

**RESOLUTION NO. 2017-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING DEVELOPMENT PLAN REVIEW (DPR 6124-2016) TO BUILD A PARKING LOT ON THE 30,675 SQUARE FOOT LOT CONSISTING OF 267, 279, AND 291 E. BONITA AVENUE AND 2815 MELBOURNE AVENUE AND THE FIRST PUBLIC ALLEY NORTH OF BONITA AVENUE WEST OF MELBOURNE**

**WHEREAS**, Casa Colina Hospital has submitted an application for Development Plan Review (DPR 6124-2016) to develop a surface parking lot on the 30,675 square foot lot consisting of 267, 279, and 291 E. Bonita Avenue and 2815 Melbourne Avenue, and the first public alley north of Bonita Avenue and west of Melbourne Avenue to be vacated for the project (“subject site”);

**WHEREAS**, the subject site is located within the R-1-7,500 Zoning District;

**WHEREAS**, the subject properties are designated “Transit Oriented District: Neighborhood” place type in the T3 transect zone by the City’s General Plan;

**WHEREAS**, the Planning Commission of the City of Pomona, at its regularly scheduled public hearing on July 12, 2017, reviewed the requested Development Plan Review (DPR 6124-2016) and recommended City Council approval of the Development Plan Review for those properties described herein;

**WHEREAS**, the applicant has concurrently submitted a Change of Zone (ZONE 4972-2016) and Specific Plan Amendment (SPA 4920-2016) to change the zoning classification from R-1-7,500 to the Pomona Corridors Specific Plan Residential Transition Zone for the properties at 267, 279, and 291 E. Bonita Avenue, 2815 Melbourne Avenue, and the first public alley north of Bonita Avenue to be vacated for the project; and Tentative Parcel Map 74494 (PARCELMAP 6122-2016) to develop a surface parking lot on the 30,675 square foot lot consisting of 267-291 E. Bonita Avenue, 2815 Melbourne Avenue and the vacated alley;

**WHEREAS**, the proposed development includes requests for deviation from the development standards of the Pomona Corridors Specific Plan (PCSP) to have a parking lot at the front, to use trees without a spreading canopy in the parking lot, and to build the parking lot without providing pedestrian paths to buildings on the hospital campus;

**WHEREAS**, the Planning Commission of the City of Pomona, at its regularly scheduled public hearing on July 12, 2017, reviewed and recommended approval of the Change of Zone (ZONE 4972-2016), Specific Plan Amendment (SPA 4920-2016), and Tentative Parcel Map 74494 (PARCELMAP 6122-2016) for the project;

**WHEREAS**, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on August 7, 2017 concerning the requested Development Plan Review (DPR 6124-2016);

**WHEREAS**, the City Council continued the public hearing to October 2, 2017 after receiving public testimony and input;

**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, California, as follows:

**SECTION 1.** The proposed project was reviewed in accordance with the California Environmental Quality Act (CEQA) guidelines. The proposed project meets the criteria for a Categorical Exemption under Section 15303 (Class 3 – New Construction or Conversion of Small Structure) and Section 15332 (Class 32 – In-fill development projects in urbanized areas) of the CEQA Guidelines in that the proposed project is in an urbanized area and is a surface parking lot with no structures. The proposed project is consistent with the categorical exemption; therefore, no further environmental review is required.

**SECTION 2.** If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

**SECTION 3.** 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 Development Plan Review 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 4.** In accordance with Section 2.0.5.A.4 of the Pomona Corridors Specific Plan (PCSP), the City Council must make four findings in order to approve Development Plan Review (DPR 6124-2016). 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 as follows:

1. *The project is consistent with the City's General Plan and all applicable requirements of the Pomona City Code.*

The proposed surface parking lot design conforms to the General Plan with the "Transit Oriented District: Neighborhood" land use designation in the T3 Transect zone as shown on the General Plan Land Use Diagram with deviations from standards as recommended to allow trees without a spreading canopy, to allow construction without pedestrian paths, and with conditions of approval requiring more trees and more lighting than originally proposed and consideration of providing sustainability features. The proposed surface parking lot will create

a low intensity, landscaped use, which is an appropriate transitional development plan adjacent to the single family homes in the neighborhood. It will continue the attractive development pattern established in the existing adjacent parking lot which meets the overall intent of the General Plan and Specific Plan that new development should be attractive and compatible with existing development.

2. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood;*

The City Council finds that the proposed project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood in that the proposed project consists of a small extension of parking along the edge of the existing hospital campus. Existing parking already abuts the residential neighborhood north of the project site. The proposed project will be designed and conditioned to be compatible with the surrounding land uses.

3. *The project will not adversely affect the Circulation Plan of this Specific Plan;*

The development Project will not adversely affect the Circulation Plan of this Specific Plan. The proposed project was evaluated by the City of Pomona Public Works Department, who determined that because the proposed project did not involve the construction of buildings, no trips would be generated. In addition, the alley is not a designated feature in the Circulation Element so vacating the alley will not affect the Element.

4. *The project complies with the applicable provisions of the Pomona Corridors Specific Plan and other applicable regulations.*

The proposed surface parking lot design conforms to the General Plan with the “Transit Oriented District: Neighborhood” land use designation in the T3 Transect zone as shown on the General Plan Land Use Diagram with deviations from standards as recommended to allow trees without a spreading canopy, to allow construction without pedestrian paths, and with conditions of approval requiring more trees and more lighting than originally proposed and consideration of providing sustainability features. The City Council has reviewed and recommends the City Council approve the requested deviations with conditions of approval.

5. *The Request for Deviation is consistent with the intent of the Specific Plan and otherwise meets the required findings of a Development Plan Review.*

The granting of Request for Deviation is to allow a parking lot at the front, to allow trees without a spreading canopy, to allow construction without pedestrian paths, and with conditions of approval requiring more trees. The City Council has reviewed and determined that despite the project’s lack of compliance with the specific development standards, the parking lot will be an attractive, aesthetically pleasing development that meets the intent of the Specific Plan and will result in an appropriate transitional development compatible with the single family neighborhood to the east and north.

**SECTION 5.** Based upon the above findings, the City Council hereby approves Development Plan Review (DPR 6124-2016), subject to the following conditions:

1. The subject property shall be developed and used in a manner consistent with the plans reviewed by the City Council with a recommendation the City Council approve on August 7, 2017 as revised and conditioned by the requirements contained in this resolution of approval. Any major modifications to the approved project plans shall be reviewed and approved by the City Council as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. Development Plan Review (DPR 6124-2016) shall lapse and become void if construction has not commenced under a valid building permit, within two (2) years from the date of City Council approval, in accordance with Pomona Corridors Specific Plan (PCSP) Section 2.0.5A(6). The Development Services Director may extend this period for a maximum of two, one (1) year extensions upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval, consistent with PCSP Section 2.0.5(A) 6.
3. The applicant shall include all conditions of approval from Tentative Tract Map 74494 (PARCELMAP 6122-2016) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
4. The proposed development shall comply with all applicable Tentative Tract Map 74494 (PARCELMAP 6122-2016) conditions of approval.
5. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
6. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation,

or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

7. In case of violation of any of the conditions of approval, mitigation measures or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval, mitigation measures and/or City law, including, but not limited to, revocation of the herein Development Plan Review.
8. The landscaping for the site shall be revised to include additional street trees along Melbourne Avenue; wider planters along Melbourne Avenue; denser landscaping to benefit the privacy of the residents of the neighborhood; and consideration of a design feature in the planter near the intersection of Bonita and Melbourne to enhance the aesthetics of the site, to the satisfaction of the Development Services Manager or designee.
9. Development Plan Review (DPR 6124-2016) shall be subject to the attached Project Plans, "Exhibit A" and all applicable provisions and requirements contained in the PCSP, with the deviations allowed as described herein.
10. Prior to the issuance of building permits, landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval. Landscaping to include a variation of drought tolerant trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site, and shall be in substantial conformance to the conceptual landscaping plan submitted as part of the Development Plan Review process as modified by the conditions of approval. The plans shall conform to the State Model Water Efficient Landscape Ordinance per AB 1881 and landscape requirements contained in the PCSP and applicable portions of Section .503-J of the Pomona Zoning Ordinance. A landscaping maintenance bond shall be required and held for a period of one year to ensure the project's compliance with the approved landscaping. Amount shall be determined by the Development Services Manager.
11. Approval of Development Plan Review (DPR 6124-2016) is strictly for the development of the subject site.
12. The applicant shall submit construction drawings for plan check to all required City of Pomona departments. Plans shall be consistent with all required development standards outlined in the Corridors Specific Plan Section 2.1.13 Residential Transition Zone outlined

in Section 2.1.13.A Development Standards Chart, unless deviations expressly approved through the Conditions of Approval or within the allowed deviations allowed under section 2.0.5E.

13. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public rights-of-way. Backflow prevention devices shall be not be located in street setback areas and shall be screened from view.
14. Pursuant to City of Pomona Ordinance No. 3506, prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees", which include: Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.
15. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code including the noise provisions shall be adhered to. All activities including truck deliveries associated with construction, grading, be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare and safety.
16. The construction area shall be kept clean at all times prior to, during, and after construction.
17. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager. In the event that graffiti is on material that is not meant to be painted (brick, stone, tile, etc.,) necessary measures (such as sandblasting) shall be used instead of paint to remove the graffiti.
18. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, et seq., and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
19. Outdoor storage shall be prohibited.
20. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Development Plan Review (DPR 6124-2016). Prior to removing or replacing any landscaped areas, check with the Planning Division. Substantial changes may require approval by the City approval authority.

21. Prior to ground disturbance, the applicant shall enter into an agreement with the Gabrieleno Band of Mission Indians-Kizh Nation to allow for a certified Native American Monitor to be on site during any and all ground disturbances to protect any cultural resources which may be affected during construction or development.
22. Prior to issuance of construction permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of parking area and driveways. The lighting plan shall include a site plan showing the locations of ground-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings. The plans shall conform to applicable requirements of the PCSP.
23. Prior to issuance of building permits, the applicant shall obtain approval from the Planning Division of a mechanical plan demonstrating the location, type, size, and appropriate screening of all ground-mounted equipment. All mechanical equipment shall be screened from public view as applicable of the PCSP.

**SECTION 6.** The City Council hereby approves Development Plan Review (DPR 6122-2016) to allow the development of a parking lot on the 30,675 square foot lot consisting of the properties at 267-291 E. Bonita Avenue, 2815 Melbourne Avenue and the vacated alley.

**SECTION 7.** The City Clerk shall attest and certify to the passage and adoption of this Resolution, and shall cause the same to be posted as required by law, and this Resolution shall take effect thirty (30) days after its final adoption.

**APPROVED AND PASSED THIS 2<sup>ND</sup> DAY OF OCTOBER, 2017**

**ATTEST:**

**CITY OF POMONA:**

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Eva Buice, City Clerk

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Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

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Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES  
CITY OF POMONA

I, EVA BUICE, 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 the 2<sup>nd</sup> day of October, 2017 by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

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Eva Buice, 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.”