u>

Estimated increase for FY 88-89 and 89-90 is \$40,000 per year.

\* Denotes fees revised



Richard D. Bissonnette, P.E.  
Assistant City Engineer

/bm457

cc: Finance Director  
Director of Public Works  
City Engineer/Traffic Engineer

# Comparison of Existing Fees to Proposed Fees

SERVICE	EXISTING FEE Last Revision 8-85 (unless otherwise shown)	PROPOSED FEE
SECTION 1		
A) Certificate of Compliance	\$100 plus \$10 recording	\$125
B) Lot Line Adjustment	\$300 plus \$75/lot over 2 plus \$10 recording	\$400 plus \$75/lot over 2
C) Plan Check (11/86)	3% of construction cost \$200 minimum, \$50 after fourth plan check	3% construction cost, \$250 minimum \$75 after fourth plan check.
D) Processing Easements	\$150	\$175
E) Processing Quitclaims	\$150	\$175
F) Release of Lien (11/86)	\$60	\$75
G) Sewer Connection (11/86)	\$27/L.F. plus \$500 per acre	\$30/front foot plus \$500 per acre
H) Tentative Subdivision (6/77)	\$700 plus \$10 per lot	\$900 plus \$30 per lot
I) Traffic Report Review	\$50	\$75
J) Vacation Street/Alley	\$300	\$350
SECTION 2		
A) Inspection Permits	3% of Construction cost \$45 minimum, except below.	3% construction cost, \$50 minimum except below.
1) Curb & Gutter:	\$60 plus \$0.40/L.F. over 100 L.F.	\$60 plus \$0.45/L.F. over 100 L.F.
2) Drive Approaches:		
a) Residential Standard	\$45	\$50
b) Res. over width	\$45	\$75
c) Comm. less than 30'	\$60	\$75
d) Comm. more than 30'	\$75	\$100
3) Reinstate Permit (11/86)	\$30 plus difference in fees.	\$35 plus difference in fees.
4) Sewer Laterals	\$45 plus \$0.60/L.F. over 30 L.F.	\$60 plus \$0.75/L.F. over 30 L.F.
5) Sidewalk	\$45 plus \$0.07/S.F. over 600 S.F.	\$60 plus \$0.10/S.F. over 600 S.F.
6) St. Light Installation	\$90/light	\$100/light
7) Street Trees	\$60/tree	\$75/tree
8) Utility Co Prmts (11/86)	\$30 plus \$0.30/L.F. over 30 L.F.	\$45 plus \$0.45/L.F. over 30 L.F.
B) Special Permits		
1) Encroachment	\$30	\$40
2) Annual Overload	Not Available	\$300

### SECTION 3

A) Curb	\$10/L.F.	\$12/L.F.
Curb & Gutter	\$10/L.F.	\$15/L.F.
Sidewalk	\$2/S.F.	\$3.25/S.F.
Asphalt Pavement		
1) Trench	\$6/S.F.	\$6/S.F.
2) Street	Estimated	\$2/S.F.
Street Trees	\$150/each	\$175/tree

### SECTION 4

A) Curb Paint	\$50 lump sum	\$50 plus \$2/L.F. over 20 L.F.
B) Curb Sandblast	\$75 lump sum	\$100 lump sum
C) Pavement Markers	Time and materials plus 20% overhead	Time and materials plus 20% overhead
D) Trench Resurface (6/84)		
1) 1 -- 50 S.F.	\$4.80	\$5.50
2) 51 -- 200 S.F.	\$3.50	\$4.00
3) 201 -- 500 S.F.	\$3.00	\$3.50
4) 501 -- 2,000 S.F.	\$2.50	\$3.00
5) 2,001 -- Over	\$2.00	\$2.50
E) Sewer Dye Test (11/86)	\$30	\$50
F) Street Sign	\$130	\$75 per sign blade
G) Street Sign Post	\$100	\$115

(compfee)

THE CITY OF  
**POMONA**  
MEMORANDUM

June 9, 1988

TO: Assistant to the City Administrator  
FROM: Management Analyst  
SUBJECT: RESOLUTION PACKAGE FOR RATE ADJUSTMENTS

Departmental proposals to increase municipal fees pursuant to the 4.4% CPI increase, effective July 1, 1988, have been coordinated herein for City Council approval prior to implementation. Included are requests for routine rate increases in the form of Resolutions, to be adopted at the June 20, 1988, City Council Session for the following:

PUBLIC WORKS

Unlike the other requests, adjusted fees would not be pursuant to the 4.4% CPI increase, rather pursuant to Resolution No. 86-244 which authorizes the update and change of appropriate fees as approved by City Council to cover the cost of municipal services. Affected services include plan checking, inspection, issuance of permits, processing of various legal documents and resurface of utility trenches.

REFUSE COLLECTION

Fees would provide for both Single Family residential and Multi-Family residential (per unit/location) a maximum 6-32 gallon container (1 cubic yard) with 1 pick-up per week.

GENERAL SANITATION (G.S.F.)

Fees would provide for General Sanitation Services, including street sweeping, sewer maintenance, weed abatement, N.I.C.E, Code Enforcement, and the proposed Central Graffiti Control Program. Landscape and alley maintenance services would be absorbed by the G.S.F. without requiring a fee increase in FY 88/89.

Assistant to the City Administrator  
June 2, 1988  
Page 2

PARKS AND RECREATION

Fees would be adjusted to reflect competitive market factors and to respond to increased operating costs for building rentals and other recreational services.

In all cases, an explanatory memo accompanies the Resolution which outlines the text of the proposals.



DONNA V. ANDREWS

DLA:jb



# PROOF OF PUBLICATION

(2015.C.C.P.)

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CITY OF POMONA (63059)

NOTICE OF HEARING

RESOLUTION TO ESTABLISH INCREASES IN FEES

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and am not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Progress Bulletin, a newspaper of general circulation, printed and published daily in the City of Pomona, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of June 15, 1945, Decree No. Pomo C-606; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

June 6, 10,

all in the year 1988

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Date

19

## Progress Bulletin

LEGAL ADVERTISING SERVICE

300 S. Thomas St.

Pomona, CA 91766

P. O. Box 2708

Pomona, CA 91769

714 - 822 - 1201, ext. 243

### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that pursuant to Government Code Section 54994.1, the Pomona City Council will hold a hearing on June 20 1988, at 7:30 p.m., in the Council Chambers of the City Hall, 505 South Garey Avenue, Pomona, for consideration of resolutions that establish increases in the following fees:

1. General Sanitation Fee: Proposed fee increase are based on the California Consumer Price Index (ALL URBAN) increase (C.P.I.) utilizing the C.P.I. factor established for March, 1988 and a cost factor for funding a Central Graffiti Control Program (proposing a 0.35 cent increase for residential users and a \$2.50 increase for commercial users); the proposed increases result in total monthly costs of \$4.65 for residential users and \$20.80 for commercial users. Refuse collection fees are proposed to be increased pursuant to the 4.4% C.P.I. increase.
2. Building Rental Fees: These fees are charged to non-City agencies or private parties who use City-owned Park facilities. There may also be consideration of adjustment of other recreational fees. In all cases, fees will be adjusted to reflect competitive market factors and to respond to increased operating costs.
3. Public Works fees are proposed to be increased to cover the cost of municipal services in connection with plan checking, inspection, issuance of permits, processing of legal documents and resurfacing of utility trenches.

ELIZABETH VILLERAL  
Acting City Clerk

Dated: June 1, 1988

(63059)

Pomona PB/DC-17727

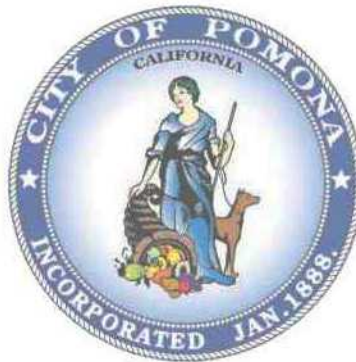
Pub. June 6, 10, 1988

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City of Pomona

# Appendix D



Ordinance 4154 and Resolution 2006-166

**ORDINANCE NO. 4154**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING THE CITY'S WATER AND SEWER RATE SCHEDULE AND FEES TO ALLOW THOSE WATER CUSTOMERS LIVING WITHIN THE "LOWER INCOME POVERTY RATE" TO APPLY FOR A ONE PERCENT (1.0%) REDUCTION OF THE DELINQUENT FEE.**

**WHEREAS**, Chapter 62 of the Pomona City Code, Article IV. Municipal Water Utility, Sections 62-195, 62-291 and 62-292, establishes the City's ability to charge bi-monthly fees for the supply of water and recycled water to customers within and outside the City of Pomona (the "City"), and establishes the City Council's authority to set water and recycled water rates by resolution;

**WHEREAS**, if a water bill is not paid by a City water customer within twenty (20) days of issuance, the City charges a delinquent fee (or "delinquency charge") pursuant to Section 62-299 of the Pomona City Code;

**WHEREAS**, on December 18, 2006, the City Council approved Resolution No. 2006-166, and Exhibit A thereto, establishing revised rate schedules for fees and charges for water, recycled water, and sewer services (Exhibit 1);

**WHEREAS**, as part of Exhibit A to Exhibit 1 hereto, the "Delinquency Charge" was set at five percent (5.0%) of the total, outstanding amount owed to the City;

**WHEREAS**, in July 2011, Mr. John Mendoza requested, and received, a title and summary to circulate an initiative petition to allow water customers living within the "lower income poverty rate" to apply for a one percent (1.0%) reduction of the City's current delinquent fee;

**WHEREAS**, on January 9, 2012, Mr. Mendoza timely submitted 1,714 signatures, of which 1,609 were deemed valid by the City Clerk / Elections Official, and as a result, the petition was certified at the March 19, 2012 meeting of the City Council; and

**WHEREAS**, pursuant to Elections Code Section 9215, the City Council desires to adopt the proposed ordinance, without alteration, at the regular meeting at which the certification of the petition is presented; and

**WHEREAS**, under California state law, no public hearing is required to decrease a fee such as the Delinquency fee.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** That Exhibit A to Resolution No. 2006-166 is hereby amended as follows:

Section 62-299. Due Date; Disconnection Fee and Delinquency Charge

Delinquency Charge (20 days after the bill has been issued) 5%

**Pursuant to Ordinance No. 4154, those City water customers who are "living within the City of Pomona lower income poverty rate" may apply for a one percent (1.0%) reduction of the above-referenced Delinquency Charge. The water customer must apply for the reduction of the Delinquency Charge to the City Treasurer. The City Treasurer shall then follow the criteria set forth in Pomona City Code Section 50-218 and, if the water customer's application meets such criteria, the City Treasurer shall grant the one percent (1.0%) reduction of the Delinquency Charge. The foregoing shall only apply to City water customers.**

**SECTION 2.** That all other rates, fees and charges set by Exhibit A to Resolution No. 2006-166 shall remain unchanged.

**SECTION 3.** That the City Manager is hereby directed to take any and all administrative actions necessary to implement this Ordinance.

**SECTION 4. Severability.** If any part of this Ordinance, or its application to any individual, entity, or circumstance, is held to be invalid, the remainder of the Ordinance, including the application or provision to other persons or circumstances, shall be not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

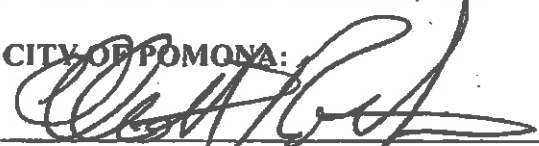
**SECTION 4. Effective Date.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its adoption.

**PASSED, APPROVED AND ADOPTED THIS 19th DAY OF MARCH, 2012.**

**ATTEST:**

  
Marie Michel Macias, City Clerk

**CITY OF POMONA:**

  
Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

  
Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Pomona held on March 19, 2012, pursuant to California Elections Code Section 9215, by the following vote:

AYES: COUNCILMEMBERS: Soto, Rodriguez, Carrizosa, Lantz, Escobar, Atchley, Rothman  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

  
Marie Michel Macias, City Clerk



**RESOLUTION NO. 2006-166**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, ESTABLISHING REVISED RATE SCHEDULES FOR FEES AND CHARGES FOR WATER, RECYCLED WATER, AND SEWER SERVICES**

**WHEREAS**, Chapter 62 of the Pomona City Code, Article IV. Municipal Water Utility, Sections 62-195, 62-291 and 62-292, establishes the City's ability to charge bi-monthly fees for the supply of water and recycled water to customers within and outside the City of Pomona, and establishes the City Council's authority to set water and recycled water rates by resolution;

**WHEREAS**, Chapter 62 of the Pomona City Code, Article V. Sewage Disposal, establishes the City's ability to charge a bi-monthly fees for the supply of sewer services within and outside the City of Pomona, and establishes the City Council's authority to set sewer rates by resolution;

**WHEREAS**, the City Council desires and finds necessary to adjust the water, recycled water, and sewer rates in order to recover the actual costs of operating and maintaining the City's water systems;

**WHEREAS**, this resolution adjusting the water and recycled water rates shall only apply to the following sections of Chapter 62, Article IV. Municipal Water Utility, of the Code of the City of Pomona: Sections 62-291, 62-292, 62-293, 62-297, 62-299, 62-241, 62-242, 62-243, 62-244, 62-248, 62-321, 62-322, and 62-195;

**WHEREAS**, this resolution adjusting the sewer rates shall only apply to the following sections of Chapter 62, Article V. Sewage Disposal, of the Code of the City of Pomona: Sections 62-399, 62-400, 62-424 and 62-524;

**WHEREAS**, City Council has made a determination that the attached rates as set forth in Exhibit "A" are not discriminatory or excessive and will be sufficient under Section 54515 of California Government Code, and will comply with the provisions and covenants of all outstanding revenue bonds of the City of Pomona's Water and Sewer Enterprise Funds;

**WHEREAS**, in accordance with Proposition 218, public notice regarding these rate adjustments was distributed by U.S. Mail, forty-five (45) days prior to the public hearing, to all property owners and tenants of properties to whom utility services are being provided by the City of Pomona, and further published notice was given as required by law; and

**WHEREAS**, a properly noticed public hearing concerning this resolution was held on November 20, 2006, and December 4, 2006, as required by law;



NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

**SECTION 1.** Regarding the rates fees and charges for water, recycled water and sewer services adopted by this Resolution, the City Council finds that:

a. Revenues derived from the fee or charge do not exceed the funds required to provide the property related service.

b. Revenues derived from the fee or charge are not used for any purpose other than that for which the fee or charge is imposed.

c. The amount of the fee or charge imposed upon any parcel or person does exceed the proportional cost of the service attributable to the parcel.

d. The fee or charge imposed for a service is actually used by, or immediately available to, the owner of the property in question.

**SECTION 2.** Effective at the beginning of the first billing period on/or subsequent to the 1<sup>st</sup> day of April 2007, and continuing thereafter until October 1, 2007, or as otherwise changed by resolution or by ordinance, the fees to be paid for the furnishing of water service within and outside the City of Pomona, as well as for reclaimed water users, are restructured as hereby set forth in Exhibit A, attached hereto and incorporated by reference.

**SECTION 3.** Effective at the beginning of the first billing period on/or subsequent to the 1<sup>st</sup> day of October 2007, and continuing thereafter until July 1, 2008, or as otherwise changed by resolution or by ordinance, the fees to be paid for the furnishing of water services within and outside the City of Pomona, as well as for reclaimed water users, are increased by 4.1 percent and hereby set forth in Exhibit A, attached hereto and incorporated by reference.

**SECTION 4.** Effective at the beginning of the first billing period on/or subsequent to the 1<sup>st</sup> day of July 2008, and continuing thereafter until changed by resolution of the City Council of the City of Pomona, or as otherwise stated by ordinance, the fees to be paid for the furnishing of water services within and outside the City of Pomona, as well as for reclaimed water users, are increased by 4.5 percent and hereby set forth in Exhibit A, attached hereto and incorporated by reference.

**SECTION 5.** Effective at the beginning of the first billing period on/or subsequent to the 1<sup>st</sup> day of April 2007, and continuing thereafter until July 1, 2007, or as otherwise changed by resolution or by ordinance, the fees to be paid for the furnishing of sewer services within and outside the City of Pomona are amended as set forth in the attached Exhibit A.

**SECTION 6.** Effective at the beginning of the first billing period on/or subsequent to July 1, 2007, the sewer service charge for all customer classes will be increased by \$0.75 as previously approved per City Council Resolution No. 2003-15 and continuing thereafter until October 1, 2007, or as otherwise changed by resolution or by ordinance.

**SECTION 7.** Effective at the beginning of the first billing period on/or subsequent to the 1<sup>st</sup> day of October 2007, and continuing thereafter until July 1, 2008, or as otherwise changed by resolution or by ordinance, the fees to be paid for the furnishing of sewer services within and outside the City of Pomona are amended as set forth in the attached Exhibit A.

**SECTION 8.** Effective at the beginning of the first billing period on/or subsequent to the 1<sup>st</sup> day of July 2008, and continuing thereafter until changed by resolution of the City Council of the City of Pomona, or as otherwise stated by ordinance, the fees to be paid for the furnishing of sewer services within and outside the City of Pomona are amended as set forth in the attached Exhibit A.

**SECTION 9.** All charges will continue to be adjusted annually, effective January 1<sup>st</sup> of each year, as outlined in City Code Section 62-271 (water) and Section 62-400 (sewer).

**SECTION 10.** The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED THIS 18th DAY OF December, 2006.

ATTEST:

CITY OF POMONA

  
Marie Michel Macias, City Clerk

  
Norma J. Torres, Mayor

APPROVED AS TO FORM:

  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 18th day of December, 2006 by the following vote:

AYES: COUNCILMEMBERS: HUNTER, RODRIGUEZ, CARRIZOSA, LANTZ,  
ATCHLEY, MAYOR TORRES

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ROTHMAN

ABSTAIN: COUNCILMEMBERS:

  
Marie Michel Macias, City Clerk

**EXHIBIT A**

**City of Pomona  
Water and Sewer Rate Schedule and Fees**

<u>Water Rate</u>	<u>Current</u>	<u>Proposed 4/1/2007 *</u>	<u>Proposed 10/1/2007 *</u>	<u>Proposed 7/1/2008 *</u>	<u>Proposed 7/1/2009 *</u>	<u>Proposed 7/1/2010 *</u>
<b>Division 3. Rates and Charges</b>						
<b><u>Section 62-291 Consumption Charges - Within City</u></b>						
Meter Size (Bi-monthly Charge)						
5/8"	\$33.97	\$33.61	\$34.98	\$36.55	\$38.19	\$39.90
3/4"	\$48.96	\$45.39	\$47.25	\$49.37	\$51.59	\$53.91
1"	\$62.27	\$68.94	\$71.76	\$74.98	\$78.35	\$81.87
1-1/2"	\$107.70	\$127.83	\$133.07	\$139.05	\$145.30	\$151.83
2"	\$156.49	\$198.49	\$206.62	\$215.91	\$225.62	\$235.77
3"	\$266.55	\$363.37	\$378.26	\$395.28	\$413.06	\$431.64
4"	\$408.40	\$598.92	\$623.47	\$651.52	\$680.83	\$711.46
6"	\$748.83	\$1,187.78	\$1,236.47	\$1,292.11	\$1,350.25	\$1,411.01
8"	\$1,100.60	\$1,894.41	\$1,972.08	\$2,060.82	\$2,153.55	\$2,250.45
10"	\$1,446.74	\$2,718.81	\$2,830.28	\$2,957.64	\$3,090.73	\$3,229.81

Commodity Rate (100 cubic feet = 1 consumption unit)

**Current - Single Family Residential**

1 - 12 Units	\$0.70
13 and above	\$1.24

**Proposed - Single Family Residential**

1-15 Units	\$0.71	\$0.73	\$0.76	\$0.79	\$0.82
16 - 75 Units	\$1.25	\$1.30	\$1.35	\$1.41	\$1.47
76 and above	\$2.19	\$2.27	\$2.37	\$2.47	\$2.58

**Current - All Other Customers (Multi-Family, Commercial, Industrial, Government, etc.)**

1 - 12 Units	\$0.70
13 and above	\$1.24

**Proposed - All Other Customers (Multi-Family, Commercial, Industrial, Government, etc.)**

1-15 Units	\$0.71	\$0.73	\$0.76	\$0.79	\$0.82
16 and above	\$1.35	\$1.40	\$1.46	\$1.52	\$1.58

**Section 62-292. Consumption Charges - Outside City**

Meter Size (Bi-monthly

Charge)

5/8"	\$42.31	\$42.01	\$43.73	\$45.69	\$47.74	\$49.88
3/4"	\$61.00	\$56.74	\$59.06	\$61.71	\$64.48	\$67.38
1"	\$77.67	\$86.18	\$89.71	\$93.74	\$97.95	\$102.35
1-1/2"	\$134.23	\$159.79	\$166.34	\$173.82	\$181.64	\$189.81
2"	\$195.02	\$248.11	\$258.28	\$269.90	\$282.04	\$294.73

3"	\$332.15	\$454.22	\$472.84	\$494.11	\$516.34	\$539.57
4"	\$508.91	\$748.65	\$779.34	\$814.41	\$851.05	\$889.31
6"	\$933.08	\$1,484.72	\$1,545.59	\$1,615.14	\$1,687.82	\$1,763.71
8"	\$1,371.35	\$2,368.01	\$2,465.09	\$2,576.01	\$2,691.93	\$2,813.06
10"	\$1,802.61	\$3,398.51	\$3,537.84	\$3,697.04	\$3,863.40	\$4,037.25

## Commodity Rate (100 cubic feet = 1 consumption unit)

## Current - Single Family Residential

1 - 12 Units	\$0.87
13 and above	\$1.56

## Proposed - Single Family Residential

1-15 Units	\$0.89	\$0.92	\$0.96	\$1.00	\$1.04
16 - 75 Units	\$1.56	\$1.62	\$1.69	\$1.76	\$1.83
76 and above	\$2.73	\$2.84	\$2.96	\$3.09	\$3.22

## Current - All Other Customers (Multi-Family, Commercial, Industrial, Government, etc.)

1 - 12 Units	\$0.87
13 and above	\$1.56

## Proposed -All Other Customers (Multi-Family, Commercial, Industrial, Government, etc.)

1-15 Units	\$0.89	\$0.92	\$0.96	\$1.00	\$1.04
16 and above	\$1.69	\$1.75	\$1.82	\$1.90	\$1.95

**Section 62-293. Private Fire Service****(A) Inside City Limits**

## Size of Service Lateral (Bi-monthly Charge)

2" or less	\$62.54	\$46.91	\$48.82	\$51.01	\$53.30	\$55.69
3"	\$108.45	\$81.34	\$84.67	\$88.48	\$92.46	\$96.62
4"	\$162.67	\$122.00	\$127.00	\$132.71	\$138.68	\$144.92
6"	\$300.36	\$225.27	\$234.50	\$245.05	\$256.07	\$267.59
8"	\$435.95	\$326.96	\$340.36	\$355.67	\$371.67	\$388.39
10"	\$573.62	\$430.22	\$447.85	\$468.00	\$489.06	\$511.06
12"	\$682.08	\$511.56	\$532.53	\$556.49	\$581.53	\$607.69

**(B) Outside City Limits**

## Size of Service Lateral (Bi-monthly Charge)

2" or less	\$79.22	\$59.42	\$61.85	\$64.63	\$67.53	\$70.56
3"	\$135.55	\$101.66	\$105.83	\$110.59	\$115.56	\$120.76
4"	\$204.39	\$153.29	\$159.57	\$166.75	\$174.25	\$182.09
6"	\$377.55	\$283.16	\$294.77	\$308.03	\$321.89	\$336.37
8"	\$546.51	\$409.88	\$426.68	\$445.88	\$465.94	\$486.90
10"	\$717.57	\$538.18	\$560.24	\$585.45	\$611.79	\$639.37
12"	\$855.26	\$641.45	\$667.74	\$697.78	\$729.18	\$761.91

**Section 62-297. Temporary Service for Contractors**

There is a partially refundable deposit for a meter based on the then current price.

Lost, stolen or damaged meter - the Contractor will be responsible for repair and/or replacement cost, as determined by the City.

Non-Refundable Portion of Deposit	\$96.31	\$99.10	\$103.16	\$107.80	\$112.65	\$117.71
Meter Size (Bi-monthly Charge)						
1"	\$32.53	\$33.47	\$34.84	\$36.40	\$38.03	\$39.74
3"	\$104.46	\$107.49	\$111.89	\$116.92	\$122.18	\$127.67
Commodity Rate (per 100 cubic feet)	\$1.87	\$1.92	\$2.00	\$2.09	\$2.18	\$2.27
Conservation Surcharge (per 100 cubic feet)	\$1.91	\$1.97	\$2.04	\$2.13	\$2.22	\$2.31
<u>Charges for Unmetered Construction Water</u>						
Concrete Curbs (Per 100 linear feet)	\$3.64	\$3.75	\$3.89	\$4.06	\$4.24	\$4.43
Settling Trenches (Per 100 linear feet)	\$7.59	\$7.81	\$8.13	\$8.49	\$8.87	\$9.26
Larger Trenches (Determined by Utility Services Dept)						
Concrete Walks (Per 100 square feet)	\$1.87	\$1.92	\$2.00	\$2.09	\$2.18	\$2.27
Settling Graded Streets (Per 100 square feet)	\$0.92	\$0.95	\$0.98	\$1.02	\$1.06	\$1.10
Mixing Curing Concrete (Patented Process, per cubic yard)	\$0.40	\$0.41	\$0.42	\$0.43	\$0.44	\$0.45
Settling Filled Ground (Determined by PW Dept)						
Miscellaneous (Per 100 cubic feet)	\$2.25	\$2.32	\$2.41	\$2.51	\$2.62	\$2.73

**Section 62-299. Due Date; Disconnection Fee and Delinquency Charge**

Delinquency Charge (20 days after the bill has been issued)	5%	5%	5%	5%	5%
48 hour Notification Charge	\$25.00	\$26.00	\$27.00	\$28.00	\$29.00

Current - Daily - Turn-off/Turn-on (8 a.m. to 4 p.m.)\* \$54.00

Current - Weekends - Turn-off (after hours, weekends & holidays) \$79.00

**Proposed - Disconnect Order**

This charge is applied even if meter is not physically turned-off.

Daily - Turn-off (8 a.m. to 4 p.m.)	\$27.00	\$28.00	\$29.00	\$30.00	\$31.00
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**Proposed - Restoration Order**

Daily - Turn-on (8 a.m. to 4 p.m.)*	\$27.00	\$28.00	\$29.00	\$30.00	\$31.00
Weekends - Turn-on (after hours, weekends & holidays)	\$52.00	\$54.00	\$56.00	\$58.00	\$60.00

\* There is no further charge if bill is paid during normal working hours. If bill is paid after 3:45 p.m. at the end of the work week, a weekend charge is applied.

**Section 62-321. Connection Charges**

Per Front Foot \$50.19  
Based on Meter Size

5/8"	\$1,900	\$1,977	\$2,065	\$2,157	\$2,254
3/4"	\$2,850	\$2,966	\$3,099	\$3,238	\$3,383
1"	\$4,750	\$4,944	\$5,166	\$5,398	\$5,640
1-1/2"	\$9,500	\$9,889	\$10,334	\$10,799	\$11,284
2"	\$15,200	\$15,823	\$16,535	\$17,279	\$18,056
3"	\$30,400	\$31,646	\$33,070	\$34,558	\$36,113
4"	\$47,500	\$49,447	\$51,672	\$53,997	\$56,426
6"	\$95,000	\$98,895	\$103,345	\$107,995	\$112,850
8"	\$152,000	\$158,232	\$165,352	\$172,792	\$180,500
10"	\$218,500	\$227,458	\$237,693	\$248,389	\$259,500

**Section 62-322. Connection Charges - Main Extension Charges**

Per Front Foot	\$50.19	\$51.65	\$53.76	\$56.17	\$58.69	\$61.33
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**Division 2. Connections and Establishment of Service****Section 62-241. Application for Connection**

(Charges are for new service.)

Daily - Set up charge (8 a.m. to 4 p.m.)	\$35.00	\$36.00	\$37.00	\$38.00	\$39.00	\$40.00
Weekends (after hours, weekends & holidays)	\$60.00	\$62.00	\$64.00	\$66.00	\$68.00	\$71.00

**Section 62-242. Charges**

(Charges are for new construction and meter upgrades.)

Charges for meter downgrades are based on actual expenses for work performed

Service Size						
1"	\$3,298.82	\$3,394.49	\$3,533.66	\$3,692.67	\$3,858.84	\$4,032.48
1-1/2"	\$4,435.97	\$4,564.61	\$4,751.75	\$4,965.57	\$5,189.02	\$5,422.00
2"	\$4,840.35	\$4,980.72	\$5,184.92	\$5,418.24	\$5,662.06	\$5,916.00

Meter Size

Resolution No. 2006-166

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5/8" x 3/4"	\$614.68	\$632.51	\$658.43	\$688.05	\$719.01	\$751.36
1"	\$886.08	\$911.78	\$949.15	\$991.86	\$1,036.49	\$1,083.13
1-1/2"	\$1,636.48	\$1,683.94	\$1,752.97	\$1,831.85	\$1,914.28	\$2,000.42
2"	\$1,979.82	\$2,037.23	\$2,120.76	\$2,216.19	\$2,315.91	\$2,420.12

**Minimum Charge for Meter/Service Installation**

Outside City Limits	\$2,886.42	\$2,970.13	\$3,091.90	\$3,231.03	\$3,376.42	\$3,528.35
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**Section 62-243. Advance Payment Required**

Minimum	\$104.00	\$107.02	\$111.40	\$116.41	\$121.64	\$127.11
Maximum	\$3,870.00	\$3,982.23	\$4,145.50	\$4,332.04	\$4,526.98	\$4,730.69

**Section 62-244. Advance Payment by Non-resident Consumer**

Minimum	\$104.00	\$107.02	\$111.40	\$116.41	\$121.64	\$127.11
Maximum	\$3,870.00	\$3,982.23	\$4,145.50	\$4,332.04	\$4,526.98	\$4,730.69

**Section 62-248. Private Fire Protection****Unauthorized Use of Fire Protection Service**

Per Incident	\$374.50	\$385.36	\$401.16	\$419.21	\$438.07	\$457.78
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**Division 1. Generally****Section 62-195. Reclaimed Water**

Zone I - Per A.F.	\$153.25
Zone II - Per A.F.	\$235.45

**Reclaimed Price set at 70% of Potable rate**

Per A.F.	\$404.95	\$421.55	\$440.51	\$460.33	\$481.04
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**Impaired Water Price Set at Average of Reclaimed and Potable**

Per A.F.	\$491.73	\$511.89	\$534.92	\$558.99	\$584.14
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**Sewer Rate****Section 62-400. Sewer Service Charge****Service Charge (Bi-monthly Fixed Service Charge):**

	\$3.15	\$3.25	\$4.00**	\$4.31	\$4.65	\$5.01
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**Usage Charge (Volume Charge \$/HCF):**

	\$0.33	\$0.36	\$0.38	\$0.41	\$0.44	\$0.47
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**Section 62-424. Fees (Sewer Service Outside of City)****Service Charge (Bi-monthly Fixed Service Charge):**

	\$3.15	\$3.25	\$4.00**	\$4.31	\$4.65	\$5.01
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**Usage Charge (Volume Charge \$/HCF):**

	\$0.33	\$0.36	\$0.38	\$0.41	\$0.44	\$0.47
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*\* All water and sewer rates are adjusted on January 1st of each year in accordance with Pomona City Code Sec. 62-271 and Sec. 62-400.*

*\*\* Reflects previously approved July 1, 2007 "Sewer Service Charge" adjustment of 75¢ bi-monthly.*

City of Pomona

# Appendix E



Water Rates Effective

January 1, 2020 and January 1, 2021



## Water Rate

<b>Effective</b> <b><u>1/1/2020</u></b> <b>(3.26% COS)</b>	<b>Effective</b> <b><u>1/1/2021</u></b> <b>(1.8993% CPI)</b>
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### **Division 4. Rates and Charges**

Conservation Surcharge (per 100 cubic feet)	\$ 3.10	\$ 3.15
<u>Charges for Unmetered Construction Water</u>		
Concrete Curbs (Per 100 linear feet)	\$ 5.95	\$ 6.06
Settling Trenches (Per 100 linear feet)	\$ 12.56	\$ 12.79
Larger Trenches (Determined by Utility Services Dept)		
Concrete Walks (Per 100 square feet)	\$ 2.97	\$ 3.02
Settling Graded Streets (Per 100 square feet)	\$ 1.43	\$ 1.45
Mixing Curing Concrete (Patented Process, per cubic yard)	\$ 0.58	\$ 0.59
Settling Filled Ground (Determined by PW Dept)		
Miscellaneous (Per 100 cubic feet)	\$ 3.66	\$ 3.72

### **Section 62-299. Due Date; Disconnection Fee and Delinquency Charge**

Delinquency Charge (20 days after the bill has been issued)	5%	5%
48 hour Notification Charge	\$ 40.41	\$ 41.17

### **Disconnect Order**

This charge is applied even if meter is not physically turned-off.

Daily Turn-off (City Hall Business Hours and 5:00 p.m.)	\$ 43.65	\$ 44.47
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### **Restoration Order**

Daily Turn-off (City Hall Business Hours and 5:00 p.m.)	\$ 43.65	\$ 44.47
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### **Service Call**

After Hours, Weekends, and Holidays	\$ 84.14	\$ 85.73
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### **Section 62-321. New Connection Charges (System Buy-In Fee)**

Based on Meter Size

5/8"	\$ 3,078.21	\$ 3,136.70
3/4"	\$ 4,617.34	\$ 4,705.08
1"	\$ 7,695.65	\$ 7,841.90
1-1/2"	\$ 15,391.41	\$ 15,683.92
2"	\$ 24,626.34	\$ 25,094.35
3"	\$ 49,252.78	\$ 50,188.82
4"	\$ 76,957.56	\$ 78,420.12
6"	\$ 153,915.20	\$ 156,840.33
8"	\$ 246,264.38	\$ 250,944.59
10"	\$ 354,005.09	\$ 360,732.89

### **Section 62-322. Connection Charges - Main Extension Charges**

Per Front Foot	\$ 83.57	\$ 85.15
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### **Division 3. Continuity of Utility Services Program - Rental Properties**

### **Section 62-263. Continuity of Utility Service Program Charges**

(Charges are for owners/authorized agents)

Rental Properties Program Administrative Fees

Program Master Account Set-up Fee	\$	28.38	\$	28.91
Program Account Transfer Fee	\$	4.70	\$	4.78
Program Account Modification Fee	\$	4.70	\$	4.78

## **Division 2. Connections and Establishment of Service**

### **Section 62-241. Application for Connection**

(Charges are for new service)

Daily Set-up fee (City Hall Business Hours) Non-refundable	\$	58.18	\$	59.28
Weekends (after hours, weekends & holidays)	\$	100.35	\$	102.25

### **Section 62-242. Charges**

(Charges are for new construction and meter upgrades.)

Charges for meter downgrades are based on actual expenses for work performed

#### Service Size (Installation)

1"	\$	5,499.50	\$	5,604.01
1-1/2"	\$	7,395.29	\$	7,535.84
2"	\$	8,069.46	\$	8,222.82

#### Meter Size (Meter Setting)

5/8" x 3/4"	\$	1,024.66	\$	1,044.14
1"	\$	1,477.13	\$	1,505.20
1 1/2"	\$	2,728.17	\$	2,780.01
2"	\$	3,300.54	\$	3,363.25

Minimum Charge for Meter/Service Installation  
Outside City Limits

\$	4,811.97	\$	4,903.42
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### **Section 62-243. Advance Payment Required**

Minimum	\$	173.24	\$	176.54
Maximum	\$	6,451.74	\$	6,574.35

Payment by meter size

#### *Residential*

##### Meter Size

5/8"	\$	173.24	\$	176.54
3/4"	\$	173.24	\$	176.54
1"	\$	206.62	\$	210.54
1 1/2"	\$	264.99	\$	270.02
2"	\$	311.63	\$	317.55
3"	\$	416.68	\$	424.59

#### *Commercial*

##### Meter Size

5/8"	\$	264.99	\$	270.02
3/4"	\$	264.99	\$	270.02
1"	\$	343.34	\$	349.87
1 1/2"	\$	416.68	\$	424.59
2"	\$	525.03	\$	535.01
3"	\$	735.11	\$	749.08
4"	\$	926.83	\$	944.44
6"	\$	1,558.66	\$	1,588.28
8"	\$	2,085.51	\$	2,125.14
10"	\$	2,613.97	\$	2,663.64

#### *Irrigation*

##### Meter Size

5/8"	\$	311.63	\$	317.55
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3/4"	\$	311.63	\$	317.55
1"	\$	416.68	\$	424.59
1-1/2"	\$	630.09	\$	642.05
2"	\$	840.16	\$	856.12
3"	\$	1,261.93	\$	1,285.90

*Firelines*

Meter Size				
2"	\$	173.24	\$	176.54
3"	\$	264.99	\$	270.02
4"	\$	368.32	\$	375.32
6"	\$	686.77	\$	699.81
8"	\$	991.84	\$	1,010.68
10"	\$	1,310.23	\$	1,335.13
12"	\$	1,558.66	\$	1,588.28

*Fire Hydrant Meters*

Meter Size				
1"	\$	297.38	\$	303.03
3"	\$	1,064.61	\$	1,084.84

**Section 62-244. Advance Payment by Non-resident Consumer**

Minimum	\$	173.24	\$	176.54
Maximum	\$	6,451.74	\$	6,574.35

**Section 62-248. Private Fire Protection**

Unauthorized Use of Fire Protection Service				
Per Incident	\$	624.24	\$	636.09

**Division 1. Generally**

**Section 62-195. Reclaimed Water**

Zone I - Per A.F.				
Zone II - Per A.F.				
Reclaimed (Recycled) Price set per Rate Study				
Per A.F.			\$	546.92

Impaired Water Price Set at Average of Reclaimed and Potable (remove in Oct 2019)  
Per A.F.

**Section 62-208. Tampering with Meter**

Missing and/or Broken Lock	\$	22.60	\$	23.02
Meter and/or Jumper Pull	\$	168.39	\$	171.58
Valve Damage and/or Tampering	\$	367.65	\$	374.64

**Solid Waste**

**Section 62-672. Established (Rates and Charges)**

Basic Rate	\$	62.58	\$	63.76
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*\*Water Service Charges and Consumption includes 10.25% increase effective 10/01/2019*

*\*Sewer Rates include 34% increase effective 10/01/2019*