



City of Pomona
Annual Report on Development Impact Fees
For
Fiscal Year Ended
June 30, 2022

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City of Pomona
Annual Compliance Report – AB 1600
Fiscal Year Ended June 30, 2022

Background Information and Legal Requirements

This report contains the status of the City of Pomona’s Development Impact Fees for the fiscal year 2021-22. 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.
- 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. These fees are to be used for eligible traffic projects listed in the City of Pomona Annual Five Year Capital Improvement Program Budget Document.

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. These fees are to be used for eligible street projects listed in the City of Pomona Annual Five Year Capital Improvement Program Budget Document.

Public Safety Improvement Fee – To provide for the construction or reimbursement for construction of public safety improvements that 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. These fees are to be used for eligible public safety projects listed in the City of Pomona Annual Five Year Capital Improvement Program Budget Document.

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. These fees are to be used for eligible parks projects listed in the City of Pomona Annual Five Year Capital Improvement Program Budget Document.

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 operational and administrative costs of adding new sewer connections due to new construction.

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

Storm Drain Fee (New fee with the Post-October 1, 2021 Fee Structure) – To provide funding for the following identified Storm Drain Capital Improvements which are listed in Table 6.3 on page 39 of the City of Pomona Development Impact Fee Update Study performed by Willdan Financial Services and located in Appendix F-1:

Table 6.3: Storm Drain Capital Improvements

Project Name	Total Project Cost	Allocation to New Development	Cost Allocated to New Development
Ailey Drainage Improvements - Acacia Street	\$ 517,327	30.5%	\$ 157,785
Catch Basin - Mission Boulevard (at Phillips Drive)	202,540	30.5%	61,775
City Facilities Drainage Upgrade	50,000	30.5%	15,250
Storm Drain - East End Avenue (Mission Blvd to San Antonio Wash)	1,500,000	30.5%	457,500
Storm Drain Facility and Pavement Reconstruction - Lincoln Ave & Como Dr	125,000	0.0%	-
Storm Drain Facility - Mission Boulevard and Reservoir Street	150,000	30.5%	45,750
Storm Drain Facility - Paige Drive (N/O Sunset Dr)	175,000	30.5%	53,375
Storm Drain Facility Reconstruction - 515 E. McKinley Avenue	125,000	0.0%	-
Storm Drain Facility Reconstruction - Palomares Street and First Street	170,000	0.0%	-
Storm Drain Facility Upgrade - 1234 W. Eighth Street	175,000	30.5%	53,375
Storm Drain Improvements - 1257 Colfax Court	100,000	30.5%	30,500
Storm Drain Improvements - Densmore Street and Alvarado Street	115,000	30.5%	35,075
Storm Drain Improvements - Holt Avenue and Fairplex Drive (N/W Corner)	1,400,000	30.5%	427,000
Storm Drain Improvements - Pavilion Drive and Breon Street	150,000	30.5%	45,750
Storm Drain Inlet Full Capture Trash Devices	-	30.5%	-
Storm Drains - Regional Basins	3,140,000	30.5%	957,700
Storm Drain Study and Improv - Jefferson/Eleanor & McKinley/Palomares	1,500,000	30.5%	457,500
Storm Water Lift Stations Rehabilitation	-	0.0%	-
Total	\$ 9,594,867		\$ 2,798,334

Schedule of Development Impact Fees Prior to October 1, 2021

For the Fiscal Year ended June 30, 2022, the City of Pomona had seven development impacts fees in place under the old fee structure, which were in effect prior to October 1, 2021. 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 were 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 January 1, 2021- October 1, 2021), or see below:

Effective
1/1/2021-
10/1/21
 (1.8993% CPI)

Water Rate

Section 62-321. New Connection Charges (System Buy-In Fee)

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

Section 62-322. Connection Charges - Main Extension Charges

Per Front Foot	\$ 85.15
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New Schedule of Development Impact Fees Effective October 1, 2021

On August 2, 2021, the City Council adopted Resolution 2021-89, adopting revised Development Impact and Connection fees. There are eight development impact fees in place under the new fee structure. The effective date is October 1, 2021. All projects filed or building permits paid after October 1, 2021 will be subject to the new fee schedule.

Fees (Effective October 1, 2021)

Fee Type	Final Fee Amounts		
Traffic Signal and Control Device Fee	\$5.00 per trip generated by new construction		
Road and Highway Fee	\$5.00 per trip generated by new construction		
Public Safety Improvement Fee	\$0.25 per square foot for new construction		
Park and Recreation Improvement Fee	Residential	In-fill	Subdivisions
	0 to 500 sq. ft.	\$6,422	\$10,119
	501 to 1,499 sq. ft.	\$9,649	\$15,204
	1,500+ sq. ft.	\$11,475	\$18,080
Sewer Connection Fee	Residential	Non-Residential (per 1,000 sq. ft.)	
	0 to 500 sq. ft. \$2,884	Commercial \$405	
	501 to 1,499 sq. ft. \$4,326	Office \$1,758	
	1,500+ sq. ft. \$5,135	Warehouse \$175	
		Manufacturing \$879	
		Institutional \$3,253	
		Hotel Room \$1,758	

<p>Water Connection (New Fee)</p>	<p>Residential 0 to 500 sq. ft. \$2,880 501 to 1,499 sq. ft. \$4,321 1,500+ sq. ft. \$5,129</p>	<p>Non-Residential (per 1,000 sq. ft.) Commercial \$404 Office \$1,756 Warehouse \$175 Manufacturing \$878 Institutional \$3,250 Hotel Room \$1,756</p>
<p>Storm Drain (New Fee)</p>	<p>Residential 0 to 500 sq. ft. \$45 501 to 1,499 sq. ft. \$45 1,500+ sq. ft. \$77</p>	<p>Non-Residential (per 1,000 sq. ft.) Commercial \$144 Office \$170 Warehouse \$193 Manufacturing \$193 Institutional \$88 Hotel Room \$63</p>

Timing of Payment:

Payment due prior to certificate of occupancy.

Accessory Dwelling Units (ADUs):

ADUs greater than 750 square feet can be assessed impact fees as a percentage of the single-family impact fee. The formula is:

$$\text{ADU Square Feet} / \text{Primary Residence Square} \times \text{Total Impact Fee per unit}^1 = \text{ADU Impact Fee}$$

¹New utility connections for potable and recycled water and sewer service, and associated capacity charges and connection fees, may not be required for ADUs that are within the proposed space of a single-family dwelling unit or existing space of a

single family dwelling or accessory structure, including an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure to accommodate ingress and egress.

Example: In the case of an 800 square foot ADU and a 1,600 square foot primary residence, the impact fees for the ADU would be 50 percent (800 square feet / 1,600 square feet = 50%) of the impact fees charged for that size single family dwelling unit. No capacity fees would be charged, since no new single-family unit was constructed.

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

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.

Financial Summary Report of All Development Impact Fees for FY 2021-22

On pages 12-13 are charts summarizing the Fiscal Year 2021-22 beginning and ending balances for 1) the Pre-October 1, 2021 Fee Structure and 2) the Post-October 1, 2021 Fee Structure:

- 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 (No change was made to this fee during FY 2021-22)
- Storm Drain Fee (New fee with the Post-October 1, 2021 Fee Structure)
- Sewer Connection Fees (FY 2021-22 only fees collected are listed since these are used for operational purposes of the Sewer Fund)
- Water Connection Fees (FY 2021-22 only fees collected are listed since these are used for operational purposes of the Water Fund)

Since Sewer and Water Connection Fees are collected for purposes of reimbursing operational costs associated with the connection of new Sewer and Water services as well as the associated administrative costs, they are not segregated out from their respective funds and therefore do not have a cumulative balance. Annual connection fee amounts collected are provided for informational purposes.

The following findings are also to be noted:

- There are no loans made from any of these fee accounts.
- Any negative balances for the Traffic Signal and Control Devices Fee and Road and Highway Fee accounts prior to October 1, 2021 result from being used to fund Series BC Bonds debt service payments (formerly Series AN). The negative balances on these accounts were reimbursed with General Funds in FY 2021-22 to make the accounts whole.
- As of this report posting date, the FY 2021-22 Audit has not been finalized.

Financial Summary Report
Old Fee Structure in effect prior to October 1, 2021
Statement of Revenues, Expenditures and Changes in Account Balance
For the Year Ended June 30, 2022

Description	Development Impact Fees					
	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)	Sewer Connection Fee (581-2565-40228-00000)	Water Connection Fee (571-8110-40228-00000)
REVENUES						
Fees	1,365	1,365	14,326	47,250	78,019	1,810,900
Interest	-	-	-	-	-	-
Other Revenues*	54,877 ¹	57,032 ¹	-	-	-	-
Total Revenues	<u>56,242</u>	<u>58,397</u>	<u>14,326</u>	<u>47,250</u>	<u>78,019</u>	<u>1,810,900</u>
EXPENDITURES						
Expenditures	-	-	-	-	-	-
Deposit Refunds	-	-	-	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>56,242</u>	<u>58,397</u>	<u>14,326</u>	<u>47,250</u>	<u>78,019</u> ²	<u>1,810,900</u> ²
Account Balance, Beginning of Year	<u>(56,242)</u>	<u>(58,397)</u>	<u>24,226</u>	<u>573,077</u>		
Account Balance, End of Year	<u>(0)</u>	<u>(0)</u>	<u>38,552</u>	<u>620,327</u>		

*Other Revenues include GASB 31 Adjustment

¹Transfer from General Fund.

²These fees are intended to reimburse Water/Sewer for costs associated with providing connections and associated administrative services.

Financial Summary Report
New Fee Structure Effective October 1, 2021 Onward
Statement of Revenues, Expenditures and Changes in Account Balance
For the Year Ended June 30, 2022

Description	Development Impact Fees								
	Traffic Signal and Control Devices Fee (439-2590-40101-00000)	Road and Highway Fee (438-2590-40102-00000)	Public Safety Improvement Fee (443-2590-40103-00000)	Park and Recreation Improvement Fee - Infill (437-2590-40425-51348)	Park and Recreation Improvement Fee - Subdivision (437-2590-40425-51349)	Art in Public Places Fee (133-1712-40119-00000) ¹	Storm Drain Fees (571-2590-40341-51350)	Sewer Connection Fee (581-2565-40228-51352)	Water Connection Fee (571-8110-40228-51351)
REVENUES									
Fees	8,975	8,975	71,196	37,238	-	568,088	599	6,604	6,601
Interest	-	-	-	-	-	-	-	-	-
Other Revenues*	-	-	-	-	-	(76,288) [*]	-	-	-
Total Revenues	<u>8,975</u>	<u>8,975</u>	<u>71,196</u>	<u>37,238</u>	<u>-</u>	<u>491,801</u>	<u>599</u>	<u>6,604</u>	<u>6,601</u>
EXPENDITURES									
Expenditures	-	-	-	-	-	12,376 ²	-	-	-
Deposit Refunds	-	-	-	-	-	-	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>12,376</u>	<u>-</u>	<u>-</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>8,975</u>	<u>8,975</u>	<u>71,196</u>	<u>37,238</u>	<u>-</u>	<u>479,425</u>	<u>599</u>	<u>6,604³</u>	<u>6,601³</u>
Account Balance, Beginning of Year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,541,852</u>	<u>-</u>		
Account Balance, End of Year	<u>8,975</u>	<u>8,975</u>	<u>71,196</u>	<u>37,238</u>	<u>-</u>	<u>3,021,277²</u>	<u>599</u>		

*Other Revenues include GASB 31 Adjustment

¹There was no change to the Art in Public Places Fee rate during FY 2021-22, so the Art fees are only included on the summary chart for "New Fee Structure" but include fees collected for the entire fiscal year.

²Details of which projects had expenses for FY 2021-22 are located on page 22, "Art in Public Places Fee," Note 4. For breakdown of Fees, expenses and fund balance of the Art Fund between Adult and Youth Artists, please see p. 22.

³These fees are intended to reimburse Water/Sewer for costs associated with providing connection and associated administrative services.

Traffic Signal and Control Devices Fee (418-2590-40101-70614)

Old Fee Structure

Statement of Revenues, Expenditures and Changes in Account Balance

For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES					
Fees	15,175	17,327	20,912	5,795	1,365
Interest	-	-	-	-	-
Other Revenues	-	-	175,000 ²	-	54,877 ²
Total Revenues	<u>15,175</u>	<u>17,327</u>	<u>195,912</u>	<u>5,795</u>	<u>56,242</u>
EXPENDITURES					
Expenditures	-	-	-	-	-
Transfers to Debt Service	60,767 ¹	60,720 ¹	-	60,604 ¹	-
Total Expenditures	<u>60,767</u>	<u>60,720</u>	<u>-</u>	<u>60,604</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	(45,592)	(43,393)	195,912	(54,809)	56,242
Account Balance, Beginning of Year	<u>(108,360)</u>	<u>(153,952)</u>	<u>(197,345)</u>	<u>(1,433)</u>	<u>(56,242)</u>
Account Balance, End of Year	<u><u>(153,952)</u></u>	<u><u>(197,345)</u></u>	<u><u>(1,433)</u></u>	<u><u>(56,242)</u></u>	<u><u>(0)</u></u>

¹Transfers 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.

²Transfer from General Fund.

Traffic Signal and Control Devices Fee (439-2590-40101-00000)

New Fee Structure

Statement of Revenues, Expenditures and Changes in Account Balance

For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES			See Prior Page for old fee history		
Fees	-	-	-	-	8,975
Interest	-	-	-	-	-
Other Revenues	-	-	-	-	-
Total Revenues	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>8,975</u>
EXPENDITURES					
Expenditures	-	-	-	-	-
Transfers to Debt Service	-	-	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	-	-	-	-	8,975
Account Balance, Beginning of Year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Account Balance, End of Year	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>8,975</u></u> ¹

¹Fees collected for New Fee Structure Effective October 1, 2021.

Road and Highway Fee (418-2590-40102-70615)
Old Fee Structure
Statement of Revenues, Expenditures and Changes in Account Balance
For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES					
Fees	15,175	17,327	20,912	5,795	1,365
Interest	-	-	-	-	-
Other Revenues	-	-	250,000 ²	-	57,032 ²
Total Revenues	<u>15,175</u>	<u>17,327</u>	<u>270,912</u>	<u>5,795</u>	<u>58,397</u>
EXPENDITURES					
Expenditures	-	-	-	-	-
Transfers to Debt Service	60,767 ¹	60,720 ¹	-	60,604 ¹	-
Total Expenditures	<u>60,767</u>	<u>60,720</u>	<u>-</u>	<u>60,604</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	(45,592)	(43,393)	270,912	(54,809)	58,397
Account Balance, Beginning of Year	<u>(185,515)</u>	<u>(231,107)</u>	<u>(274,500)</u>	<u>(3,588)</u>	<u>(58,397)</u>
Account Balance, End of Year	<u><u>(231,107)</u></u>	<u><u>(274,500)</u></u>	<u><u>(3,588)</u></u>	<u><u>(58,397)</u></u>	<u><u>(0)</u></u>

¹Transfers 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 fiscal years.

²Transfer from General Fund.

Road and Highway Fee (438-2590-40102-00000)
New Fee Structure
Statement of Revenues, Expenditures and Changes in Account Balance
For the Five Years Ended June 30, 2022

Description	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
REVENUES					
		See Prior Page for old fee history			
Fees	-	-	-	-	1,365
Interest	-	-	-	-	-
Other Revenues	-	-	-	-	-
Total Revenues	-	-	-	-	1,365
EXPENDITURES					
Expenditures	-	-	-	-	-
Transfers to Debt Service	-	-	-	-	-
Total Expenditures	-	-	-	-	-
REVENUES OVER (UNDER) EXPENDITURES	-	-	-	-	1,365
Account Balance, Beginning of Year	-	-	-	-	-
Account Balance, End of Year	-	-	-	-	1,365 ¹

¹Fees collected for New Fee Structure Effective October 1, 2021.

Public Safety Improvement Fee (418-2590-40103-70616)
Old Fee Structure
Statement of Revenues, Expenditures and Changes in Account Balance
For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES					
Fees	145,121	115,849	41,415	75,529	14,326
Interest	-	-	-	-	-
Other Revenues	-	-	-	-	-
Total Revenues	<u>145,121</u>	<u>115,849</u>	<u>41,415</u>	<u>75,529</u>	<u>14,326</u>
EXPENDITURES					
Expenditures	-	-	-	300,000 ¹	-
Transfers to Debt Service	95,639 ²	94,558 ²	91,855 ²	91,901 ²	-
Total Expenditures	<u>95,639</u>	<u>94,558</u>	<u>91,855</u>	<u>391,901</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	49,482	21,291	(50,440)	(316,372)	14,326
Account Balance, Beginning of Year	<u>320,266</u>	<u>369,747</u>	<u>391,038</u>	<u>340,598</u>	<u>24,226</u>
Account Balance, End of Year	<u><u>369,747</u></u>	<u><u>391,038</u></u>	<u><u>340,598</u></u>	<u><u>24,226</u></u>	<u><u>38,552</u></u>

¹Expenses for Police - Main Facility and Fire Station 181 Roof Replacement Project.

²Transfers for Debt Service payments for Bond Debt used to finance CIP Improvements in the past.

Public Safety Improvement Fee (443-2590-40103-00000)
New Fee Structure
Statement of Revenues, Expenditures and Changes in Account Balance
For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES					
		See Prior Page for old fee history			
Fees	-	-	-	-	71,196
Interest	-	-	-	-	-
Other Revenues	-	-	-	-	-
Total Revenues	-	-	-	-	71,196
 EXPENDITURES					
Expenditures	-	-	-	-	-
Transfers to Debt Service	-	-	-	-	-
Total Expenditures	-	-	-	-	-
 REVENUES OVER (UNDER) EXPENDITURES	-	-	-	-	71,196
 Account Balance, Beginning of Year	-	-	-	-	-
Account Balance, End of Year	-	-	-	-	71,196 ¹

¹Fees collected for New Fee Structure Effective October 1, 2021.

Park and Recreation Improvement Fee (418-4090-40425-70613)

Old Fee Structure

Statement of Revenues, Expenditures and Changes in Account Balance

For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES					
Fees	145,125	147,825	357,075	66,825	47,250
Interest	-	-	-	-	-
Other Revenues*	-	-	-	-	-
Total Revenues	<u>145,125</u>	<u>147,825</u>	<u>357,075</u>	<u>66,825</u>	<u>47,250</u>
EXPENDITURES					
Expenditures	365,513 ¹	157,500 ²	98,336 ³	-	-
Total Expenditures	<u>365,513</u>	<u>157,500</u>	<u>98,336</u>	<u>-</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	(220,388)	(9,675)	258,739	66,825	47,250
Account Balance, Beginning of Year	<u>477,576</u>	<u>257,188</u>	<u>247,513</u>	<u>506,252</u>	<u>573,077</u>
Account Balance, End of Year	<u><u>257,188</u></u>	<u><u>247,513</u></u>	<u><u>506,252</u></u>	<u><u>573,077</u></u>	<u><u>620,327</u></u>

*Other Revenues include GASB 31 Adjustment

¹Expenses for Upgrades and Improvements in Park Plaza, Kennedy and Ganesha Parks and La Casa Primera.

²Expenses for construction costs of Phil and Nell Soto Park and La Casa Primera and ADA related park improvements.

³Expenses for construction costs of Phil and Nell Soto Park and ADA related improvements.

Park and Recreation Improvement Fees Effective October 1, 2021
New Fee Structure
Infill (437-2590-40425-51348) & Subdivisions (437-2590-40425-51349)
Statement of Revenues, Expenditures and Changes in Account Balance
For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	New Fee Eff. 10/1/21	
					Infill	Subdivision
					(51348)	(51349)
					FY 2021-22	FY 2021-22
REVENUES						
	See Prior Page for old fee history					
Fees - Infill	-	-	-	-	37,238	-
Interest	-	-	-	-	-	-
Other Revenues*	-	-	-	-	-	-
Total Revenues	-	-	-	-	37,238	-
EXPENDITURES						
Expenditures	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-
REVENUES OVER (UNDER) EXPENDITURES	-	-	-	-	37,238	-
Account Balance, Beginning of Year	-	-	-	-	-	-
Account Balance, End of Year	-	-	-	-	37,238 ¹	- ¹

¹Fees collected for New Fee Structure Effective October 1, 2021.

Financial Summary Report
Art in Public Places Program Fees
Statement of Revenues, Expenditures and Changes in Program Balance
For the Five Years Ended June 30, 2022

<u>Description</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>
REVENUES					
Fees for Adult Artists (51339)	40,634	121,235	774,771	214,103	284,044
Fees for Youth Artists (51340)				214,103	284,044
Interest	-	-	-	-	-
Transfer from Capital	-	-	-	-	-
Other Revenues*	10,544 *	4,045 *	24,949	(19,663) *	(76,288) *
Total Revenues	<u>51,178</u>	<u>125,280</u>	<u>799,719</u>	<u>408,543</u>	<u>491,801</u>
EXPENDITURES					
Expenditures - Adult Artists (51339)	-	-	45,212 ¹	281,520 ³	12,376 ⁴
Expenditures - Youth Artists (51340)	-	-	-	-	-
Deposit Refunds	-	-	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>45,212</u>	<u>281,520</u>	<u>12,376</u>
REVENUES OVER (UNDER) EXPENDITURES - ADULT ARTISTS	51,178	125,280	754,507	127,023	479,425
REVENUES OVER (UNDER) EXPENDITURES - YOUTH ARTISTS					
Program Balance, Beginning of Year	1,483,865	1,535,042	1,660,322	2,414,830	2,541,852
One Time Transfer to Youth Program Balance	-	-	-	(600,000)	-
Adult Program Balance, End of Year	-	-	2,414,830 ²	1,737,581	1,971,105
Youth Program Balance, End of Year	-	-	-	804,271	1,050,171
Combined Program Balance, End of Year	<u>1,535,042</u>	<u>1,660,322</u>	<u>2,414,830</u> ²	<u>2,541,852</u>	<u>3,021,277</u>

*Other Revenues include GASB 31 Adjustment

¹ 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.

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

³ 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

⁴ Final payment for D A Center For the Arts - Mural - 295 N. Garey Ave.

Storm Drain Fees (571-2590-40341-51350)
New Fee Structure
Statement of Revenues Over (Under) Expenditures
For the Five Years Ended June 30, 2022

Description	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
REVENUES					
Fees	-	-	-	-	599
Total Revenues	-	-	-	-	599 ¹
EXPENDITURES					
Expenditures	-	-	-	-	-
Total Expenditures	-	-	-	-	-
REVENUES OVER (UNDER) EXPENDITURES					
	-	-	-	-	599
Account Balance, Beginning of Year	-	-	-	-	-
Account Balance, End of Year	-	-	-	-	599 ¹

¹Fees collected are pursuant to the New Fee Structure Effective October 1, 2021. FY 2021-22 is the first year that this fee is in effect.

Sewer Connection Fee (581-2565-40228-00000)¹

Old Fee Structure

Statement of Revenues Received

For the Five Years Ended June 30, 2022

Description	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
REVENUES					
Fees	13,711	20,889	125,638	34,709	78,019
Total Revenues	13,711	20,889	125,638	34,709	78,019

Sewer Connection Fee (581-2565-40228-51352)²

New Fee Structure

Statement of Revenues Received

For the Five Years Ended June 30, 2022

Description	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
REVENUES					
Fees	-	-	-	-	6,604
Total Revenues	-	-	-	-	6,604

¹Fees collected - Old Fee Structure Prior to October 1, 2021. Fees received are used to reimburse the costs of providing connection and administrative services.

²Fees collected for New Fee Structure Effective October 1, 2021. Fees received are used to reimburse the costs of providing connection and administrative services.

Water Connection Fee (571-8110-40228-00000)¹

Old Fee Structure

Statement of Revenues Received

For the Five Years Ended June 30, 2022

Description	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
REVENUES					
Fees	472,645	762,199	1,088,695	660,138	1,810,900
Total Revenues	472,645	762,199	1,088,695	660,138	1,810,900

Water Connection Fee (571-8110-40228-51351)²

New Fee Structure

Statement of Revenues Received

For the Five Years Ended June 30, 2022

Description	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
REVENUES					
Fees	-	-	-	-	6,601
Total Revenues	-	-	-	-	6,601

¹Fees collected - Old Fee Structure Prior to October 1, 2021. Fees received are used to reimburse the costs of providing connection and administrative services.

²Fees collected for New Fee Structure Effective October 1, 2021. Fees received are used to reimburse the costs of providing connection and administrative services.

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, 19 89.

Donna Smith
Mayor

ATTEST:
Elizabeth Villar
City Clerk

APPROVED AS TO FORM:
[Signature]
City Attorney

THE CITY OF
POMONA

MEMORANDUM

OK

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)
)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 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

8/7 1ST REG.
'3506 8/14. EMR9/REG 2

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 recording 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.

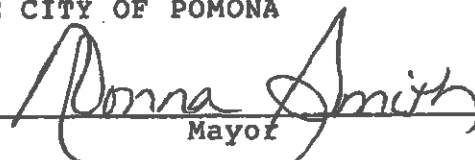
APPROVED, PASSED AND ADOPTED this 14th day of August, 1989, as a Regular Ordinance.

ATTEST:



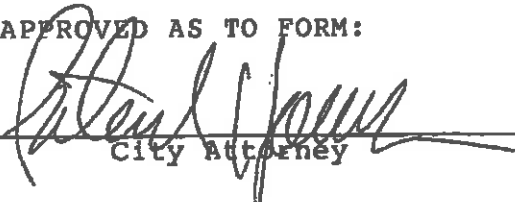
City Clerk

THE CITY OF POMONA

By 

Mayor

APPROVED AS TO FORM:



City Attorney

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

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.


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, 3011 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 to 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:



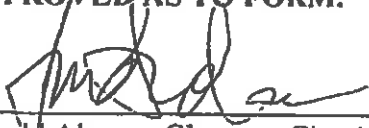
Marie Michel Macias, City Clerk

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.

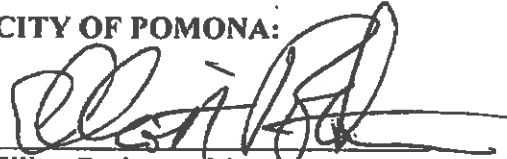
SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution.

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 7th 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

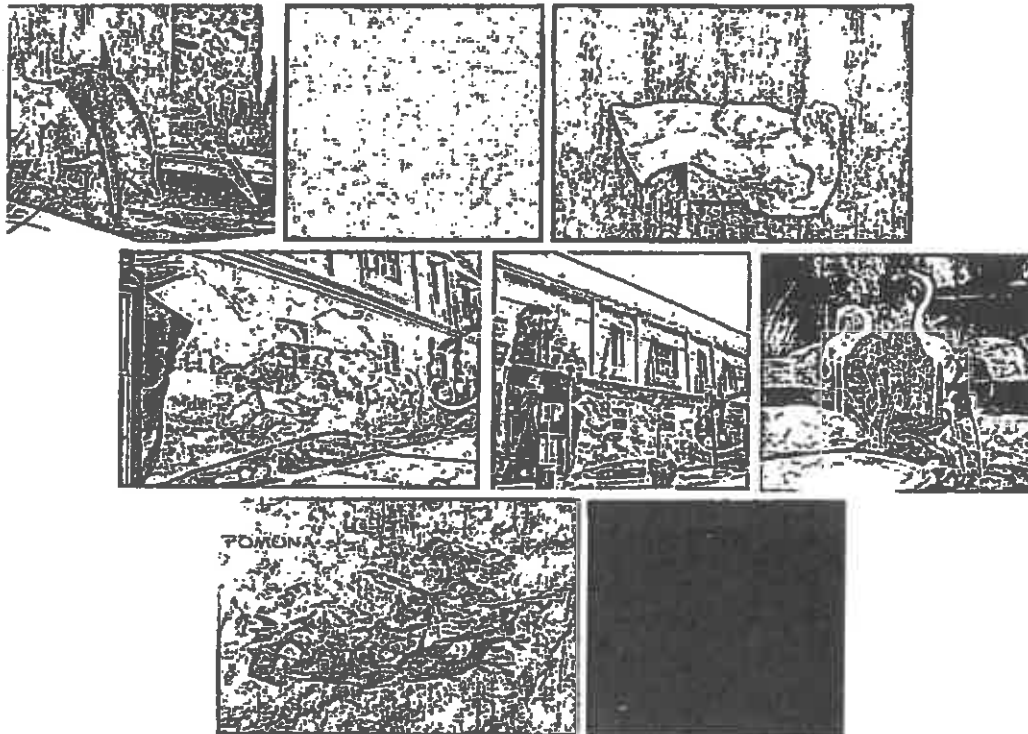
“Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P.”



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

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

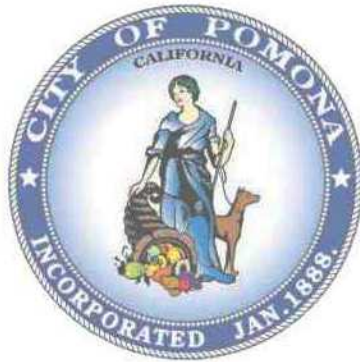
If City staff cannot verify the value of a proposed art piece (by past records of comparable work sold, etc.) the City may choose to have the artist's proposal and/or other completed work appraised by a qualified appraiser selected by the City and paid for by the artist.

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 Villalobos
city clerk

By: Donna Smith
Mayor

APPROVED AS TO FORM:

Robert H. [Signature]
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	<u>(65,980)</u>	<u>(65,980)</u>
	\$373,980	\$413,980

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

<u>SERVICE</u>	<u>EXISTING FEE Last Revision 8-85 (unless otherwise shown)</u>	<u>PROPOSED FEE</u>
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

} ss.

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.

Elizabeth Villeral
Signature

Date June 10 19 88

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 0.55 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 \$28.80 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

Taxi: :

100
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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.

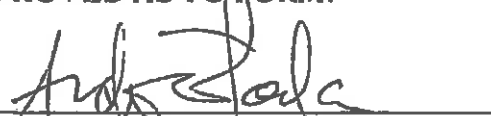
ATTEST:


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 1st 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 1st 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 1st 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 1st 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 1st 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 1st 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 1st 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>
Division 3. Rates and Charges						
<u>Section 62-291 Consumption Charges - Within City</u>						
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
<u>Section 62-292. Consumption Charges - Outside City</u>						
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	\$889.30
6"	\$933.08	\$1,484.72	\$1,545.59	\$1,615.14	\$1,687.82	\$1,763.70
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	\$1.96

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	\$639.30
12"	\$855.26	\$641.45	\$667.74	\$697.78	\$729.18	\$761.90

Section 62-297. Temporary Service for Contractors

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

Cost, 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
<u>Section 62-299. Due Date; Disconnection Fee and Delinquency Charge</u>						
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

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
---	--------	--------	----------	--------	--------	--------

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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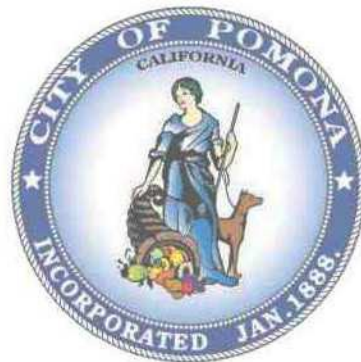
Usage Charge (Volume Charge \$/HCF):	\$0.33	\$0.36	\$0.38	\$0.41	\$0.44	\$0.47
--------------------------------------	--------	--------	--------	--------	--------	--------

** 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, 2021 – October 1, 2021

for

Water Connection Fees (Sections 62-321 and 62-322)



Effective
1/1/2021
(1.8993% CPI)

Water Rate

Division 4. Rates and Charges

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

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

Delinquency Charge (20 days after the bill has been issued)		5%
48 hour Notification Charge	\$	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.)	\$	44.47
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Restoration Order

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

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

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

Section 62-322. Connection Charges - Main Extension Charges

Per Front Foot	\$	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	\$	28.91
Program Account Transfer Fee	\$	4.78
Program Account Modification Fee	\$	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	\$	59.28
Weekends (after hours, weekends & holidays)	\$	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"	\$	5,604.01
1-1/2"	\$	7,535.84
2"	\$	8,222.82

Meter Size (Meter Setting)		
5/8" x 3/4"	\$	1,044.14
1"	\$	1,505.20
1 1/2"	\$	2,780.01
2"	\$	3,363.25

Minimum Charge for Meter/Service Installation Outside City Limits	\$	4,903.42
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Section 62-243. Advance Payment Required

Minimum	\$	176.54
Maximum	\$	6,574.35

Payment by meter size

Residential

Meter Size		
5/8"	\$	176.54
3/4"	\$	176.54
1"	\$	210.54
1 1/2"	\$	270.02
2"	\$	317.55
3"	\$	424.59

Commercial

Meter Size		
5/8"	\$	270.02
3/4"	\$	270.02
1"	\$	349.87
1 1/2"	\$	424.59
2"	\$	535.01
3"	\$	749.08
4"	\$	944.44
6"	\$	1,588.28
8"	\$	2,125.14
10"	\$	2,663.64

Irrigation

Meter Size		
5/8"	\$	317.55

3/4"	\$	317.55
1"	\$	424.59
1-1/2"	\$	642.05
2"	\$	856.12
3"	\$	1,285.90

Firelines

Meter Size		
2"	\$	176.54
3"	\$	270.02
4"	\$	375.32
6"	\$	699.81
8"	\$	1,010.68
10"	\$	1,335.13
12"	\$	1,588.28

Fire Hydrant Meters

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

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

Minimum	\$	176.54
Maximum	\$	6,574.35

Section 62-248. Private Fire Protection

Unauthorized Use of Fire Protection Service		
Per Incident	\$	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	\$	23.02
Meter and/or Jumper Pull	\$	171.58
Valve Damage and/or Tampering	\$	374.64

Solid Waste

Section 62-672. Established (Rates and Charges)

Basic Rate	\$	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

City of Pomona

Appendix F



New Development Impact Fees

Resolution 2021-089 & Ordinance 4309

Effective October 1, 2021 (New Fee Structure)

RESOLUTION NO. 2021-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING A DEVELOPMENT IMPACT FEE UPDATE STUDY BY WILLDAN FINANCIAL SERVICES, THE FINDINGS CONTAINED THEREIN AND ESTABLISHING CERTAIN DEVELOPMENT FEES

WHEREAS, the City Council of the City of Pomona wishes to ensure that new development within the City mitigates its impacts on the following public facilities:

1. Road and Highway Facilities Fund
2. Traffic Signal and Control Device Facilities Fund
2. Public Safety Facilities Fund
3. Park and Recreation Improvement Facilities Fund
4. Storm Drain Facilities Fund
5. Potable and Recycled Water Facilities Fund
6. Sewer Facilities Fund

WHEREAS, the City has identified the need for new and/or expanded facilities to accommodate expected population growth and new development; and,

WHEREAS, it is the City's policy that future new development should pay its fair share of public facilities and services in accordance with good fiscal management as determined by the City Council, including the current costs for providing the facilities in direct proportion to the demand for these facilities generated by new development; and

WHEREAS, the City retained Willdan Financial to conduct a comprehensive review of the facilities needed to accommodate growth and prepare a Development Impact Fee Study ("Study") in accordance with California Government Code §§ 66000 et seq.; and

WHEREAS, the Study provided the City with information and data regarding the nexus between the planned public improvements and the benefiting land uses that would pay the impact fees at time of issuance of a building permit; and

WHEREAS, the Study provides the City with the findings necessary to establish the City's proposed impact fees in accordance with Government Code § 66001; and

WHEREAS, certain of the impact fees for water, stormwater and sewer facilities are "capacity charges" within the meaning of Government Code section 66013, and the Study provides evidence that such capacity fees do not exceed the reasonable cost of providing the services for which such fees are imposed; and

WHEREAS, on August 2, 2021, the City Council held a duly noticed public hearing on the proposed development impact fees with an opportunity for the public to be heard, pursuant to the provisions of Government Code §§66016--66018; and

WHEREAS, the Study has been available for public review and comment pursuant to the provisions of Government Code §66016 and §6062a; and

WHEREAS, in addition to this Resolution the City Council is considering Ordinance No. 4309 which revises the sections of the Pomona Municipal Code to clarify administration of adopted impact fees; and

WHEREAS, the City Council of the City of Pomona desires to impose and adopt the development impact fees, attached hereto as Exhibit "A" and by this reference incorporated herein, and to adopt the findings set forth in the Study as the findings of the City Council, which Study is attached hereto as Exhibit "B" and by this reference incorporated herein.

NOW THEREFORE, the City Council of the City of Pomona does hereby find, order, and resolve as follows:

SECTION 1: That the City Council of the City of Pomona finds and determines that the Study complies with California Government Code §66001 by establishing the basis for the imposition of the impact fees on new development. The City Council hereby adopts the findings set forth in the Study attached hereto as Exhibit "B" as the findings of the City Council, which contain the following findings with respect to each development impact fee, which are by this reference incorporated herein as if fully stated herein.

- (a) Identifies the purpose of the fee;
- (b) Identifies the use to which the fee will be put;
- (c) Shows a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed;
- (d) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and
- (e) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

Detailed descriptions of the required findings are contained in the Study within the description of each fee. (See Final Draft Dated June 29, 2021)

Further, the City Council finds that, based on the evidence set forth in the Study, the impact fees that are "capacity charges" within the meaning of Government Code section 66013 do not exceed the reasonable cost of providing the services for which such capacity fees are imposed.

SECTION 2. That the City Council hereby determines that the development impact fees collected pursuant to this resolution shall be used to finance the public improvements described or identified in the Study or such other public facility master plans or capital improvement program as may from time to time be adopted by the City Council.

SECTION 3. The City Council has considered the specific project descriptions and the cost estimates identified in the Study and hereby approves such project descriptions and cost estimates and finds them reasonable as the basis for calculating and imposing the development impact fees.

SECTION 4. That the City Council finds that the projects and fee methodology identified in the Study are consistent with the City's General Plan and the requirements of the California Mitigation Fee Act (California Government Code, Section 660001 et seq.).

SECTION 5. That the City Council approves the schedule of development impact fees contained in and attached hereto as Exhibit "A". The development impact fees shall be imposed upon property owners or developers when applying for a building permit or due at final inspection or issuance of a certificate of occupancy, as provided in Article III, Chapter 70 of the Pomona Municipal Code.

SECTION 6. Within 180 days after the close of the fiscal year during which the first deposit of fees into a Development Impact fee account has occurred and every year thereafter as required by Government Code Sec. 66006, the City shall make available to the public and the City Council shall review:

1. The amount of the fee;
2. The beginning and ending balance of the account or fund;
3. The amount of the fees collected, and interest earned;
4. Identification of each public improvement on which fee revenues were expended and the amount of the expenditures on each improvement, including the percentage of the cost of the public improvement that was funded with fee revenues;

5. Identification of the approximate date by which the construction of a public improvement will commence, if the City determines sufficient funds have been collected financing of an incomplete public improvement;

6. A description of each inter-fund transfer or loan made from the account or fund, including interest rates, repayment dates, and a description of the improvements on which the transfer or loan will be expended.

For those impact fees that are "capacity charges" within the meaning of Government Code section 66013, within 180 days after the last day of each fiscal year, the City shall provide the following information (which may be included in the City's annual financial report:

1. A description of the capacity charges deposited in the fund created for such capacity charges.

2. The beginning and ending balance of the fund and the interest earned from investment of moneys in the fund.

3. The amount of capacity charges collected in that fiscal year.

4. An identification of all of the following:

A. Each public improvement on which capacity charges were expended and the amount of the expenditure for each improvement, including the percentage of the total cost of the public improvement that was funded with those charges if more than one source of funding was used.

B. Each public improvement on which capacity charges were expended that was completed during that fiscal year.

C. Each public improvement that is anticipated to be undertaken in the following fiscal year.

5. A description of each interfund transfer or loan made from the fund created for the capacity charges. The information provided, in the case of an interfund transfer, shall identify the public improvements on which the transferred moneys are, or will be, expended. The information, in the case of an interfund loan, shall include the date on which the loan will be repaid, and the rate of interest that the fund will receive on the loan.

Section 7. At least once every five years as required by Government Code Sec. 66001(d), the City Council shall review the basis for the impact fees, except for those fees that are "capacity charges" within the meaning of Government Code section

66013, to determine whether the fees are still reasonably related to the needs of new development and make the following findings for any fee revenues that remain unexpended:

1. Identify the purpose to which the fee will be put.
2. Demonstrate the reasonable relationship between the fee and the purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements for which the impact fees are to be used.
4. Designate the approximate dates on which the funding necessary to complete financing of those improvements will be deposited in to the appropriate account of fund.

SECTION 8.

a. The City, as lead agency under the California Environmental Quality Act ("CEQA"), has evaluated the potential environmental impacts of adopting the impact fees. As the decision making body for the City, the City Council has reviewed and considered the information contained in the administrative record for the adoption of the impact fees.

b. The City Council finds that the impact fees are intended to fund as-yet unknown, future projects, programs, and capital improvement projects related to the City's need to finance capital improvements to provide adequate infrastructure to meet growth-related needs. These impact fees do not commit the City to approve any particular project, program, or capital improvement, but will be placed in separate funds for potential future projects. These impact fees are in response to the City's projected need for additional facilities and infrastructure to provide services to its existing customers and new development. Any activities, including infrastructure improvements, to be funded by these impact fees will be subject to future environmental review under CEQA, as applicable, prior to City approval.

c. The City Council therefore finds that the impact fees are not subject to environmental review under CEQA. First, the impact fees, in and of themselves, do not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore are not considered a "project" under CEQA. (Pub. Resources Code, § 21065, 14 Cal. Code Regs., § 15378, subd. (a).) Second, the impact fees are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; here, there is no possibility that the impact fees, in and of themselves, may have a significant effect on the environment. (14 Cal. Code Regs., § 15061, subd. (b)(3).) And third, the impact fees are considered a government funding mechanism that do

not involve any commitment on behalf of the City to any specific project which may result in a potentially significant physical impact on the environment. (14 Cal. Code Regs., § 15378, subd. (b)(4).)

d. The City Council has considered any comments received at the public meeting on August 2, 2021, prior to adoption of this Resolution.

e. The determination that the impact fees are not subject to CEQA review reflects the City Council's independent judgment and analysis.

f. The documents and materials that constitute the record of proceedings on which these findings have been based are located at City of Pomona City Hall, Development Services Department, Pomona, California.


505 S. Garey Avenue
Pomona, CA 91769

The custodian for these records is the City Clerk and Development Services Director.

SECTION 9. That the new fees attached hereto shall become effective sixty (60) days following the adoption of this Resolution by the City Council.


PASSED, APPROVED AND ADOPTED this 2nd day of August, 2021.

CITY OF POMONA:



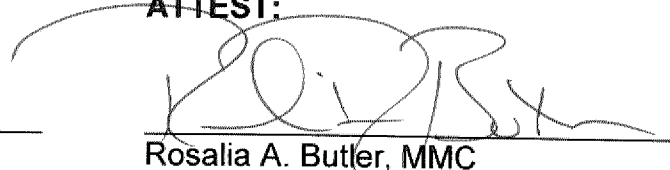
Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

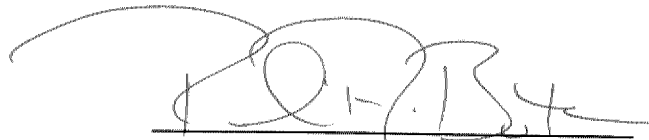
ATTEST:



Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on August 2, 2021 by the following vote of the Council:

AYES: Nolte, Preciado, Garcia, Lustro, Sandoval
NOES: Ontiveros-Cole, Torres
ABSTAIN: None
ABSENT: None

A handwritten signature in black ink, appearing to read 'R. Butler', written over a horizontal line.

Rosalia A. Butler, MMC
City Clerk

Exhibit "A"
Development Impact Fee Schedule

Fee Type	Final Fee Amounts		
Traffic Signal and Control Device Facilities Fund	\$5.00 per trip generated by new construction		
Road and Highway Facilities Fund	\$5.00 per trip generated by new construction		
Public Safety Facilities Fund	\$0.25 per square foot generated by new construction		
Park and Recreation Improvement Fee	Residential	In-fill¹	Subdivisions²
	0 to 500 sq. ft.	\$6,422	\$10,119
	501 to 1,499 sq. ft.	\$9,649	\$15,204
	1,500+ sq. ft.	\$11,475	\$18,080
Sewer Connection Fee	Residential	Non-Residential (per 1,000 sq. ft.)	
	0 to 500 sq. ft. \$2,884	Commercial	\$405
	501 to 1,499 sq. ft. \$4,326	Office	\$1,758
	1,500+ sq. ft. \$5,135	Warehouse	\$175
		Manufacturing	\$879
		Institutional	\$3,253
		Hotel Room	\$1,758
Water Connection (New Fee)	Residential	Non-Residential (per 1,000 sq. ft.)	
	0 to 500 sq. ft. \$2,880	Commercial	\$404
	501 to 1,499 sq. ft. \$4,321	Office	\$1,756
	1,500+ sq. ft. \$5,129	Warehouse	\$175
		Manufacturing	\$878
		Institutional	\$3,250
		Hotel Room	\$1,756
Storm Drain (New Fee)	Residential	Non-Residential (per 1,000 sq. ft.)	
	0 to 500 sq. ft. \$45	Commercial	\$144
	501 to 1,499 sq. ft. \$45	Office	\$170
	1,500+ sq. ft. \$77	Warehouse	\$193
		Manufacturing	\$193
		Institutional	\$88
		Hotel Room	\$63

¹ Park fees charged under the Mitigation Fee Act for infill development.

² Fees in lieu of land dedication charged under the Quimby Act for subdivisions.

Exhibit "B"
Development Impact Fee Study

CITY OF POMONA

**DEVELOPMENT IMPACT FEE UPDATE
STUDY**

FINAL DRAFT

JUNE 29, 2021



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Executive Summary

This report summarizes an analysis of development impact fee and capacity charges needed to support future development in the City of Pomona through 2040. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed on that development in the form of a development impact fee, also known as a public facilities fee. The public facilities and improvements included in this analysis are divided into the fee categories listed below:

- Roadway Facilities and Traffic Signals
- Public Safety Facilities
- Parks and Recreation Facilities
- Storm Drainage Facilities
- Potable and Recycled Water Facilities
- Sewer Facilities

Background and Study Objectives

The primary policy objective of a development impact fee program is to ensure that new development pays the capital costs associated with growth. Although growth also imposes a services. The primary purpose of this report is to calculate and present fees that will enable the City to expand its inventory of public facilities, as new development creates increases in service demands. Two types of fees are identified in this report:

1. This study identifies the maximum justified development impact fees for roadway facilities, traffic signals, public safety facilities, storm drain facilities and parks and recreation facilities fees under authority granted by the *Mitigation Fee Act (the Act)*, contained in *California Government Code Sections 66000 et seq.* Each chapter that includes fees collected under the *Act* provides the necessary findings required by the *Act* for adoption of the fees presented in the fee schedules contained herein.
2. The water, recycled water and sewer facilities fees calculated in this report are also known as capacity charges and are subject to the requirements of *Government Code Section 66013*, which defines a capacity charge as "a charge for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the local agency involving capital expense relating to its use of existing or new public facilities. A "capacity charge" does not include a commodity charge." Capacity charges based on the buy-in method are a reimbursement for past capital costs. Capacity charges are not subject to the nexus findings required for impact fees, and are typically triggered by a new or upsized connection to the utility.

The City programs development impact fee-funded capital projects through its Capital Improvement Plan (CIP). Using a CIP allows the City to identify and direct its fee revenue to public facilities projects that will accommodate future growth. By programming fee revenues to specific capital projects, the City can help ensure a reasonable relationship between new development and the use of fee revenues as required by the *Mitigation Fee Act*.

Facility Standards and Costs

There are three approaches used to calculate facilities standards and allocate the costs of planned facilities to accommodate growth in compliance with the *Mitigation Fee Act* requirements in this study.

The **existing inventory** approach is based on a facility standard derived from the City's existing level of facilities and existing demand for services. This approach results in no facility deficiencies attributable to existing development. This approach is often used when a long-range plan for new facilities is not available. Future facilities to serve growth will be identified through the City's annual CIP and budget process and/or completion of a new facility master plan. **This approach is used to calculate the roadways, traffic signals, public safety and parks and recreation facilities fees in this report.**

The **planned facilities** approach allocates costs based on the ratio of planned facilities that serve new development to the increase in demand associated with new development. This approach is appropriate when specific planned facilities that only benefit new development can be identified, or when the specific share of facilities benefiting new development can be identified. Examples include street improvements to avoid deficient levels of service or a sewer trunk line extension to a previously undeveloped area. **This approach is used for the storm drain facilities fees in this report.**

The **buy-in method** is typically used when the existing system has sufficient capacity to serve new development now and into the future. Under the buy-in methodology, new development "buys" a proportionate share of existing capacity at the current value of the existing facilities. This approach is typically used for utility fees, where existing facilities are built with excess capacity to serve future development. **This approach is used for the water, recycled water, and sewer capacity charges in this report.**

Use of Fee Revenues

Impact fee revenue from the roadway, traffic signals, public safety facilities parks and recreation facilities and storm drain facilities fees must be spent on new facilities or expansion of current facilities to serve new development. Facilities can be generally defined as capital acquisition items with a useful life greater than five years. Impact fee revenue can be spent on capital facilities to serve new development, including but not limited to land acquisition, construction of buildings, construction of infrastructure, the acquisition of vehicles or equipment, information technology, software licenses and equipment.

Revenue from the capacity charges for water, recycled water and sewer facilities can be used to reimburse the City for prior infrastructure investments. Once reimbursed, the City is able to spend fee revenue as it desires.

In that the City cannot predict with certainty how and when development within the City will occur during the 20-year planning horizon assumed in this study, the City may need to update and revise the project lists funded by the fees documented in this study. Any substitute projects should be funded within the same facility category, and the substitute projects must still benefit and have a relationship to new development. The City could identify any changes to the projects funded by the impact fees when it updates the CIP. The impact fees could also be updated if significant changes to the projects funded by the fees are anticipated.

Development Impact Fee Schedule Summary

Table E.1 summarizes the development impact fees that meet the City's identified needs and comply with the requirements of the *Mitigation Fee Act*.

E.1: Maximum Justified Development Impact Fee Schedule

Land Use	Roadways		Traffic Signals		Public Safety		Parks (Infill) ¹		Parks (Subdivisions) ²		Storm Drain ³		Recycled Water ⁴		Sewer		Total (Infill)	Total (Subdivisions)	
<i>Residential - per Dwelling Unit</i>																			
Less than 500 Square Feet	\$ 6,688	\$ 581	\$ 2,619	\$ 6,422	\$ 10,119	\$ 42	\$ 2,880	\$ -	\$ 2,884	\$ -	\$ 405	\$ -	\$ 4,326	\$ -	\$ 2,884	\$ 22,116	\$ 25,813		
500 - 1,499 Square Feet	10,033	871	3,935	9,649	15,204	42	4,321	-	4,326	-	1,758	-	5,135	-	33,177	38,732			
1,500 + Square Feet	11,984	1,041	4,680	11,475	18,080	72	5,129	-	5,135	-	1,758	-	5,135	-	39,516	46,121			
<i>Nonresidential - per 1,000 Square Feet or Hotel Room</i>																			
Commercial	\$ 13,284	\$ 1,154	900	\$ -	\$ -	\$ 136	\$ 404	\$ -	\$ 405	\$ -	\$ 405	\$ -	\$ 405	\$ -	\$ 16,283	\$ 16,283			
Office	16,908	1,469	1,142	-	-	161	1,756	-	1,758	-	1,758	-	1,758	-	23,194	23,194			
Industrial																			
Warehouse	\$ 2,879	\$ 250	\$ 133	\$ -	\$ -	\$ 193	\$ 175	\$ -	\$ 175	\$ -	\$ 175	\$ -	\$ 175	\$ -	\$ 3,805	\$ 3,805			
Manufacturing	9,569	831	612	-	-	193	878	-	879	-	879	-	879	-	12,962	12,962			
Institutional	5,388	468	243	-	-	84	3,250	-	3,253	-	3,253	-	3,253	-	12,686	12,686			
Hotel Room	6,224	541	224	-	-	59	1,756	-	1,758	-	1,758	-	1,758	-	10,562	10,562			

¹ Park fees charged under the Mitigation Fee Act for Infill development.

² Fees in lieu of land dedication charged under the Quimby Act for subdivisions.

³ Assumes that units 1,500 square feet and larger are single family units for the purpose of this fee schedule summary.

⁴ Charged on a case by case basis at \$2.05 per GPD.

Sources: Tables 3.5, 3.6, 4.5, 5.7, 6.5, 7.4 and 8.4.

1. Introduction

This report presents an analysis of the need for public facilities to accommodate new development in the City of Pomona. This chapter provides background for the study and explains the study approach under the following sections:

- Public Facilities Financing in California;
- Study Objectives;
- Fee Program Maintenance;
- Study Methodology; and
- Organization of the Report.

Public Facilities Financing in California

The changing fiscal landscape in California during the past 40 years has steadily undercut the financial capacity of local governments to fund infrastructure. Three dominant trends stand out:

- The passage of a string of tax limitation measures, starting with Proposition 13 in 1978 and continuing through the passage of Proposition 218 in 1996;
- Declining popular support for bond measures to finance infrastructure for the next generation of residents and businesses; and
- Steep reductions in federal and state assistance.

Faced with these trends, many cities and counties have had to adopt a policy of “growth pays its own way.” This policy shifts the burden of funding infrastructure expansion from existing ratepayers and taxpayers onto new development. This funding shift has been accomplished primarily through the imposition of assessments, special taxes, and development impact fees also known as public facilities fees. Assessments and special taxes require the approval of property owners and are appropriate when the funded facilities are directly related to the developing property. Development impact fees, on the other hand, are an appropriate funding source for facilities that benefit all development jurisdiction-wide. Development impact fees need only a majority vote of the legislative body for adoption.

Study Objectives

The primary policy objective of a public facilities fee program is to ensure that new development pays the capital costs associated with growth. *Policy 7D.P18* of the General Plan states: “Ensure that new developments provide an integrated pattern of streets and pedestrian paths that provide connections between neighborhoods.” *Policy 6C.P7* states, “If any new residential development is permitted as a result of any subsequent land use study in the future, require provision of new public neighborhood and community parks at a ratio consistent with City standards.” *Policy 7E.P33* states, “Require that all new development or expansion of existing facilities bear the cost of expanding the wastewater disposal system to handle the increased loads anticipated by development.”

The primary purpose of this report is to update the City’s impact fees and capacity charges based on the most current available facility plans and growth projections. The maximum justified fees will enable the City to expand its inventory of public facilities as new development leads to increases in service demands. This report supports the General Plan policies stated above.

The City collects development impact fees under authority granted by the Mitigation Fee Act (the Act), contained in California Government Code Sections 66000 et seq. This report provides the

necessary findings required by the Act for adoption of the fees presented in the fee schedules presented in this report.

Though nearing buildout, Pomona is forecast to see moderate growth through this study's planning horizon of 2040. This growth will create an increase in demand for public services and the facilities required to deliver them. Given the revenue challenges described above, Pomona has decided to continue to use a development impact fee program to ensure that new development funds its share of facility costs associated with growth. This report makes use of the most current available growth forecasts and facility plans to update the City's existing fee program to ensure that the fee program accurately represents the facility needs resulting from new development.

Fee Program Maintenance

Once a fee program has been adopted it must be properly maintained to ensure that the revenue collected adequately funds the facilities needed by new development. To avoid collecting inadequate revenue, the inventories of existing facilities and costs for planned facilities must be updated periodically for inflation, and the fees recalculated to reflect the higher costs. The use of established indices for each facility included in the inventories (land, buildings, and equipment), such as the *Engineering News-Record*, is necessary to accurately adjust the impact fees. For a list of recommended indices, see Chapter 9.

While fee updates using inflation indices are appropriate for annual or periodic updates to ensure that fee revenues keep up with increases in the costs of public facilities, it is recommended to conduct more extensive updates of the fee documentation and calculation (such as this study) when significant new data on growth forecasts and/or facility plans become available. For further detail on fee program implementation, see Chapter 9.

Study Methodology

Development impact fees are calculated to fund the cost of facilities required to accommodate growth. The six steps followed in this development impact fee study include:

1. **Estimate existing development and future growth:** Identify a base year for existing development and a growth forecast that reflects increased demand for public facilities;
2. **Identify facility standards:** Determine the facility standards used to plan for new and expanded facilities;
3. **Determine facilities required to serve new development:** Estimate the total amount of planned facilities, and identify the share required to accommodate new development;
4. **Determine the cost of facilities required to serve new development:** Estimate the total amount and the share of the cost of planned facilities required to accommodate new development;
5. **Calculate fee schedule:** Allocate facilities costs per unit of new development to calculate the development impact fee schedule; and
6. **Identify alternative funding requirements:** Determine if any non-fee funding is required to complete projects.

The key public policy issue in development impact fee studies is the identification of facility standards (step #2, above). Facility standards document a reasonable relationship between new development and the need for new facilities. Standards ensure that new development does not fund deficiencies associated with existing development.

Types of Facility Standards

There are three separate components of facility standards:

- *Demand standards* determine the amount of facilities required to accommodate growth, for example, park acres per thousand residents, square feet of library space per capita, or gallons of water per day. Demand standards may also reflect a level of service such as the vehicle volume-to-capacity (V/C) ratio used in traffic planning.
- *Design standards* determine how a facility should be designed to meet expected demand, for example, park improvement requirements and technology infrastructure for City office space. Design standards are typically not explicitly evaluated as part of an impact fee analysis but can have a significant impact on the cost of facilities. Our approach incorporates the cost of planned facilities built to satisfy the City's facility design standards.
- *Cost standards* are an alternate method for determining the amount of facilities required to accommodate growth based on facility costs per unit of demand. *Cost standards* are useful when demand standards were not explicitly developed for the facility planning process. *Cost standards* also enable different types of facilities to be analyzed based on a single measure (cost or value) and are useful when different facilities are funded by a single fee program. Examples include facility costs per capita, cost per vehicle trip, or cost per gallon of water per day.

New Development Facility Needs and Costs

A number of approaches are used to identify facility needs and costs to serve new development. This is often a two-step process: (1) identify total facility needs, and (2) allocate to new development its fair share of those needs.

There are three common methods for determining new development's fair share of planned facilities costs in this study: the **existing inventory method**, the **planned facilities method**, and the **buy-in method**. Often the method selected depends on the degree to which the community has engaged in comprehensive facility master planning to identify facility needs.

The formula used by each approach and the advantages and disadvantages of each method is summarized below:

Existing Inventory Method

The existing inventory method allocates costs based on the ratio of existing facilities to demand from existing development as follows:

$$\frac{\text{Current Value of Existing Facilities}}{\text{Existing Development Demand}} = \text{cost per unit of demand}$$

Under this method new development will fund the expansion of facilities at the same standard currently serving existing development. By definition the existing inventory method results in no facility deficiencies attributable to existing development. This method is often used when a long-range plan for new facilities is not available. Future facilities to serve growth are identified through an annual CIP and budget process, possibly after completion of a new facility master plan. **This approach is used to calculate the roadways, traffic signals, public safety and parks and recreation facilities fees in this report.**

Planned Facilities Method

The planned facilities method allocates costs based on the ratio of planned facility costs to demand from new development as follows:

$$\frac{\text{Cost of Planned Facilities}}{\text{New Development Demand}} = \text{cost per unit of demand}$$

This method is appropriate when planned facilities will entirely serve new development, or when a fair share allocation of planned facilities to new development can be estimated. An example of the former is a Wastewater trunk line extension to a previously undeveloped area. An example of the latter is expansion of an existing library building and book collection, which will be needed only if new development occurs, but which, if built, will in part benefit existing development, as well. Under this method new development will fund the expansion of facilities at the standards used in the applicable planning documents. **This approach is used for the storm drain facilities fees in this report.**

Buy-In Method

The buy-in method is based on the value of the existing system's capacity. This method is typically used when the existing system has sufficient capacity to serve new development now and into the future. Under the buy-in methodology, new development "buys" a proportionate share of existing capacity at the current value of the existing facilities.

The buy-in fee is determined by taking the current value of assets (replacement cost new, less depreciation) divided by the current capacity provided by the system. Responsibility for new capital improvements is then shared equally by all customers. A simplified version of the calculation equation is:

$$\frac{\text{Present Value of Existing Facilities}}{\text{Existing System Capacity}} = \text{cost per unit of demand}$$

This approach is typically used for utility fees, where existing facilities are built with excess capacity to serve future development. **This approach is used for the water, recycled water, and sewer fees in this report.**

Organization of the Report

The determination of a public facilities fee begins with the selection of a planning horizon and development of growth projections for population and employment. These projections are used throughout the analysis of different facility categories and are summarized in Chapter 2.

Chapters 3 through 8 identify facility standards and planned facilities, allocate the cost of planned facilities between new development and other development, and identify the appropriate development impact fee or capacity charge for each of the following facility categories:

- Roadway Facilities and Traffic Signals
- Public Safety Facilities
- Parks and Recreation Facilities
- Storm Drainage Facilities
- Potable and Recycled Water Facilities
- Sewer Facilities

Chapter 9 details the procedures that the City must follow when implementing a development impact fee program. Impact fee program adoption procedures are found in *California Government Code* Sections 66016 through 66018.

2. Growth Forecasts

Growth projections are used as indicators of demand to determine facility needs and allocate those needs between existing and new development. This chapter explains the source for the growth projections used in this study based on a 2020 base year and a planning horizon of 2040.

Estimates of existing development and projections of future growth are critical assumptions used throughout this report. These estimates are used as follows:

- The estimate of existing development in 2020 is used as an indicator of existing facility demand and to determine existing facility standards.
- The estimate of total development at the 2040 planning horizon is used as an indicator of future demand to determine total facilities needed to accommodate growth and remedy existing facility deficiencies, if any.
- Estimates of growth from 2020 through 2040 are used to (1) allocate facility costs between new development and existing development, and (2) estimate total fee revenues.

The demand for public facilities is based on the service population, dwelling units or nonresidential development creating the need for the facilities.

Land Use Types

To ensure a reasonable relationship between each fee and the type of development paying the fee, growth projections distinguish between different land use types. The land use types for which impact fees have been calculated for are defined below.

- **Residential:** All residential dwelling units, including single family and multifamily units. The fee schedule is divided into three categories, based on the square footage of the dwelling unit:
 - Less than 500 Square Feet
 - 500 – 1,499 Square Feet
 - 1,500 + Square Feet
- **Commercial:** All commercial, retail, educational, and service development
- **Office:** All general, professional, and medical office development
- **Industrial:**
 - Warehousing:** Facilities that are used on a permanent basis for the receipt, storage, and redistribution of goods generally handled in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks.
 - Manufacturing:** Facilities that fabricate, process, assemble, or blend materials into products. Manufacturing includes large machining operations, use of metal products, operations that have a combination of manufacturing, warehouse, and assembly in a space primarily occupied by very large machinery or other large fabrication and storage that may serve a variety of industries.
- **Institutional:** Includes non-commercial uses such as hospitals, schools, social or religious institutions, and public institutions
- **Hotel:** Places of lodging that provide sleeping accommodations, including all suite hotels and business hotels.

Some developments may include more than one land use type, such as a mixed-use development with both residential and commercial uses. In those cases, the facilities fee would be calculated separately for each land use type.

The City has the discretion to determine which land use type best reflects a development project's characteristics for purposes of imposing an impact fee and may adjust fees for special or unique uses to reflect the impact characteristics of the use. If a project results in the intensification of use, at its discretion, the City can charge the project the difference in fees between the existing low intensity use and the future high intensity use.

Accessory Dwelling Units

The California State Legislature recently amended requirements on local agencies for the imposition of development impact fees and capacity charges on accessory dwelling units (ADU) with Assembly Bill AB 68 in 2020. California Government Code §65852.2(f) regulates how impact fees and capacity charges are applied to ADUs. A high-level summary of these regulations is shown here, and the full text of California Government Code §65852.2(f) is reproduced in the appendix of this report for reference.

New utility connections for water and sewer service, and associated capacity charges and connection fees, may not be required for ADUs that are within the proposed space of a single-family dwelling or existing space of a single family dwelling or accessory structure, including an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure to accommodate ingress and egress.

Impact fees cannot be charged to ADUs less than 750 square feet. ADUs greater than 750 square feet can be charged impact fees (and Quimby fees in-lieu of land dedication) in proportion to the size of the primary dwelling unit.

Calculating Impact Fees for Accessory Dwelling Units

For ADUs greater than 750 square feet, impact fees can be charged as a percentage of the single family impact fee. The formula is:

$$\frac{\text{ADU Square Feet}}{\text{Primary Residence Square Feet}} \times \text{Single Family Impact Fee} = \text{ADU Impact Fee}$$

In the case of an 800 square foot ADU and a 1,600 square foot primary residence, the impact fees would be 50 percent (800 square feet / 1,600 square feet = 50%) of the single family dwelling unit fee. No capacity fees would be charged, since no new single family unit was constructed.

Existing and Future Development

Table 2.1 shows the estimated number of residents, dwelling units, employees, and building square feet in Pomona, both in 2020 and in 2040. The base year estimates of household residents and dwelling units comes from the California Department of Finance. Estimates of residents and housing units in 2040 are based on the Southern California Association of Government's (SCAG) 2016-2040 RTP/SCS Final Growth Forecast.

Base year employees were estimated based on the latest data from the US Census' OnTheMap application and exclude 671 local government (public administration) employees. Estimates of workers in 2040 are also based on the SCAG growth projections and are allocated to the land use categories based on the current proportion of workers in each general category.

Table 2.1: Existing and New Development

	2020	2040	Increase
<i>Residents</i> ¹	150,830	190,400	39,570
<i>Dwelling Units</i> ²			
Single Family	28,306	34,586	6,280
Multifamily	13,516	16,514	2,998
Total	41,822	51,100	9,278
<i>Employment</i> ³			
Commercial	16,557	26,203	9,646
Office	15,101	23,899	8,798
Industrial	10,804	17,098	6,294
Total	42,462	67,200	24,738
<i>Building Square Feet (1,000s)</i> ⁴			
Commercial	7,076	11,198	4,122
Office	5,085	8,047	2,962
Industrial	11,163	17,666	6,503
Total	23,323	36,911	13,588

¹ Current population from California Department of Finance. 2040 projection from SCAG.

² Current values from California Department of Finance. 2040 projection from SCAG allocated to single and multifamily based on current proportions.

³ Current estimates of primary jobs from the US Census' OnTheMap. 2040 projection from SCAG. Assumes current ratio among land uses will be maintained.

⁴ Estimated building square feet calculated based on increase of employees and density factors in Table 2.2. The average employment density of warehouse and manufacturing uses is used to estimate industrial building square feet.

Sources: California Department of Finance, Table E-5, 2020; SCAG 2016-2040 RTP/SCS Final Growth Forecast by Jurisdiction; OnTheMap Application, <http://onthemap.ces.census.gov>; Table 2.2, Willdan Financial Services.

Occupant Densities

All fees in this report are calculated based on the dwelling units or building square feet. Occupant density assumptions ensure a reasonable relationship between the size of a development project, the increase in service population associated with the project, and the amount of the fee.

Occupant densities (residents per dwelling unit or workers per building square foot) are the most appropriate characteristics to use for most impact fees. The fee imposed should be based on the land use type that most closely represents the probable occupant density of the development.

This conversion is done with average household size factors that vary by dwelling unit square footage, shown in **Table 2.2**. The residential density factors are based on data for Pomona from

the 2019 American Housing Survey and the U.S. Census' 2019 American Community Survey, the most recent data available. The factors were calculated as follows:

1. **Calculate persons per dwelling unit, by dwelling unit square footage category.** Willdan examined data for the Los Angeles-Long Beach Metropolitan Statistical Area (MSA) from the American Housing Survey (AHS), 2019. The data regarding residents per dwelling unit was aggregated by the increments shown in Table 2.2. The total residents for the dwelling units within each square footage category was divided the total count of dwelling units in that square footage category to estimate the average residents per dwelling unit, by square footage category.
2. **Adjust for Pomona.** The estimate of persons per dwelling unit, per square footage category for the Los Angeles-Long Beach MSA was then adjusted using based on difference in average dwelling unit density for Pomona compared to the Los Angeles-Long Beach MSA as calculated from American Community Survey (ACS) data. These adjustments were necessary because data for the City of Pomona is not specifically available from the AHS, and the ACS does not provide data at the granularity needed to estimate persons per dwelling unit, by dwelling unit square footage. Tables B25024 and B25033 from the ACS were used to estimate the average occupancy density across all dwelling units for both the Los Angeles-Long Beach MSA and the City of Pomona.

Note that the estimates of residents per dwelling unit includes all dwelling units, as opposed to residents per household, which only includes occupied housing units. Estimates of residents per household are higher than residents per dwelling unit, but since the impact fees are applied to all new dwelling units, it is appropriate to use estimates of residents per dwelling unit to allocate costs though an impact fee.

The nonresidential occupancy factors are derived from data from the Institute of Traffic Engineers Trip Generation Manual, 10th Edition.

Table 2.2: Occupant Density Assumptions

<u>Residents per Dwelling Unit, by Dwelling Unit Square Footage</u>		
Less than 500 Square Feet	2.11	Residents per dwelling unit
500 – 1,499 Square Feet	3.17	Residents per dwelling unit
1,500 + Square Feet	3.77	Residents per dwelling unit
<u>Nonresidential</u>		
Commercial	2.34	Employees per 1,000 square feet
Office	2.97	Employees per 1,000 square feet
Industrial		
Warehouse	0.34	Employees per 1,000 square feet
Manufacturing	1.59	Employees per 1,000 square feet
Institutional	0.63	Employees per 1,000 square feet
Hotel	0.58	Employees per room

Sources: Tables B25024 and B25033 from the U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates; 2019 American Housing Survey for the Los Angeles-Long Beach MSA; ITE Trip Generation Manual, 10th Edition; Willdan Financial Services.

Land Cost Assumptions

Table 2.3 displays the land cost assumption used throughout this report. The assumption was developed based on an analysis of land sales in Pomona within the past year, as reported by CoStar.

Table 2.3: Land Cost

Area	Value Per Acre
Weighted Average Cost per Acre	\$ 982,000

Note: Includes land sales within the past year within Pomona, as reported by CoStar.

Sources: CoStar, Willdan Financial Services.

3. Roadway and Traffic Signal Facilities

This chapter details an analysis of the need for transportation facilities to accommodate new development. The chapter documents a reasonable relationship between new development and the impact fee for funding of these facilities.

Trip Demand

The need for transportation facilities is based on the trip demand placed on the system by development. A reasonable measure of demand is the number of average daily vehicle trips, adjusted for the type of trip. Vehicle trip generation rates are a reasonable measure of demand on the City's system of street improvements across all modes because alternate modes (transit, bicycle, pedestrian) often substitute for vehicle trips.

The two types of trips adjustments made to trip generation rates to calculate trip demand are described below:

- Pass-by trips are deducted from the trip generation rate. Pass-by trips are intermediates stops between an origin and a destination that require no diversion from the route, such as stopping to get gas on the way to work.
- The trip generation rate is adjusted by the average length of trips for a specific land use category compared to the average length of all trips on the street system.

These adjustments allow for a holistic quantification of trip demand that takes trip purpose and length into account for fee calculation purposes.

Table 3.1 shows the calculation of trip demand factors by land use category based on the adjustments described above. Data is based on extensive and detailed trip surveys conducted by the Institute of Traffic Engineers (ITE) and the San Diego Association of Governments (SANDAG), respectively. The pass-by trip assumptions and trip rates come from ITE. The trip length assumptions come from SANDAG, as these assumptions are not published locally by the Southern California Association of Governments (SCAG). The surveys provide one of the most comprehensive databases available of trip generation rates, pass-by trips factors, and average trip length for a wide range of land uses. Though urban development patterns differ between San Diego and the City of Pomona, the use of this data is appropriate as a means of allocating trips across multiple land use categories. This analysis assumes that the patterns of trip generation, trip purpose and trip length are roughly similar between the San Diego region and the Los Angeles region. Both regions are generally automobile-dependent and public transit limited—factors which drive trip generation characteristics. It should be noted that the projections of current and future trip generation in this report are based on data specific to the City of Pomona.

Table 3.1: Trip Rate Adjustment Factors

	Pass-by Trips ¹	Primary and Diverted Trips	Average Trip Length ²	Adjustment Factor ³	ITE Category	PM Peak Hour Trips ⁴	Trip Demand Factor ⁵
	A	B = 1 - A	C	$D = B \times C$ / Avg.		E	F = D x E
<i>Residential - per Dwelling Unit⁶</i>							
Single Family	0%	100%	7.9	1.14	Single Family Housing (210)	1.00	1.14
Multifamily	0%	100%	7.9	1.14	Multifamily Housing (Low-Rise) (220)	0.67	0.76
<i>Residential - per Dwelling Unit⁷</i>							
Less than 500 Square Feet	0%	100%	7.9	1.14	Single Family Housing (210)	0.63	0.72
500 – 1,499 Square Feet	0%	100%	7.9	1.14	Single Family Housing (210)	0.95	1.08
1,500 + Square Feet	0%	100%	7.9	1.14	Single Family Housing (210)	1.13	1.29
<i>Nonresidential - per 1,000 Sq. Ft.</i>							
Commercial	34%	66%	3.6	0.34	Shopping Center (820)	4.21	1.43
Office	0%	100%	8.8	1.28	General Office (710)	1.42	1.82
Industrial							
Warehousing	0%	100%	9.0	1.30	Warehousing (150)	0.24	0.31
Manufacturing	0%	100%	9.0	1.30	Manufacturing (140)	0.79	1.03
Institutional	0%	100%	4.8	0.70	High School (530)	0.83	0.58
Hotel Room	0%	100%	7.6	1.10	Hotel (310)	0.61	0.67

¹ Percent of total trips. A pass-by trip is made as an intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are not considered to add traffic to the road network. Assumption based on ITE Trip Generation Handbook data.

² In miles. Based on SANDAG data.

³ The trip adjustment factor equals the percent of non-pass-by trips multiplied by the average trip length and divided by the systemwide average trip length of 6.9 miles.

⁴ Trips per dwelling unit or per 1,000 building square feet.

⁵ The trip demand factor is the product of the trip adjustment factor and the trip rate.

⁶ PM peak hour trip rates of 1.0 for single family units, and 0.67 for multifamily units are used to estimate existing and future trips in Table 3.2 because estimates of existing and future development were not available by dwelling unit square footage.

⁷ Trip rate is based on the average PM peak hour trip rate per person (0.30 is the average of single family and multifamily PM Peak hour trips per person) and residents per dwelling unit assumptions from Table 2.2.

Sources: Institute of Traffic Engineers, Trip Generation Manual, 10th Edition; Institute of Traffic Engineers, Trip Generation Handbook, 3rd Edition; SANDAG; Willdan Financial Services.

Trip Demand Growth

The planning horizon for this analysis is 2040. **Table 3.2** lists the 2020 and 2040 land use assumptions used in this study. The trip demand factors calculated in Table 3.1 are multiplied by the existing and future dwelling units and building square feet to determine the increase in trip demand attributable to new development. For residential development, the increase in dwelling units will generate more trips and consequently more demand for transportation facilities. For nonresidential development, increases in building square footage accommodate more employees, who then generate more trips and consequently more demand for transportation facilities.

Table 3.2: Land Use Scenario and Trip Demand

Land Use	Trip Demand Factor	2020		Growth 2020 to 2040		Total - 2040	
		Units / 1,000 SF	Trips	Units / 1,000 SF	Trips	Units / 1,000 SF	Trips
<i>Residential Dwelling Unit</i>							
Single Family	1.14	28,306	32,269	6,280	7,159	34,586	39,428
Multifamily	0.76	13,516	10,272	2,998	2,279	16,514	12,551
Subtotal		41,822	42,541	9,278	9,438	51,100	51,979
<i>Nonresidential - per 1,000 Sq. Ft.</i>							
Commercial	1.43	7,076	10,118	4,122	5,895	11,198	16,013
Office	1.82	5,085	9,254	2,962	5,391	8,047	14,645
Industrial ¹	0.67	11,163	7,479	6,503	4,358	17,666	11,837
Subtotal		23,323	26,851	13,588	15,644	36,911	42,495
Total			69,392		25,082		94,474
			73.5%		26.5%		100%

¹ The average of warehouse and manufacturing trip demand factors is used to estimate industrial trip demand.

Sources: Tables 2.1 and 3.1.

Existing Roadway and Traffic Signal Inventory

The City of Pomona has made considerable investments in its transportation infrastructure. **Table 3.3** summarizes the City's existing transportation inventory in 2020. The inventory is limited to primary arterial and collector streets that provide connectivity between neighborhoods and activity centers within the City, and that provide connectivity to neighboring cities and regional transportation facilities. As new development occurs, that development will need to fund these same types of facilities to ensure that the City can maintain its existing level of service.

The City provided the replacement cost assumptions for use in this analysis. In total, the City owns nearly \$631 million worth of roadways and nearly \$55 million worth of traffic signals.

Table 3.3: Traffic Facilities Existing Inventory

Infrastructure Type	Length (Feet)	Avg. Width (Feet)	Area	Units	Unit Conversion	Unit Cost	Total Replacement Cost
<i>Roadways</i>							
Arterials	1,795,200	52	93,350,000	Sq. ft.			
Collectors ¹	924,000	36	33,264,000	Sq. ft.			
Total			126,614,000	Sq. ft.	1,171,180 ton ²	\$ 86	\$ 100,721,437
Sidewalks	3,500,640	10	35,006,000	Sq. ft.	N/A	\$ 9	\$ 315,054,000
Curb and Gutter	NA	NA	3,432,000	Linear ft.	N/A	\$ 63	\$ 216,216,000
Total Roadways Replacement Cost							\$ 631,991,437
<i>Signals</i>	NA	NA	183	Intersections		\$ 300,000	\$ 54,900,000
Total Traffic Facilities Replacement Cost							\$ 686,891,437

Note: Inventory limited to arterial and collector streets that provide connectivity between neighborhoods and activity centers within the City, and that provide connectivity to neighboring cities and regional transportation facilities. Local streets used primarily for access to one specific neighborhood or development site are not included.

¹ Includes bike lanes.

² 126,614,000 sf x 0.125 ft x 0.074 ton/cf = 1,171,180 tons.

Sources: City of Pomona; Willdan Financial Services

Fee per Trip Demand Unit

Every impact fee consists of a dollar amount, representing the value of facilities, divided by a measure of demand. In this case, all fees are first calculated as a replacement cost per trip demand unit. Then these amounts are translated into housing unit (cost per unit) and employment space (cost per 1,000 square feet or room) fees by multiplying the cost per trip by the trip generation rate for each land use category. These amounts become the fee schedule.

Table 3.4 displays the calculation of the cost the cost per trip demand unit by dividing the existing traffic facility replacement cost from Table 3.3 by existing trip demand from Table 3.2 for roadways and traffic signals, respectively.

If an applicant believes that their project does not fit into the land use categories for which fees have been calculated, at the discretion of the Public Works Director, the fee can be calculated by multiplying the cost per trip by the number of PM peak hour trips identified in the latest ITE Trip Generation Manual for the land use, adjusted by the applicable trip rate adjustment factors in Table 3.1.

Table 3.4: Existing Inventory Cost per Trip

	Roadways	Traffic Signals
Existing Inventory Replacement Cost	\$631,991,437	\$ 54,900,000
Existing Trip Demand	<u>69,392</u>	<u>69,392</u>
Cost per Trip	\$ 9,108	\$ 791

Sources: Tables 3.2 and 3.3.

Fee Schedules

Table 3.5 shows the maximum justified roadways facilities fee schedule and **Table 3.6** shows the maximum justified traffic signal facilities fee schedule. The City can adopt any fee up to these amounts. The maximum justified fees are based on the costs per trip shown in Table 3.4. The cost per trip is multiplied by the trip demand factors in Table 3.1 to determine a fee per unit of new development. The total fee includes a two percent (2%) administrative charge to fund costs that include: a standard overhead charge applied to all City programs for legal, accounting, and other departmental and administrative support, and fee program administrative costs including revenue collection, revenue, and cost accounting, mandated public reporting, and fee justification analyses.

If an applicant believes that their project does not fit into the land use categories for which fees have been calculated, at the discretion of the Public Works Director, the fee can be calculated by multiplying the costs per trip from Table 3.4 by the number of PM peak hour trips identified in the latest ITE Trip Generation Manual for the land use, adjusted by the applicable trip rate adjustment factors in Table 3.1

In Willdan's experience with impact fee programs, two percent of the base fee adequately covers the cost of fee program administration. The administrative charge should be reviewed and adjusted during comprehensive impact fee updates to ensure that revenue generated from the charge sufficiently covers, but does not exceed, the administrative costs associated with the fee program.

Table 3.5: Maximum Justified Roadway Facilities Impact Fee Schedule

Land Use	A	B	C = A x B	D = C x 0.02	E = C + D	E / 1,000
	Cost Per Trip	Trip Demand Factor	Base Fee ¹	Admin Charge ^{1, 2}	Total Fee ¹	Fee per Sq. Ft.
<i>Residential - per Dwelling Unit</i>						
Less than 500 Square Feet	\$ 9,108	0.72	\$ 6,557	\$ 131	\$ 6,688	
500 – 1,499 Square Feet	9,108	1.08	9,836	197	10,033	
1,500 + Square Feet	9,108	1.29	11,749	235	11,984	
<i>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</i>						
Commercial	\$ 9,108	1.43	\$ 13,024	\$ 260	\$ 13,284	\$ 13.28
Office	9,108	1.82	16,576	332	16,908	16.91
Industrial						
Warehousing	\$ 9,108	0.31	\$ 2,823	\$ 56	\$ 2,879	\$ 2.88
Manufacturing	9,108	1.03	9,381	188	9,569	9.57
Institutional	9,108	0.58	5,282	106	5,388	5.39
Hotel Room	9,108	0.67	6,102	122	6,224	6.22

¹ Fee per dwelling unit, per 1,000 square feet of nonresidential or per hotel room.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 3.1 and 3.4.

Table 3.6: Maximum Justified Traffic Signals Impact Fee Schedule

Land Use	A	B	C = A x B		D = C x 0.02	E = C + D	E / 1,000
	Cost Per Trip	Trip Demand Factor	Base Fee ¹	Admin Charge ^{1, 2}	Total Fee ¹	Fee per Sq. Ft.	
<i>Residential - per Dwelling Unit</i>							
Less than 500 Square Feet	\$ 791	0.72	\$ 570	\$ 11	\$ 581		
500 – 1,499 Square Feet	791	1.08	854	17	871		
1,500 + Square Feet	791	1.29	1,021	20	1,041		
<i>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</i>							
Commercial	\$ 791	1.43	\$ 1,131	\$ 23	\$ 1,154	\$ 1.15	
Office	791	1.82	1,440	29	1,469	1.47	
Industrial							
Warehousing	\$ 791	0.31	\$ 245	\$ 5	\$ 250	\$ 0.25	
Manufacturing	791	1.03	815	16	831	0.83	
Institutional	791	0.58	459	9	468	0.47	
Hotel Room	791	0.67	530	11	541	0.54	

¹ Fee per dwelling unit, per 1,000 square feet of nonresidential or per hotel room.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 3.1 and 3.4.

Mitigation Fee Act Findings

The five statutory findings required for adoption of the roadway and traffic signal facilities fees documented in this chapter are presented below. All statutory references are to the *Mitigation Fee Act*.

Purpose of Fee

- Identify the purpose of the fee (§66001(a)(1) of the Act).

Roadways and traffic signal facilities impact fees are designed to ensure that new development will not burden the existing service population with the cost of facilities required to accommodate growth. The purpose of the fees documented by this report is to provide a funding source from new development for capital improvements to serve that development. The fees advance a legitimate City interest by enabling the City to provide public facilities to new development.

Use of Fee Revenues

- Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).

If enacted by the City, fees documented in this chapter would be used to fund expanded facilities to serve new development. Facilities funded by these fees are designated to be located within the City's existing boundaries. Fees addressed in this chapter have been identified by the City to be restricted to funding roadways and traffic signals.

Benefit Relationship

- *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

The City will restrict fee revenue to the acquisition of land, construction of facilities and infrastructure, and purchase of related equipment, vehicles, and services used to serve new development. Roadways and traffic signals funded by the fees are expected to provide a citywide network of facilities accessible to the additional residents and workers associated with new development. Under *the Act*, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and nonresidential use classifications that will pay the fees.

Burden Relationship

- *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

The need for facilities is based on a facility standard that represents the demand generated by new development for those facilities. For roadways and traffic signals, demand is measured in terms of a cost per trip-- a single facility standard that can be applied across land use types to ensure a reasonable relationship to the type of development. New development will fund roadways and traffic signals at a level of service in terms of facilities cost per trip no greater than that which existing development has funded to date.

Proportionality

- *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the estimated new development growth the project will accommodate. Fees for a specific project are based on the project's size. Larger new development projects can result in higher trip generation resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

4. Public Safety Facilities

The purpose of this fee is to ensure that new development funds its fair share of public safety facilities. A fee schedule is presented based on the existing inventory facilities standard of public safety facilities in the City of Pomona to ensure that new development provides adequate funding to meet its needs.

Service Population

Public Safety facilities serve both residents and businesses. Therefore, demand for services and associated facilities are based on the City's service population including residents and workers.

Table 4.1 shows the existing and future projected service population for public safety facilities. While specific data is not available to estimate the actual ratio of demand per resident to demand by businesses (per worker) for this service, it is reasonable to assume that demand for these services is less for one employee compared to one resident, because nonresidential buildings are typically occupied less intensively than dwelling units. The 0.31-weighting factor for workers is based on a 40-hour workweek divided by the total number of non-work hours in a week (128) and reflects the degree to which nonresidential development yields a lesser demand for public safety facilities. Note that under this approach residents who also work within the City are weighted more heavily than a resident who works elsewhere. This is appropriate as that resident creates demand for public safety services while they are at home and while they are working.

Table 4.1: Public Safety Facilities Service Population

	A Persons	B Weighting Factor	A x B = C Service Population
<i><u>Residents</u></i>			
Existing (2020)	150,830	1.00	150,830
New Development	39,570	1.00	39,570
Total (2040)	190,400		190,400
<i><u>Workers</u></i>			
Existing (2020)	42,462	0.31	13,200
New Development	24,738	0.31	7,700
Total (2040)	67,200		20,900
<i><u>Combined Residents and Weighted Workers</u></i>			
Existing (2020)			164,030
New Development			47,270
Total (2040)			211,300

¹ Workers are weighted at 0.31 of residents based on a 40 hour work week out of a possible 128 non-work hours in a week (40/128 = 0.31)

Sources: Table 2.1; Willdan Financial Services.

Existing Facility Inventory

The City's public safety facilities inventory is comprised of nine fire stations, a fire training tower, the public safety (police) station, traffic bureau and various accessory buildings. The land cost assumption was based on an analysis of recent land sales within the City of Pomona and is consistent with other chapters in the report. The value of buildings is based on the replacement cost for similar facilities provided by other Willdan clients. In total the City owns nearly \$200 million worth of public safety facilities. **Table 4.2** displays the City's existing inventory of public safety facilities.

Table 4.2: Existing Public Safety Facilities Inventory

	Inventory	Unit	Unit Cost	Replacement Cost
<i><u>Public Safety Building</u></i>				
Land	2.39	acres	\$ 982,000	\$ 2,346,980
Building	28,643	sq. ft.	525	<u>15,037,575</u>
Subtotal				\$ 17,384,555
<i><u>Fire Station #181</u></i>				
Land	-	acres	\$ 982,000	\$ -
Building	13,309	sq. ft.	525	<u>6,987,225</u>
Subtotal				\$ 6,987,225
<i><u>Fire Station #182</u></i>				
Land	0.34	acres	\$ 982,000	\$ 333,880
Building	4,512	sq. ft.	525	<u>2,368,800</u>
Subtotal				\$ 2,702,680
<i><u>Fire Station #183</u></i>				
Land	0.60	acres	\$ 982,000	\$ 589,200
Building	3,814	sq. ft.	525	<u>2,002,350</u>
Subtotal				\$ 2,591,550
<i><u>Fire Station #184</u></i>				
Land	0.61	acres	\$ 982,000	\$ 599,020
Building	4,250	sq. ft.	525	<u>2,231,250</u>
Subtotal				\$ 2,830,270
<i><u>Fire Station #185</u></i>				
Land	0.77	acres	\$ 982,000	\$ 756,140
Building	4,827	sq. ft.	525	<u>2,534,175</u>
Subtotal				\$ 3,290,315
<i><u>Fire Station #186</u></i>				
Land	0.47	acres	\$ 982,000	\$ 461,540
Building	5,165	sq. ft.	525	<u>2,711,625</u>
Subtotal				\$ 3,173,165

Sources: City of Pomona; Table 2.3, Willdan Financial Services.

**Table 4.2: Existing Public Safety Facilities Inventory
Continued**

	Inventory	Unit	Unit Cost	Replacement Cost
<u>Fire Station #187 + Fire Training Tower</u>				
Land	6.47	acres	\$ 982,000	\$ 6,353,540
Building	15,480	sq. ft.	525	<u>8,127,000</u>
Subtotal				\$ 14,480,540
<u>Fire Station #188</u>				
Land	0.53	acres	\$ 982,000	\$ 520,460
Building	3,300	sq. ft.	525	<u>1,732,500</u>
Subtotal				\$ 2,252,960
<u>Fire Station #189</u>				
Land	128.60	acres	\$ 982,000	\$ 126,285,200
Building	1,000	sq. ft.	525	<u>525,000</u>
Subtotal				\$ 126,810,200
<u>Evidence Building</u>				
Land	0.31	acres	\$ 982,000	\$ 304,420
Building	5,254	sq. ft.	525	<u>2,758,350</u>
Subtotal				\$ 3,062,770
<u>Pistol Range</u>				
Land	9.76	acres	\$ 982,000	\$ 9,584,320
Building	5,510	sq. ft.	300	<u>1,653,000</u>
Subtotal				\$ 11,237,320
<u>Traffic Bureau¹</u>				
Land	1.23	acres	\$ 982,000	\$ 1,207,860
Building	3,015	sq. ft.	525	<u>1,582,875</u>
Subtotal				\$ 2,790,735
Total Value - Existing Facilities				\$ 199,594,285

¹ Assumes half of facility is used for public safety uses. Total acreage is 2.45 acres. Total building size is 6,030 square feet.

Sources: City of Pomona; Table 2.3, Willdan Financial Services.

Cost Allocation

Table 4.3 shows the calculation of the existing facilities standard per capita for public safety facilities. This cost is calculated by dividing the total existing value of all public safety facilities by the existing service population. The cost per capita is multiplied by the worker weighting factor of 0.31 to determine the cost per worker.

Table 4.3: Public Safety Facilities Existing Standard

Value of Existing Facilities	\$ 199,594,285
Existing Service Population	<u>164,030</u>
Cost per Capita	\$ 1,217
Facility Standard per Resident	\$ 1,217
Facility Standard per Worker ¹	377

¹ Based on a weighing factor of 0.31.

Sources: Tables 4.1 and 4.2.

Fee Revenue Projection

The City plans to use public safety facilities fee revenue to construct improvements and acquire capital facilities and equipment to add to the system of public safety facilities to serve new development. **Table 4.4** details a projection of fee revenue, based on the service population growth increment identified in Table 4.1. The City should program public safety facilities fee revenue to capacity expanding projects annually through its CIP and budget process.

Table 4.4: Revenue Projection - Existing Standard

Cost per Capita	\$ 1,217
Growth in Service Population (2020- 2040)	<u>47,270</u>
Fee Revenue	\$ 57,527,590

Sources: Tables 4.1 and 4.3.

Fee Schedule

Table 4.5 shows the maximum justified public safety facilities fee schedule. The City can adopt any fee up to this amount. The cost per capita is converted to a fee per unit of new development based on dwelling unit and employment densities (persons per dwelling unit or employees per 1,000 square feet of nonresidential building space). The total fee includes a two percent (2.0%) administrative charge to fund costs that include: a standard overhead charge applied to City programs for legal, accounting, and other departmental and administrative support, and fee program administrative costs including revenue collection, revenue and cost accounting and mandated public reporting.

In Willdan's experience with impact fee programs, two percent of the base fee adequately covers the cost of fee program administration. The administrative charge should be reviewed and adjusted during comprehensive impact fee updates to ensure that revenue generated from the charge sufficiently covers, but does not exceed, the administrative costs associated with the fee program.

Table 4.5: Public Safety Facilities Fee - Maximum Justified Fee Schedule

Land Use	A	B	C = A x B		D = C x 0.02	E = C + D	F = E / 1,000
	Cost Per Capita	Density	Base Fee ¹	Admin Charge ^{1, 2}	Total Fee ¹	Fee per Sq. Ft.	
<i>Residential - per Dwelling Unit</i>							
Less than 500 Square Feet	\$ 1,217	2.11	\$ 2,568	\$ 51	\$ 2,619		
500 – 1,499 Square Feet	1,217	3.17	3,858	77	3,935		
1,500 + Square Feet	1,217	3.77	4,588	92	4,680		
<i>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</i>							
Commercial	\$ 377	2.34	\$ 882	\$ 18	\$ 900	\$	0.90
Office	377	2.97	1,120	22	1,142		1.14
Industrial							
Warehousing	\$ 377	0.34	\$ 130	\$ 3	\$ 133	\$	0.13
Manufacturing	377	1.59	600	12	612		0.61
Institutional	377	0.63	238	5	243		0.24
Hotel Room	377	0.58	220	4	224		0.22

¹ Fee per dwelling unit, per 1,000 square feet of nonresidential or per hotel room.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 2.2 and 4.4.

Mitigation Fee Act Findings

The five statutory findings required for adoption of the public safety facilities fees documented in this chapter are presented below. All statutory references are to the *Mitigation Fee Act*.

Purpose of Fee

- Identify the purpose of the fee (§66001(a)(1) of the Act).

Public safety facilities impact fees are designed to ensure that new development will not burden the existing service population with the cost of public safety facilities required to accommodate growth. The purpose of the fees documented by this report is to provide a funding source from new development for capital improvements to serve that development. The fees advance a legitimate City interest by enabling the City to provide public safety facilities to new development.

Use of Fee Revenues

- Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).

Fees documented in this chapter, if enacted by the City, would be used to fund expanded public safety facilities to serve new development. In this context public safety refers to police and fire protection facilities, including but not limited to land, buildings vehicles, apparatus, and equipment. Facilities funded by these fees are designated to be located within the City's existing boundaries.

Benefit Relationship

- *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

The City will restrict fee revenue to the acquisition of land, construction of facilities, buildings and infrastructure, and purchase of related equipment, apparatus, vehicles, and services used to serve new development. Public safety facilities funded by the fees are expected to provide a citywide network of facilities accessible to the additional residents and workers associated with new development. Under *the Act*, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and nonresidential use classifications that will pay the fees.

Burden Relationship

- *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

Facilities need is based on a facility standard that represents the demand generated by new development for those facilities. For public safety facilities service population standards are calculated based upon the number of residents associated with residential development and the number of workers associated with non-residential development. To calculate a single, per capita standard, one worker is weighted less than one resident based on an analysis of the relative use demand between residential and nonresidential development.

Public safety facilities fees are calculated at the existing standard. Under this method new development will fund the expansion of facilities at the same standard currently serving existing development on a cost per capita basis.

Proportionality

- *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the estimated new development growth the project will accommodate. Fees for a specific project are based on the project's size. Larger new development projects can result in a higher service population resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

5. Park and Recreation Facilities

The purpose of the parkland and park facilities impact fee is to fund the park facilities needed to serve new development. The maximum justified impact fee is presented based on the existing standard of park and recreation facilities per capita.

Service Population

Park and recreation facilities in Pomona primarily serve residents. Therefore, demand for services and associated facilities is based on the City's residential population. **Table 5.1** shows the existing and future projected service population for park and recreation facilities.

Table 5.1: Park and Recreation Facilities Service Population

	Residents
Existing (2020)	150,830
Growth (2020 to 2040)	<u>39,570</u>
Total (2040)	190,400

Source: Table 2.1.

Existing Park and Recreation Facilities Inventory

The City of Pomona maintains several park and recreation facilities throughout the city. **Table 5.2** summarizes the City's existing parkland inventory in 2020. All facilities are located within the City limits. In total, the inventory includes a total of 188.48 acres of improved parkland.

Table 5.2: Parkland Inventory

Name	Address	Developed Acres
Centennial Park	242 S. Gibbs St.	0.38
Cesar Chavez Park	2720 Barjud Ave.	1.07
Civic Center Plaza	235 W. 7th St.	0.89
Country Crossings Park (Lower Area)	10 Santa Clara Dr.	6.16
Country Crossings Park (Upper Area)	2 Pala Mesa Dr.	1.21
Esperanza y Alegria Park		0.16
Ganesha Park	1575 N. White Ave.	56.30
Garfield Park	801 E. Holt Ave.	2.56
Hamilton Park	317 N. Hamilton Blvd.	1.05
Jaycee Park	2000 N. San Antonio Ave.	5.30
Kellogg Park	690 Medina St.	2.53
John F. Kennedy Park	1150 Fairplex Dr.	7.82
Kiwanis Park	954 Weber St.	4.58
Lincoln Park	400 E. Lincoln Ave.	3.03
Memorial Park	655 W. 3rd St.	1.51
Martin Luther King, Jr. Park	800 W. Lexington Ave.	5.22
Montvue Park	1555 Cordova St.	3.25
Palomares Park	499 E. Arrow Hwy.	16.70
Phil & Nell Soto Park	1225 N Park Ave.	1.99
Philadelphia Park	700 E. Philadelphia St.	5.26
Phillips Ranch Park	18 B Village Loop Rd.	5.01
Powers Park	600 W. Olive St.	0.73
Ralph Welch Park	1000 Buena Vista St.	8.22
Ted Greene Park	2105 N. Orange Grove Ave.	5.71
Tony Cerda Park	450 W. Grand Ave.	4.58
Washington Park	865 E. Grand Ave.	21.93
Westmont Park	1808 W. 9th St.	6.52
Willie White Park	3065 Battram St.	4.43
Soroptimist Redwood Grove	1000 W. McKinley Ave.	4.22
Garfield Neighborhood Center	563 N. Mountain View Ave.	0.15
Total		188.48

Source: City of Pomona.

Parkland and Park Facilities Unit Costs

Table 5.3 displays the unit costs necessary to develop parkland in Pomona. The land cost assumption was based on an analysis of recent land sales within the City of Pomona and is consistent with other chapters in the report. An estimate of \$1,405,000 per acre for standard parkland improvements is based on the City's recent experience improving Phil & Nell Soto Park. Note that this estimate of improvement costs is conservative, as this park is a passive park. Parks with a greater level of amenities will cost more per acre than Phil & Nell Soto Park. In total, it costs approximately \$2.4 million to acquire and improve an acre of parkland in Pomona.

Table 5.3: Park Facilities Unit Costs

	Cost Per Acre	Share of Total Costs
Standard Park Improvements ¹	\$ 1,405,000	59%
Land Acquisition	<u>982,000</u>	<u>41%</u>
Total Cost per Acre	\$ 2,387,000	100%

¹ Improvement cost per acre based on the cost of Phil & Nell Soto Park.

Sources: City of Pomona; Table 2.3, Willdan Financial Services.

Park Facility Standards

Park facility standards establish a reasonable relationship between new development and the need for expanded park facilities. Information regarding the City's existing inventory of existing parks facilities was obtained from City staff.

The most common measure in calculating new development's demand for parks is the ratio of park acres per resident. In general, facility standards may be based on a jurisdiction's existing inventory of park facilities, or an adopted policy standard contained in a master facility plan or general plan. Facility standards may also be based on a land dedication standard established by the *Quimby Act*.¹

Quimby Act Standard

The *Quimby Act* specifies that the dedication requirement must be a minimum of 3.0 acres and a maximum of 5.0 acres per 1,000 residents. A jurisdiction can require residential developers to dedicate above the three-acre minimum if the jurisdiction's existing park standard at the time it adopted its *Quimby Act* ordinance justifies the higher level (up to five acres per 1,000 residents). The standard used must also conform to the jurisdiction's adopted general or specific plan standards.

The *Quimby Act* only applies to land subdivisions. The *Quimby Act* would not apply to residential development on future approved projects on single parcels, such as apartment complexes and other multifamily development.

The *Quimby Act* allows payment of a fee in lieu of land dedication. The fee is calculated to fund acquisition of the same amount of land that would have been dedicated.

The *Quimby Act* allows use of in-lieu fee revenue for any park or recreation facility purpose. Allowable uses of this revenue include land acquisition, park improvements including recreation facilities, and rehabilitation of existing park and recreation facilities. The *Quimby Act* generally requires that fees be used for neighborhood and community park acreage to serve the subdivision, except in limited circumstances.

City of Pomona Park Facilities Standards

Table 5.4 shows the existing standard for improved park acreage per 1,000 residents based on the type of parkland. In total the City has an existing parkland standard of 1.25 acres per 1,000 residents. The fee analysis in this report will be based on maintaining a 1.25 acre per 1,000 service population standard as new development adds demand for parks in Pomona. Fees for subdivisions are calculated at the minimum *Quimby* standard of 3.0 acres per 1,000 residents.

¹ California Government Code §66477.

Table 5.4: Parkland Standards

Developed Park Acreage	188.48
Service Population (2020)	<u>150,830</u>
Existing Standard (Acres per 1,000 Residents)	1.25
Quimby Act Standard (Acres per 1,000 Residents)	3.00

Sources: Tables 1 and 2.

Facilities Needed to Accommodate New Development

Table 5.5 shows the park facilities needed to accommodate new development at the existing standard. To achieve the standard by the planning horizon, depending on the amount of development subject to the Quimby Act, new development must fund the purchase and improvement of between 49.46 and 118.71 parkland acres, at a total cost ranging between \$118.1 and \$186.1 million.

The facility standards and resulting fees under the Quimby Act are higher because development will be charged to provide 3.0 acres of parkland per 1,000 residents, and 1.25 acres of improvements, whereas development not subject to the Quimby Act will be charged to provide only 1.25 acres of parkland per 1,000 residents, and 1.25 acres of improvements. Since the exact amount of development that will be subject to the Quimby fees is unknown at this time, Table 5.5 presents the range of total facility costs that may be incurred depending on the amount of development subject to the Quimby Act.

Table 5.5: Park Facilities to Accommodate New Development

	Calculation	Parkland	Improvements	Total Range ¹
<i>Parkland (Quimby Act), Improvements (Mitigation Fee Act)</i> ²				
Facility Standard (acres/1,000 capita)	A	3.00	1.25	
Service Population Growth (2020 to 2040)	B	39,570	39,570	
Facility Needs (acres)	$C = A \times B/1000$	118.71	49.46	
Average Unit Cost (per acre)	D	\$ 982,000	\$ 1,405,000	
Total Cost of Facilities	$E = C \times D$	\$ 116,573,000	\$ 69,491,000	\$ 186,064,000
<i>Parkland and Improvements - Mitigation Fee Act</i> ³				
Facility Standard (acres/1,000 capita)	A	1.25	1.25	
Service Population Growth (2020 to 2040)	B	39,570	39,570	
Facility Needs (acres)	$C = A \times B/1000$	49.46	49.46	
Average Unit Cost (per acre)	D	\$ 982,000	\$ 1,405,000	
Total Cost of Facilities	$E = C \times D$	\$ 48,570,000	\$ 69,491,000	\$ 118,061,000

Note: Totals have been rounded to the thousands.

¹ Values in this column show the range of the cost of parkland acquisition and development should all development be either subject to the Quimby Act, or to the Mitigation Fee Act, respectively.

² Cost of parkland to serve new development shown if all development is subject to the Quimby Act (Subdivisions of 50 units or more). Parkland charged at 3.0 acres per 1,000 residents; improvements charged at the existing standard.

³ Cost of parkland to serve new development shown if all development is subject to the Mitigation Fee Act. Parkland and improvements are charged at the existing standard.

Sources: Tables 5.1, 5.3 and 5.4.

Parks and Recreation Facilities Cost per Capita

Table 5.6 shows the cost per capita of providing new park facilities at the Quimby standard, and the existing facility standard. The cost per capita is shown separately for land and improvements. The costs per capita in this table will serve as the basis of three fees:

- A Quimby Act Fee in-lieu of land dedication. This fee is payable by residential development occurring in subdivisions.
- A Mitigation Fee Act Fee for land acquisition. This fee is payable by residential development not occurring in subdivisions.
- A Mitigation Fee Act Fee for parkland improvements. This fee is payable by all residential development.

A development project pays either the Quimby Act Fee in-lieu of land dedication, or the Mitigation Fee Act Fee for land acquisition, not both. All development projects pay the Mitigation Fee Act Fee for park improvements.

Table 5.6: Park Facilities Investment Per Capita

	Calculation	<i>Land</i>		<i>Improvements</i>	
		Quimby Fee	OR Impact Fee	AND	Impact Fee
Parkland Investment (per acre)	A	\$ 982,000	\$ 982,000		\$ 1,405,000
Existing Standard (acres per 1,000 capita)	B	3.00	1.25		1.25
Total Cost Per 1,000 capita	$C = A \times B$	\$ 2,946,000	\$ 1,227,500		\$ 1,756,300
Cost Per Resident	$D = C / 1,000$	\$ 2,946	\$ 1,228		\$ 1,756

Sources: Tables 5.3 and 5.4.

Use of Fee Revenue

The City plans to use park and recreation facilities fee revenue to purchase parkland and construct improvements to add to the system of park facilities that serves new development. The City may only use impact fee revenue to provide facilities and intensify usage of existing facilities needed to serve new development. The City should program public safety facilities fee revenue to capacity expanding projects annually through its CIP and budget process.

Fee Schedule

To calculate fees by land use type, the investment in park facilities is determined on a per resident basis for both land acquisition and improvement. This investment factor (shown in Table 5.7) is the investment per capita based on the unit cost estimates and facility standards.

Table 5.7 shows the maximum justified park and recreation facilities fee based on the policy standard of 3.0 acres per capita under the Quimby Act and under the existing park standard under the Mitigation Fee Act, respectively. The investment per capita is converted to a fee per dwelling unit using the occupancy density factors from Table 2.2. The total fee includes an administrative charge to fund costs that include: (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue, and cost accounting, mandated public reporting, and fee justification analyses.

In Willdan's experience with impact fee programs, two percent of the base fee adequately covers the cost of fee program administration. The administrative charge should be reviewed and adjusted during comprehensive impact fee updates to ensure that revenue generated from the charge sufficiently covers, but does not exceed, the administrative costs associated with the fee program.

Table 5.7: Park Facilities Impact Fee Schedule

Land Use	A	B	C = A x B	D = C x 0.02	E = C + D
	Cost Per Capita	Density	Base Fee	Admin Costs ¹	Total Fee
Park Facilities Impact Fee Schedule - Quimby Act					
<u>Less than 500 Square Feet</u>					
Land Acquisition	\$ 2,946	2.11	\$ 6,216	\$ 124	\$ 6,340
Improvements	<u>1,756</u>	2.11	<u>3,705</u>	<u>74</u>	<u>3,779</u>
Total	\$ 4,702		\$ 9,921	\$ 198	\$ 10,119
<u>500 – 1,499 Square Feet</u>					
Land Acquisition	\$ 2,946	3.17	\$ 9,339	\$ 187	\$ 9,526
Improvements	<u>1,756</u>	3.17	<u>5,567</u>	<u>111</u>	<u>5,678</u>
Total	\$ 4,702		\$ 14,906	\$ 298	\$ 15,204
<u>1,500 + Square Feet</u>					
Land Acquisition	\$ 2,946	3.77	\$ 11,106	\$ 222	\$ 11,328
Improvements	<u>1,756</u>	3.77	<u>6,620</u>	<u>132</u>	<u>6,752</u>
Total	\$ 4,702		\$ 17,726	\$ 354	\$ 18,080
Park Facilities Impact Fee Schedule - Mitigation Fee Act					
<u>Less than 500 Square Feet</u>					
Land Acquisition	\$ 1,228	2.11	\$ 2,591	\$ 52	\$ 2,643
Improvements	<u>1,756</u>	2.11	<u>3,705</u>	<u>74</u>	<u>3,779</u>
Total	\$ 2,984		\$ 6,296	\$ 126	\$ 6,422
<u>500 – 1,499 Square Feet</u>					
Land Acquisition	\$ 1,228	3.17	\$ 3,893	\$ 78	\$ 3,971
Improvements	<u>1,756</u>	3.17	<u>5,567</u>	<u>111</u>	<u>5,678</u>
Total	\$ 2,984		\$ 9,460	\$ 189	\$ 9,649
<u>1,500 + Square Feet</u>					
Land Acquisition	\$ 1,228	3.77	\$ 4,630	\$ 93	\$ 4,723
Improvements	<u>1,756</u>	3.77	<u>6,620</u>	<u>132</u>	<u>6,752</u>
Total	\$ 2,984		\$ 11,250	\$ 225	\$ 11,475

¹ Administrative costs of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 2.2 and 5.6, Willdan Financial Services.

Mitigation Fee Act Findings

The five statutory findings required for adoption of the parks and recreation facilities fees documented in this chapter are presented below. All statutory references are to the *Mitigation Fee Act*.

Purpose of Fee

- *Identify the purpose of the fee (§66001(a)(1) of the Act).*

Parks and recreation facilities impact fees are designed to ensure that new development will not burden the existing service population with the cost of parks and recreation facilities required to accommodate growth. The purpose of the fees documented by this report is to provide a funding source from new development for capital improvements to serve that development. The fees advance a legitimate City interest by enabling the City to provide parks and recreation facilities to new development.

Use of Fee Revenues

- *Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).*

Fees documented in this chapter, if enacted by the City, would be used to fund expanded parks and recreation facilities to serve new development. This includes, but is not limited to park land acquisition, park improvements, park amenities and other recreation facilities. Facilities funded by these fees are designated to be located within the City's existing boundaries.

Benefit Relationship

- *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

The City will restrict fee revenue to the acquisition of land, construction of facilities, buildings and park amenities, and purchase of related equipment, apparatus, vehicles, and services used to serve new development. Park and recreation facilities funded by the fees are expected to provide a citywide network of facilities accessible to the additional residents associated with new development. Under *the Act*, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and nonresidential use classifications that will pay the fees.

Burden Relationship

- *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

Facilities need is based on a facility standard that represents the demand generated by new development for those facilities. For parks and recreation facilities service population standards are calculated based upon the number of residents associated with residential development.

Parks and recreation facilities fees are calculated at the existing standard, in terms of existing park acres per 1,000 residents. Under this method new development will fund the expansion of facilities at the same standard currently serving existing development on a cost per resident basis.

Proportionality

- *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the estimated new development growth the project will accommodate. Fees for a specific project are based on the project's size. Larger new development projects can result in a higher residential population resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

6. Storm Drain Facilities

This chapter summarizes an analysis of the need for storm drain facilities to accommodate growth within the City of Pomona. This projects and associated costs in this chapter were identified in the City's most recent Capital Improvement Plan (CIP). This chapter documents a reasonable relationship between new development and a storm drain fee to fund storm drain facilities that serve new development.

Storm Drain Demand

Most new development generates storm water runoff that must be controlled through storm drain facilities by increasing the amount of land that is impervious to precipitation. **Table 6.1** shows the calculation of equivalent dwelling unit (EDU) demand factors based on impervious surface coefficient by land use category. The impervious surface coefficients are based on from California Environmental Protection Agency data. EDU factors relate demand for storm drain facilities in terms of the demand created by a single-family dwelling unit. Note that no distinction is made between warehousing and manufacturing industrial land uses. It is assumed that warehousing and manufacturing land uses generate similar amounts of impervious surface.

Table 6.1: Storm Drain Facilities Equivalent Dwelling Units

	A	B	$C = (43,560 / A) \times B$	$D = C / \text{Single Family}$
	DU, 1,000 Sq. Ft. or Hotel Rooms per acre ¹	Average Percent Impervious per Acre	Impervious Square feet per DU, 1,000 Sq. Ft. or Hotel Room	Equivalent Dwelling Unit (EDU) ²
<i>Residential - per Dwelling Unit³</i>				
Single Family	20.00	70%	1,525	1.00
Multifamily	40.00	81%	882	0.58
<i>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</i>				
Commercial	13.07	86%	2,867	1.88
Office	10.89	85%	3,400	2.23
Industrial	8.71	81%	4,050	2.66
Institutional	10.89	44%	1,760	1.15
Hotel Room	30.00	86%	1,249	0.82

¹ Dwelling units for residential and thousand building square feet for non-residential. Nonresidential densities are based on floor-area-ratios of 0.3 for commercial, 0.25 for office and institutional, and 0.20 for industrial.

² EDUs per dwelling unit for residential development and per thousand square feet for nonresidential

³ Impervious surface factors for single family and multifamily units are used to estimate existing and future storm drain EDUs in Table 6.2 because estimates of existing and future development were not available by dwelling unit square footage.

Sources: User's Guide for the California Impervious Surface Coefficients, Office of Environmental Health Hazard Assessment California Environmental Protection Agency; Willdan Financial Services.

EDU Generation by New Development

Table 6.2 shows the estimated EDU generation from new development through 2040. New development will generate approximately 39,674 new EDUs, representing 30.5 percent of total storm drain demand in 2040.

Table 6.2: Storm Drain Facilities Equivalent Dwelling Units

Land Use	EDU Factor	2020		Growth 2020 to 2040		Total - 2040	
		Units / 1,000 SF	EDUs	Units / 1,000 SF	EDUs	Units / 1,000 SF	EDUs
<i>Residential - per Dwelling Unit</i>							
Single Family	1.00	28,306	28,306	6,280	6,280	34,586	34,586
Multifamily	0.58	13,516	7,839	2,998	1,739	16,514	9,578
Subtotal		41,822	36,145	9,278	8,019	51,100	44,164
<i>Nonresidential - per 1,000 Sq. Ft.</i>							
Commercial	1.88	7,076	13,302	4,122	7,750	11,198	21,052
Office	2.23	5,085	11,338	2,962	6,606	8,047	17,944
Industrial	2.66	11,163	29,694	6,503	17,299	17,666	46,993
Subtotal		23,323	54,334	13,588	31,655	36,911	85,989
Total			90,479		39,674		130,153
			69.5%		30.5%		100%

Sources: Tables 2.1 and 6.1.

Planned Facilities

Table 6.3 identifies the planned storm drain facilities to be funded by the fee. The new storm drain facilities were all identified in the City's 2020-21 CIP. Since drainage projects will benefit both existing development and new development, capacity expanding projects are allocated to new development based on new development's share of storm drain demand at the planning horizon. Projects that do not expand capacity are not allocated to the impact fee.

Table 6.3: Storm Drain Capital Improvements

Project Name	Total Project Cost	Allocation to New Development	Cost Allocated to New Development
Alley Drainage Improvements - Acacia Street	\$ 517,327	30.5%	\$ 157,785
Catch Basin - Mission Boulevard (at Phillips Drive)	202,540	30.5%	61,775
City Facilities Drainage Upgrade	50,000	30.5%	15,250
Storm Drain - East End Avenue (Mission Blvd to San Antonio Wash)	1,500,000	30.5%	457,500
Storm Drain Facility and Pavement Reconstruction - Lincoln Ave & Como Dr	125,000	0.0%	-
Storm Drain Facility - Mission Boulevard and Reservoir Street	150,000	30.5%	45,750
Storm Drain Facility - Paige Drive (N/O Sunset Dr)	175,000	30.5%	53,375
Storm Drain Facility Reconstruction - 515 E. McKinley Avenue	125,000	0.0%	-
Storm Drain Facility Reconstruction - Palomares Street and First Street	170,000	0.0%	-
Storm Drain Facility Upgrade - 1234 W. Eighth Street	175,000	30.5%	53,375
Storm Drain Improvements - 1257 Colfax Court	100,000	30.5%	30,500
Storm Drain Improvements - Densmore Street and Alvarado Street	115,000	30.5%	35,075
Storm Drain Improvements - Holt Avenue and Fairplex Drive (N/W Corner)	1,400,000	30.5%	427,000
Storm Drain Improvements - Pavilion Drive and Breon Street	150,000	30.5%	45,750
Storm Drain Inlet Full Capture Trash Devices	-	30.5%	-
Storm Drains - Regional Basins	3,140,000	30.5%	957,700
Storm Drain Study and Improv - Jefferson/Eleanor & McKinley/Palomares	1,500,000	30.5%	457,500
Storm Water Lift Stations Rehabilitation	-	0.0%	-
Total	\$ 9,594,867		\$ 2,798,334

Sources: City of Pomona 2020-21 Adopted Budget, CIP, Table 6.2, Willdan Financial Services.

Cost per Equivalent Dwelling Unit

This chapter uses the planned facilities approach to calculate the storm drain facilities cost standard. The cost of planned facilities allocated to new development is divided by the growth in EDUs to determine a cost standard per EDU. **Table 6.4** shows the facility cost standard for storm drain facilities.

Table 6.4: Cost per Equivalent Dwelling Unit

Project Costs Allocated to New Development	\$ 2,798,334
Growth in EDUs	<u>39,674</u>
Cost per EDU	\$ 71

Sources: Tables 6.2 and 6.3.

Fee Schedule

The maximum justified fee for storm drain facilities is shown in **Table 6.5**. The City can adopt any fee up to this amount. The cost per EDU from Table 6.4 is converted to a fee per unit of new development based on the EDU factors shown in Table 6.1. The total fee includes a two percent (2.0%) administrative charge to fund costs that include: a standard overhead charge applied to all City programs for legal, accounting, and other departmental and administrative support, and fee program administrative costs including revenue collection, revenue and cost accounting and mandated public reporting.

In Willdan's experience with impact fee programs, two percent of the base fee adequately covers the cost of fee program administration. The administrative charge should be reviewed and

adjusted during comprehensive impact fee updates to ensure that revenue generated from the charge sufficiently covers, but does not exceed, the administrative costs associated with the fee program.

Table 6.5: Storm Drain Facilities Impact Fee Schedule

	A	B	C = A x B	D = C x 0.02	E = C + D	F = E / 1,000
	Cost Per	EDU	Base	Admin	Total	Fee per
	EDU	EDU	Fee ¹	Fee ^{1,2}	Fee ¹	Sq. Ft.
<i>Residential - per Dwelling Unit</i>						
Single Family	\$ 71	1.00	\$ 71	\$ 1	\$ 72	
Multifamily	71	0.58	41	1	42	
<i>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</i>						
Commercial	\$ 71	1.88	\$ 133	\$ 3	\$ 136	\$ 0.14
Office	71	2.23	158	3	161	0.16
Industrial (Warehousing or Manufacturing)	71	2.66	189	4	193	0.19
Institutional	71	1.15	82	2	84	0.08
Hotel Room	71	0.82	58	1	59	0.06

¹ Fee per dwelling unit, per 1,000 square feet of nonresidential building space or hotel room.

²Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analysis.

Sources: Tables 6.1 and 6.4.

Mitigation Fee Act Findings

The five statutory findings required for adoption of the storm drain facilities fees documented in this chapter are presented below. All statutory references are to the *Mitigation Fee Act*.

Purpose of Fee

- Identify the purpose of the fee (§66001(a)(1) of the Act).

Storm drain facilities impact fees are designed to ensure that new development will not burden the existing service population with the cost of storm drain facilities required to accommodate growth. The purpose of the fees documented by this report is to provide a funding source from new development for capital improvements to serve that development. The fees advance a legitimate City interest by enabling the City to provide storm drain facilities to new development.

Use of Fee Revenues

- Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).

Fees documented in this chapter, if enacted by the City, would be used to fund expanded storm drain facilities to serve new development. This includes any infrastructure and facilities needed to

collect, convey, and store stormwater runoff. Facilities funded by these fees are designated to be located within the City's existing boundaries.

Benefit Relationship

- *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

The City will restrict fee revenue to the acquisition of right of way, construction of facilities and infrastructure, and purchase of related equipment, apparatus, vehicles, and services used to serve new development. Storm drain facilities funded by the fees are expected to provide a citywide network of facilities that serves the new development. Under *the Act*, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and nonresidential use classifications that will pay the fees.

Burden Relationship

- *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

Facilities need is based on a facility standard that represents the demand generated by new development for those facilities. For storm drain facilities costs are allocated to new development based on the amount of impervious surface generated by each land use type.

Storm drain facilities fees are calculated at the planned facilities standard, where a share of projects that benefit new development has been allocated to the impact fee. Under this method new development will fund a portion of applicable costs, and the City must fund existing development's share of the identified improvements using a funding source other than impact fees.

Proportionality

- *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the impervious surface generated by that development project. Fees for a specific project are based on the project's size. Larger new development projects can generate more impervious surface, which then produces more runoff that must be managed by City facilities, resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

7. Potable and Recycled Water Facilities

This chapter documents a reasonable relationship between new development and a potable water and recycled water facilities capacity charges to fund facilities that serve new development. It uses a buy-in approach to allocating the cost of excess capacity in the water and recycled water systems to new development.

Current Water System Asset Valuation

In this case, Replacement New Cost Less Depreciation (RCNLD) is the appropriate method to determine the current value of the water systems. RCNLD is a commonly used method, and it is often preferred to alternative methods such as Original Cost Less Depreciation (OCLD), Original Cost (OC), and Replacement Cost (RC) because of its better reflection of the system's value in today dollars. Unless the systems that have depreciated significantly due to lack of replacement and repair, RCNLD is more defensible because the replacement cost is inflation-adjusted to recover the cost of replacing that capacity in current dollars. RCNLD also accounts for depreciation and consequently address the fact that the system reflects its current condition.

The City provided original cost records for the fixed assets of the utility systems as of fiscal year-end 2020 (June 30, 2020). The City's asset inventory also identified the current depreciation for every asset. Original costs were adjusted to replacement cost new using the Construction Cost Index (CCI). Replacement cost new is the estimated expected cost of a similar facility constructed today. The Construction Cost Index is based on an average of costs among 20 cities and is published by the Engineering News Record.

Table 7.1 summarizes the City's current water and recycled water system asset valuations.

Table 7.1: Current Water System Asset Valuation

	Original Cost	Replacement Cost New	Accumulated Depreciation	Replacement Cost New Less Depreciation
<i>Potable Water Component</i>				
Land	\$ 6,157,278	\$ 6,157,278	\$ -	\$ 6,157,278
Treatment	23,120,314	36,588,322	6,005,888	30,582,434
Reservoirs	29,226,257	90,977,984	13,332,361	77,645,624
Potable Water Lines	59,056,467	267,823,881	36,340,033	231,483,848
Wells	13,511,427	28,599,416	2,639,642	25,959,774
Booster Pumps	2,442,143	7,001,412	911,030	6,090,381
Treatment equipment	1,943,361	3,404,085	1,895,566	1,508,518
Meters	630,940	1,044,222	617,246	426,976
Total	\$ 136,088,187	\$ 441,596,599	\$ 61,741,767	\$ 379,854,833
<i>Recycled Water Component</i>				
Reclaimed Well	\$ 37,372	\$ 731,647	\$ 33,390	\$ 698,257
Reclaimed Pumping	504,920	1,083,516	130,419	953,098
Reclaimed Transmission	1,315,102	4,838,379	684,679	4,153,700
Reclaimed Meter	14,295	39,623	14,295	25,328
Reclaimed Reservoir	698,873	2,173,459	402,752	1,770,707
Total	\$ 2,570,562	\$ 8,866,624	\$ 1,265,534	\$ 7,601,091
Grand Total	\$ 138,658,749	\$ 450,463,224	\$ 63,007,300	\$ 387,455,923

Sources: Pomona Adjusted Depreciation Schedule - June 30, 2020; ENR Construction Cost Index; Willdan Financial Services.

Adjusted System Valuation

The City's water enterprise has \$80.5 million in outstanding debt principal. This amount represents debt that ratepayers will pay back through monthly service charges on an ongoing basis, so this amount is subtracted from total asset value in calculating the total to be recovered as a buy-in component. Subtracting the outstanding debt principal from the current asset valuation yields the total adjusted system value. This calculation is shown below in **Table 7.2**.

Table 7.2: Adjusted System Valuation Calculation

Water Asset Valuation	\$ 379,854,833
<i>Outstanding Debt Principal</i>	
Series BE	\$ 32,355,000
Series BF	48,160,000
Total - Principal	\$ 80,515,000
Net Valuation	\$ 299,339,833

Sources: City of Pomona; Table 7.1, Willdan Financial Services.

Fee per Gallon per Day

Every impact fee consists of a dollar amount, representing the value of facilities, divided by a measure of demand. In this case, buy-in fees are first calculated as the adjusted system value per gallon per day (GPD). Then these amounts are translated into fees per housing unit (fee per unit) and employment space (fee per 1,000 square feet or hotel room) by multiplying the cost per GPD by the flow generation rate for each land use category. These amounts become the fee schedule.

The calculation of the buy-in fee per GPD for potable water facilities and recycled water facilities, respectively, is shown in **Table 7.3**. The City provided the potable water system's production capacity, and the recycled water system's availability capacity, which are 17.4 million and 3.7 million gallons per day, respectively. City staff confirmed that the water and recycled water systems have sufficient capacity to accommodate new development within the planning horizon. The adjusted system value divided by the total capacity of each system yields the facilities impact fee per gallon per day of \$17.22, for potable water facilities and \$2.05 for recycled water facilities.

Table 7.3: Buy-in Fee per GPD

<u>Potable Water Component</u>	
Total Adjusted System Value	\$ 299,339,833
System Production Capacity (Gallons per Day)	<u>17,379,000</u>
Fee per GPD	\$ 17.22
<u>Recycled Water Component</u>	
Total System Value	\$ 7,601,091
System Availability Capacity (Gallons per Day)	<u>3,700,000</u>
Fee per GPD	\$ 2.05

Sources: City of Pomona; Table 7.2, Willdan Financial Services.

Fee Schedule

The maximum justified fee for potable water facilities is shown in **Table 7.4**. The fee per GPD is converted to a fee per unit of new development based on the GPD flow generation factors provided by the City and also shown in Table 7.4. To determine the average residential usage per capita, which was then used to develop the flow factors for the three types of residential dwelling units included in the fee schedule, billing for all single family residential customers were collected and averaged. The average usage for a 61-day billing cycle was determined to be 2,300 cubic feet of water (748 gallons per hundred cubic feet) per billing cycle. Assuming an average population per residential household is 3.64 persons, the average gallons per capita daily usage is 77.5 gallons.²

The total fee includes an administrative charge to fund costs that include: (1) a standard overhead charge applied to all City programs for legal, accounting, and other departmental and citywide administrative support, (2) capital planning, programming, project management costs

² The average residents per single family dwelling unit in Pomona is 3.64 residents, as calculated from 2019 American Community Survey data.

associated with the share of projects funded by the facilities fee, and (3) fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Note that for recycled water facilities, the City will calculate the impact fee on a case-by-case basis using the \$2.05 per GPD fee identified in Table 7.3 using each project's estimate of irrigation water demands required as a part of its development application. Project's that do not have separate irrigation needs will not be charged the recycled water facilities impact fee.

Table 7.4: Maximum Justified Water Connection Impact Fee Schedule

	A	B	C = A x B	D = C x 0.02	E = C + D	E / 1,000
	Cost Per	GPD	Base	Admin	Total Fee ¹	Fee per
	GPD	GPD	Fee ¹	Charge ^{1, 2}		Sq. Ft.
Potable Water Component						
<u>Residential - per Dwelling Unit³</u>						
Less than 500 Square Feet	\$ 17.22	164	\$ 2,824	\$ 56	\$ 2,880	
500 – 1,499 Square Feet	17.22	246	4,236	85	4,321	
1,500 + Square Feet	17.22	292	5,028	101	5,129	
<u>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</u>						
Commercial	\$ 17.22	23	\$ 396	\$ 8	\$ 404	\$ 0.40
Office	17.22	100	1,722	34	1,756	1.76
Industrial						
Warehousing	\$ 17.22	10	\$ 172	\$ 3	\$ 175	\$ 0.18
Manufacturing	17.22	50	861	17	878	0.88
Institutional	17.22	185	3,186	64	3,250	3.25
Hotel Room	17.22	100	1,722	34	1,756	1.76

Note: GPD = Gallons per Day.

¹ Fee per dwelling unit, per 1,000 square feet of nonresidential building space or per hotel room.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

³ Assumes 77.5 gallons per capita per day multiplied by the occupancy density factors from Table 2.2.

Sources: City of Pomona; Tables 2.2 and 7.3, Willdan Financial Services.

8. Sewer Facilities

This chapter documents a reasonable relationship between new development and a sewer capacity charge to fund sewer facilities that serve new development. It uses a buy-in approach to allocating the cost of excess capacity in the system to new development.

Current Sewer System Asset Valuation

In this case, Replacement New Cost Less Depreciation (RCNLD) is the appropriate method to determine the current value of the sewer systems. RCNLD is a commonly used method, and it is often preferred to alternative methods such as Original Cost Less Depreciation (OCLD), Original Cost (OC), and Replacement Cost (RC) because of its better reflection of the system's value in today dollars. Unless the systems that have depreciated significantly due to lack of replacement and repair, RCNLD is more defensible because the replacement cost is inflation-adjusted to recover the cost of replacing that capacity in current dollars. RCNLD also accounts for depreciation and consequently address the fact that the system reflects its current condition.

The City provided original cost records for the fixed assets of the utility systems as of fiscal year-end 2020 (June 30, 2020). The City's asset inventory also identified the current depreciation for every asset. Original costs were adjusted to replacement cost new using the Construction Cost Index (CCI). Replacement cost new is the estimated expected cost of a similar facility constructed today. The Construction Cost Index is based on an average of costs among 20 cities and is published by the Engineering News Record.

Table 8.1 summarizes the City's current sewer system asset valuation.

Table 8.1: Current Sewer System Asset Valuation

	Original Cost	Replacement Cost New	Accumulated Depreciation	Replacement Cost New Less Depreciation
<i><u>Sewer Facilities</u></i>				
Land	\$ 228,184	\$ 228,184	\$ -	\$ 228,184
Transmission	<u>49,556,862</u>	<u>236,626,852</u>	<u>23,168,877</u>	<u>213,457,975</u>
Total	\$ 49,785,046	\$ 236,855,036	\$ 23,168,877	\$ 213,686,159

Sources: Pomona Adjusted Depreciation Schedule - June 30, 2020; ENR Construction Cost Index; Willdan Financial Services.

Adjusted System Valuation

The City's sewer enterprise has nearly \$24 million in outstanding debt principal. This amount represents debt that ratepayers will pay back through monthly service charges on an ongoing basis, so this amount is subtracted from total asset value in calculating the total to be recovered as a buy-in component. Subtracting the outstanding debt principal from the current asset valuation yields the total adjusted system value. This calculation is shown below in Table 8.2.

Table 8.2: Adjusted System Valuation Calculation

Asset Valuation	\$ 213,686,159
<i>Outstanding Debt Principal</i>	
Series BB	\$ 8,425,000
Series BD	2,830,000
Series BH	12,740,000
Total	\$ 23,995,000
Net Valuation	\$ 189,691,159

Sources: City of Pomona; Table 8.1, Willdan Financial Services.

Fee per Gallon per Day

Every impact fee consists of a dollar amount, representing the value of facilities, divided by a measure of demand. In this case, buy-in fees are first calculated as the adjusted system value per gallon per day (GPD). Then these amounts are translated into fees per housing unit (fee per unit) and employment space (fee per 1,000 square feet or hotel room) by multiplying the cost per GPD by the flow generation rate for each land use category. These amounts become the fee schedule.

The calculation of the buy-in fee per GPD for sewer facilities is shown in **Table 8.3**. The City provided the sewer system's production capacity, which is 11 million gallons per day. City staff confirmed that the sewer system has sufficient capacity to accommodate new development within the planning horizon. The adjusted system value divided by the total capacity of the system yields the facilities impact fee per gallon per day of \$17.24 for sewer facilities.

Table 8.3: Fee per GPD

Total Adjusted System Value	\$ 189,691,159
System Flow Capacity (Gallons per Day)	11,000,000
Fee per GPD	\$ 17.24

Sources: City of Pomona; Table 8.2, Willdan Financial Services.

Fee Schedule

The maximum justified fee for sewer facilities is shown in **Table 8.4**. The fee per GPD is converted to a fee per unit of new development based on the GPD flow generation factors provided by the City and also shown in Table 8.4. The total fee includes an administrative charge to fund costs that include: (1) a standard overhead charge applied to all City programs for legal, accounting, and other departmental and citywide administrative support, (2) capital planning, programming, project management costs associated with the share of projects funded by the facilities fee, and (3) fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Table 8.4: Maximum Justified Sewer Connection Impact Fee

	A Cost Per GPD	B GPD	C = A x B Base Fee ¹	D = C x 0.02 Admin Charge ^{1,2}	E = C + D Total Fee ¹	E / 1,000 Fee per Sq. Ft.
<i>Residential - per Dwelling Unit³</i>						
Less than 500 Square Feet	\$ 17.24	164	\$ 2,827	\$ 57	\$ 2,884	
500 – 1,499 Square Feet	17.24	246	4,241	85	4,326	
1,500 + Square Feet	17.24	292	5,034	101	5,135	
<i>Nonresidential - per 1,000 Sq. Ft. or Hotel Room</i>						
Commercial	\$ 17.24	23	\$ 397	\$ 8	\$ 405	\$ 0.41
Office	17.24	100	1,724	34	1,758	1.76
Industrial						
Warehousing	\$ 17.24	10	\$ 172	\$ 3	\$ 175	\$ 0.18
Manufacturing	17.24	50	862	17	879	0.88
Institutional	17.24	185	3,189	64	3,253	3.25
Hotel Room	17.24	100	1,724	34	1,758	1.76

Note: GPD = Gallons per Day.

¹ Fee per dwelling unit, per 1,000 square feet of nonresidential building space or per hotel room.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

³ Assumes 77.5 gallons per capita per day multiplied by the occupancy density factors from Table 2.2.

Sources: City of Pomona; Tables 2.2 and 8.3, Willdan Financial Services.

9. Implementation

Impact Fee Program Adoption Process

Impact fee program adoption procedures are found in the *California Government Code* section 66016. Adoption of an impact fee program requires the City Council to follow certain procedures including holding a public hearing. Data, such as an impact fee report, must be made available at least 10 days prior to the public hearing. The City's legal counsel should be consulted for any other procedural requirements as well as advice regarding adoption of an enabling ordinance and/or a resolution. After adoption there is a mandatory 60-day waiting period before the fees go into effect.

Inflation Adjustment

The City can keep its impact fee program up to date by periodically adjusting the fees for inflation. Such adjustments should be completed regularly to ensure that new development will fully fund its share of needed facilities. We recommend that the California Construction Cost Index (<https://www.dgs.ca.gov/RES/RES/Resources/Page-Content/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>) be used for adjusting fees for inflation. The California Construction Cost Index is based on data from the Engineering News Record and is aggregated and made available for free by the State of California.

The fee amounts can be adjusted based on the change in the index compared to the index in the base year of this study (2020).

While fee updates using inflation indices are appropriate for periodic updates to ensure that fee revenues keep up with increases in the costs of public facilities, the City will also need to conduct more extensive updates of the fee documentation and calculation (such as this study) when significant new data on growth forecasts and/or facility plans become available. Note that decreases in index value will result in decreases to fee amounts.

While fee updates using inflationary indices are appropriate for periodic updates to ensure that fee revenues keep up with increases in the costs of public facilities, the City will also need to conduct more extensive updates of the fee documentation and calculation (such as this study) when significant new data on growth forecasts and/or facility plans become available.

Reporting Requirements

The City will comply with the annual and five-year reporting requirements of the *Mitigation Fee Act*. For facilities to be funded by a combination of public fees and other revenues, identification of the source and amount of these non-fee revenues is essential. Identification of the timing of receipt of other revenues to fund the facilities is also important.

Table 9.1 summarizes the annual and five-year reporting requirements identified in the *Mitigation Fee Act*.

Table 9.1: Mitigation Fee Act - Annual and Five-year Administrative Requirements

CA Gov't Code Section	Timing	Reporting Requirements ¹	Recommended Fee Adjustment
66001.(d)	The fifth fiscal year following the first deposit into the account or fund, and every five years thereafter	<ul style="list-style-type: none"> (A) Identify the purpose to which the fee is to be put. (B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged. (C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements. (D) Designate the approximate dates on which supplemental funding is expected to be deposited into the appropriate account or fund. 	Comprehensive Update
66006.(b)	Within 180 days after the last day of each fiscal year	<ul style="list-style-type: none"> (A) A brief description of the type of fee in the account or fund. (B) The amount of the fee. (C) The beginning and ending balance of the account or fund. (D) The amount of the fees collected and the interest earned. (E) An identification of each public improvement on which fees were expended including share funded by fees. (F) An identification of an approximate date by which the construction of the public improvement will commence. (G) A description of any potential interfund transfers. (H) The amount of refunds made (if any). 	Inflationary Adjustment

¹ Edited for brevity. Refer to the government code for full description.

Sources: California Government Code §6601 and §6606.

Programming Revenues and Projects with the CIP

The City maintains a Capital Improvement Program (CIP) to plan for future infrastructure needs. The CIP identifies costs and phasing for specific capital projects. The use of the CIP in this manner documents a reasonable relationship between new development and the use of those revenues.

The City may decide to alter the scope of the planned projects or to substitute new projects if those new projects continue to represent an expansion of the City's facilities. If the total cost of facilities varies from the total cost used as a basis for the fees, the City should consider revising the fees accordingly.

Appendix

California Government Code §65852.2 (f)

(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

ORDINANCE NO. 4309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING AND RESTATING CHAPTER 70 OF ARTICLE III OF THE POMONA MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEE ADMINISTRATION AND SECTION 62-399(b) OF THE POMONA MUNICIPAL CODE RELATING TO SEWER CONNECTIONS

WHEREAS, the City Council of the City of Pomona hereby finds as follows:

A. The state of California, through the enactment of Government Code Sections 66001 through 66009 has, among other things, determined the nexus that must be established in the enactment of development fees.

B. The provision of new and expanded facilities and infrastructure is necessary to protect and promote the health, safety and welfare of all the citizens of Pomona by reducing the adverse effects of urbanization and development.

C. It is necessary to enact and implement certain development fees and other fees to assure that all development within the City pays its fair share of the costs of providing necessary public facilities and infrastructure to accommodate such new development.

D. A proper funding source for the costs associated with new development is a specific development or facilities fee for each type of facility related to the specific need created by the development and reasonably related to the relative cost of providing such necessary public facilities.

E. The primary purpose of the fees is to mitigate the impact on City facilities and infrastructure caused by increased demand for facilities and infrastructure from new residents and persons generated by new development.

F. The fees will be used to finance public facilities and infrastructure required to accommodate the needs of new development in the City.

G. The use of the fees to fund such public facilities and infrastructure is reasonably related to the impacts of residential development on the City.

H. The need for development fees to fund such public facilities is reasonably related to impacts on the City of residential development and other development.

I. To assure fair and legally sound implementation of the development fees established in this Article, such fees shall be reviewed annually and shall be set by separate resolution of the City Council following notice and hearing, in accordance with California law.

J. To assure fair implementation of the development fees established in this Article, the City must have the latitude to defer or waive such fees in special cases, where better or more fair financing arrangements would result from such deferral, or where imposition of such fees would cause inequities.

K. The provisions of this Article are in addition to all other provisions of the Pomona Municipal Code and all new residential, as defined in this Article, and shall be subject to the provisions of this Article and to all other provisions of the Pomona Municipal Code.

L. The provisions of this Article are intended to provide administrative guidance for certain existing fees that pre-date this Article, as well as any new fees adopted after the effective date of this Article.

M. Certain provisions in this Article are adopted in accordance with California Government Code, Section 66000 et. seq. and are intended to be interpreted consistently with that authority.

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

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein.

SECTION 2. CEQA Compliance. The City Council of the City of Pomona finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Regulation 15061(b)(3). Under Regulation 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is exempt from CEQA. This ordinance will not affect the physical environment by permitting a new use or intensifying an existing use. The ordinance establishes a policy commission. There is no potential for the changes to result in a significant effect on the environment.

SECTION 3. Chapter 70 of Article III of the City of Pomona Municipal Code is hereby amended and restated read as follows:

"ARTICLE III. - DEVELOPMENT FEE ADMINISTRATION

Sec. 70-66. Purpose and Applicability.

A. The City Council declares the purpose of this Article is to provide an administrative mechanism for the collection of fees that are collected to finance adequate infrastructure and other public improvements and facilities made necessary by

the impacts created by new development in the City of Pomona in order to promote the health, safety and welfare of the citizens of Pomona. This Article shall apply solely to development projects that propose construction of new dwelling units or additions to existing dwelling units in the City of Pomona.

B. The following are specifically exempt from the provisions of this Article:

1. Approved tentative subdivision maps or lots created by recorded maps that are otherwise vested pursuant to California Government Code, Sections 66498.1 through 66498.9 or other applicable vesting laws affecting development fees for the period of time authorized in Section 66498.1 and 66498.5. Such recorded lots and/or approved tentative subdivision maps shall pay the applicable development fees based upon the rates in effect at the time the subdivision map application was deemed complete. The Public Works Director and/or Planning Director or their designees are hereby empowered to determine, on a case by case basis, whether such tentative subdivision maps or recorded lots are vested for purposes of determining the applicable development fees.

2. Development projects that have previously paid a development fee in the fee category being charged.

C. These exemptions shall not apply to the payment of fees adopted and pursuant to other laws, including California Government Code, Section 66013.

Sec. 70-67. Definitions.

A. "Affected Territory" means the corporate boundaries of the City of Pomona as these may be amended from time to time.

B. "Development project" means any project undertaken for the purpose of development of residential land uses. "Development project" means and includes a project involving the issuance of a permit for construction or reconstruction, remodeling, or any work requiring any permit under the ordinances of the City of Pomona, as the same presently exist or may be amended from time to time hereafter. The term "development project" shall also include permits for erection of manufactured housing or additional or structures, and structures moved into the City.

C. "Effective Date" means the date that the fees in this Article are eligible for collection, that date being sixty (60) days after adoption of any Resolution establishing the development fees.

D. "Fee" means a monetary exaction, other than a tax or special assessment, which is charged by the City to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477 of the California Government Code, fees for processing applications for

governmental regulatory actions or approvals, or fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, Division 1, Title 7 of the California Government Code. Fee also includes any connection fees adopted pursuant to resolution of the City Council and California Government Code, Section 66013.

E. "Work/live unit" means an area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which has been or will be remodeled or altered to include:

- (1) Cooking space and sanitary facilities;
- (2) Sleeping space; and
- (3) Working space reserved for persons residing therein

F. "Public facilities" means and includes public improvements, public services and community amenities to be funded by development fees.

G. "Secondary Residential Unit" or Accessory Dwelling Unit" means a second dwelling unit on the same lot as an existing primary residential unit, as described in Section.5809-26(C) of the Pomona Municipal Code.

Sec. 70-68. Establishment of development new fees.

In addition to any existing fees previously adopted, the City Council is hereby authorized to adopt and impose on all development projects seeking the issuance of building permits and/or certificates of occupancy for development projects or development certain development and other fees to accommodate the infrastructure needs of new development.

Sec. 70-69. Adoption of development fees by resolution.

The City Council shall, by resolution, set forth the specific amount of the development fees for the Affected Area, describe the benefit on which the fees are imposed, list the specific public improvements to be financed and describe the estimated cost of these facilities.

Sec. 70-70. Imposition of development fees.

A. Any person who, after the effective date of a resolution establishing new or revised development fees, that, seeks to develop land within the City by applying for a building permit or applying for any discretionary land use permit for residential development within the Affected Area, is hereby required to pay the appropriate development fees established pursuant to this Article in the manner, amount and for the purposes therein referenced and as referenced in any resolution adopted by the City Council adopting such fees.

B. Notwithstanding anything to the contrary set forth in subsection A of this section or in any other provision of this Article, development fees shall not apply to any development project described in Section 70-67(B) of this Article.

C. The fees authorized by this Article shall be cumulative such that each person seeking a permit for a development project shall be charged each applicable fee.

Sec. 70-71. Accounting and Disbursement of Fees.

A. Each of the fees paid pursuant to this Article or any applicable law and any resolution establishing new or increased development fees shall be placed in a separate fund, each of which may be further segregated by specific project. These funds shall be known, respectively, as:

1. Roadway and Traffic Signal Facilities Fund
2. Public Safety Facilities Fund
3. Park and Recreation Facilities Fund
4. Storm Drain Facilities Fund
5. Potable and Recycled Water Facilities Fund
6. Sewer Facilities Fund

B. These funds, and interest earned thereon, if any, shall be expended solely for construction and/or acquisition of the corresponding public facilities shown in a study justifying the fees or a capital improvement or similar master facility plan, or for reimbursement for construction and/or acquisition of those public facilities or as provided in the resolution establishing such fees.

Sec. 70-72. Payment of fees.

The fees established pursuant to authority of this Article shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below:

A. Fees imposed on residential development shall be collected in accordance with the provisions of California Government Code Section 66007 and 66013, as the same presently exists or may hereafter be amended from time to time.

B. Unless otherwise stated in this Article, applicants shall pay fees at time of certificate of occupancy.

C. Live/work units, up to 1,200 square feet shall be allowed to use the second tier category of 501 -14,999 square feet.

D. Accessory Dwelling Units over 750 square feet shall be charged a proportional amount based on the primary structure on-site.

Sec. 70-73. Development Fee Credits.

A. The owner of a parcel of property otherwise required to pay a fee under this Article may receive a credit for the corresponding development fee when that owner constructs or donates a facility, or a portion thereof, identified in a study justifying the fees or a capital improvement or similar master facility plan, regardless of how it may be financed, that serves the owner's parcel or parcels. The development fee credit shall offset, on a proportionate basis without interest, the corresponding development fee to be paid pursuant to this Article. The facility must be built in compliance with all applicable laws governing the construction of public improvements.

B. The amount of the development fee credit shall equal the City's most recent estimated cost of constructing and/or furnishing the facility, or the portion of the facility actually completed or purchased, by contract or utilizing City forces.

C. The owner of a parcel of property may be further entitled to a development fee credit where the City determines, on a case-by-case basis, that the construction of the facility, or a portion thereof, will be necessary to provide basic services to the entire City even though it does not directly serve the owner's project or is of greater capacity than that required to serve the owner's project adequately.

D. The amount of the development fee credit shall be determined after inspection and acceptance of the facility at the time of payment of the corresponding facilities fee.

E. Reserved.

F. To the extent that an owner is granted a development fee credit, such owner shall not be entitled to a future reimbursement for such facility, as applied to a different development project.

G. A development fee credit is an obligation of the City that runs with the land and inures to the benefit of each successor in interest of the original landowner until full credit has been received.

H. A developer shall also be entitled to a credit if the City and developer have executed an agreement or there is a preexisting ordinance which specifically exempts the developer from the payment of one or more of the fees enacted under this Article. The availability of the credit and its amount shall be determined by the City on a case-by-case basis based on the provisions of the applicable agreement.

Sec. 70-74. Reimbursement.

A. The owner of a parcel of property otherwise required to pay a development fee will be entitled to enter into a reimbursement agreement to reimburse

from subsequently collected development fees the direct and verifiable costs of installing or furnishing public improvements, or portions thereof, identified in the study justifying the fees or a capital improvement or similar master facility plan where all of the following conditions are satisfied:

1. The owner has constructed a public improvement, or portion thereof, that is identified in the appropriate a study justifying the fees or a capital improvement or similar master facility plan.
2. The City required that the public improvement be constructed to contain supplemental size, capacity, number or length for the benefit of property not within the owner's project.
3. The City approved, prior to construction or furnishing, the proposed budget for the project and finds any change to that budget fair and reasonable.
4. The public improvement, or portion thereof, has been dedicated to the public.
5. The public improvement, or portion thereof, has been built in compliance with all applicable laws governing the construction of public works.

B. The City shall not reimburse the owner for costs related to financing any public facility.

C. An owner shall only be entitled to reimbursement to the extent that any public facility project benefits property not within the owner's project. Thus, an owner may receive a development fee credit as for the portion of a public facility that serves the owner's project and reimbursement for the oversized or extra-capacity or extended portion of a public facility that benefits subsequently developed property.

D. In no event shall an owner receive a development fee credit and/or reimbursement in excess of the City's most recent estimated cost of constructing the facility, or the portion of the facility actually completed, by contract or by utilizing City forces.

E. Any reimbursement agreement entered into under this Article shall require the City, for a period of up to fifteen years, to reimburse the owner from the proceeds of the development fees collected from owners of new projects that directly benefit from the facilities financed by the fees and which are the subject of the reimbursement agreement. Reimbursement shall only be made from fees actually collected to fund improvements which are of the same type as the improvement constructed by the owner, and from no other source. The terms of the reimbursement shall be set forth in the reimbursement agreement.

Sec. 70-75. Deferrals & Waivers.

The City Council is empowered to grant a waiver of fees for units constructed as part of an inclusionary housing project complying with the City's Inclusionary Housing Ordinance. In addition, the City Council may establish a program to defer fees for rental housing projects that include 100% affordable units for low and very low income households. Such deferral shall require the execution of an agreement acceptable to the City that contains terms to guarantee the final payment of the fees deferred.

Sec. 70-76. Refund of fees paid.

A. If a building permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the development fee paid as a condition for its issuance, except that the City shall retain one percent of the fee to offset a portion of the costs of collection and refund. The fee payer must submit an application for such a refund to the Development Director within thirty calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.

B. In the event any fee collected pursuant to this Article remains unexpended or uncommitted in any fund established pursuant to this Article five or more years after deposit of the fee, the City shall make findings once each fiscal year to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

C. The unexpended or uncommitted portion of the development fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to subsection B of this section shall be refunded to the then-current record owner or owners of lots or units of the development project or projects on a prorated basis.

D. The provisions of California Government Code Sections 66001(d), (e) and (f) shall apply fully to any refund of fees remaining unexpended or uncommitted in any such City fund for five or more years after deposit, and the provisions of subsections B and C of this section shall be subordinate to the section and shall be applied consistent therewith.

Sec. 70-77. Application to Subsequently Annexed Land.

As areas not presently situated within the City boundaries seek to annex to the City, the City Council shall determine the benefit to such land areas of the public facilities and infrastructure funded by this Article. The City Council shall impose development fees, in whole or in part, as established by this Article, upon such annexed areas to the extent necessary to assure that such areas pay their fair share of the actual costs of all necessary public facilities and infrastructure benefitting their projects, unless the City Council determines that such an imposition would cause inequities or that a better or fairer financing arrangement can and should be developed.

Sec. 70-78. Traffic signal and control devices.

A traffic signal and control device development program is hereby ordered and adopted pursuant to the following guidelines:

(1) *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.

(2) *Traffic signal and 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 prior to the issuance of any building or public works permit by the City according to the resolution set forth by the City Council and incorporated by reference in this section.

(3) *Fee schedule basis.* The basis for the fee schedule in the 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:

a. *Generated traffic.* Traffic generated by each development shall be calculated from the latest traffic generation data promulgated in the publication entitled "Trip Generation" (current edition), an information report as prepared by the Institute of Transportation Engineers.

b. *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.

c. *Average traffic signal cost.* The average cost of a traffic signal shall be \$150,000.00.

(4) *Traffic signal and control device fund.* The fees required pursuant to this section shall be paid to the City 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 for the cost to design and construct such facilities.

Sec. 70-79. Road and highway improvement.

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. The program shall be operated pursuant to the following guidelines:

(1) *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 prior to the issuance of building or public works permits. The fee amount shall be as periodically set by resolution of the City Council.

(2) *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 entitled "Trip Generation" (current edition), an information report as prepared by the Institute of Transportation Engineers.

(3) *Road and highway improvement fund.* The fees required pursuant to this section shall be paid to the City 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, streetscapes and streetlights as shown in the five-year capital improvement program.

Sec. 70-80. Parks and recreation improvement.

(a) A parks and recreation improvement program is hereby ordered and adopted. This section is enacted pursuant to the authority granted by Government Code § 66477. The purpose of this section 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 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.

(b) Land dedication figures per dwelling unit and in-lieu fees per dwelling unit shall be based on a ratio of three acres of park per 1,000 persons pursuant to Government Code § 66477(b). 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.

(c) The fees required pursuant to this section shall be paid to the City 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 for the cost to design and construct such facilities, in accordance with Government Code § 66477. .

Sec. 70-81. Public safety improvement program.

(a) *Established.* A public safety improvement program is hereby ordered and adopted in order to implement the City's capital facilities needs for public safety services. The needs are shown in the five-year capital improvement program.

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

(c) *Public safety improvement fund.* The fees required pursuant to this section shall be paid to the City 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."

SECTION 4. Section 62-399(b) of the Pomona Municipal Code is hereby amended to read as follows:


"(b) Every applicant for a new connection to the sewer service operated by the City of Pomona, Utility Services Department, shall pay to the utility services department a connection fee for such new service as set by resolution of the City Council. Such fee shall not be applicable as to any parcel where the applicant or their predecessor in interest previously paid such fee to the utility services department for such parcel."

SECTION 5. The City Clerk shall attest and certify 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.

SECTION 6. If any section, subsection, sentence clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence clause or phrase or word not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

PASSED, APPROVED AND ADOPTED this 2nd day of August, 2021.

CITY OF POMONA:



Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:

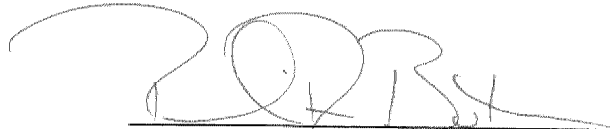


Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, 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 July 19, 2021 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on August 2, 2021 by the following vote:

AYES: Garcia, Lustro, Preciado, Sandoval
NOES: Nolte, Ontiveros-Cole, Torres
ABSENT: None
ABSTAIN: None



Rosalia A. Butler, MMC
City Clerk