

## **RESOLUTION NO. YYY**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING VARIANCE (SIGNVAR 6408-2016) TO ALLOW THREE RATHER THAN TWO HIGH RISE BUILDING IDENTIFICATION SIGNS; TO ALLOW A HIGH RISE BUILDING IDENTIFICATION SIGN TO HAVE TWO LINES OF COPY RATHER THAN ONE; TO ALLOW A WALL SIGN TO BE INSTALLED ABOVE THE SECOND FLOOR; AND TO ALLOW A MONUMENT SIGN ON A PROPERTY WITH LESS THAN 100 FEET OF STREET FRONTAGE, ON THE EXISTING HOTEL LOCATED AT 3101 W. TEMPLE AVENUE IN THE C-4 (HIGHWAY-COMMERCIAL) ZONE.**

**WHEREAS**, the applicant, Investel One, LLC, has submitted an application for a Variance (SIGNVAR 6408-2016) to allow to allow a total of three (3) high rise building identification signs where two (2) are allowed; to allow a high rise building identification sign to have two (2) rather than one (1) lines of copy; to allow a wall sign to be installed above the second floor; to allow the monument sign to have four (4) lines of copy where three (3) are allowed; to allow a monument sign 11'8" tall rather than 10'0"; to allow a monument sign with an area of approximately one hundred (100) square feet rather than sixty-five (65) square feet; and to allow a monument sign on a property with less than 100 feet of street frontage, on the existing hotel located at 3101 W. Temple Avenue in the C-4 (Highway-Commercial) zone; and

**WHEREAS**, the subject property is located within the C-4 Zoning District;

**WHEREAS**, the subject property is designated "Transit Oriented District: Neighborhood" by the City's General Plan;

**WHEREAS**, Section .503-K of the Pomona Zoning Ordinance establishes the development standards for signs;

**WHEREAS**, Section .560 of the Pomona Zoning Ordinance establishes criteria for approval of a Variance;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 14, 2017 concerning the requested Variance (SIGNVAR 6408-2016); and

**WHEREAS**, the Planning Commission 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 Planning Commission of the City of Pomona, California, as follows:

**SECTION 1.** The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15303, Class 3

(New Construction of Small Structures) in that the new signs proposed are minor additions to the existing hotel.

**SECTION 2.** Pursuant to Section .560 of the Zoning Ordinance, the Planning Commission must make the four (4) findings listed below in order to grant a Variance. Based upon a consideration of the whole record before it including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *That there are special circumstances applicable to the property including but not limited to size, shape, location, topography or surroundings that deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The size, shape, location and topography of the lot are such that deprive the property of privileges enjoyed by other property in the vicinity and under the same zone as the subject lot, including the shape of the lot as a flag lot, the elevation of the hotel structure above the street, and the distance of the hotel from the street. The high rise building identification signs and the wall sign essentially replace signs removed during the building remodel, so in essence no new signs are being added to the property other than the monument sign. Although high rise building identification sign B technically has two lines of copy rather than one, visually it appears like one line since the smaller font used on the multiple lines is no taller than the large font and begins on the same baseline. Wall sign C proposed above the second story will be installed on the portion of the building that from the south appears to be the second story and from the north is the third story. Although the property technically has less than 200 feet of frontage, it is a very large flag lot that has large and prominent building frontages along Temple Avenue and facing SR-57. The proposed monument sign will be appropriately located for a large project such as this.

2. *That the granting of the variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.*

The Variance requested will result in signs generally consistent with similar properties in the vicinity which have necessitated relief from current development standards.

3. *That the granting of the variance will be consistent with the provisions of any Specific Plan, or the adopted General Plan.*

The proposed Variance will allow the applicant to add two high rise building identification signs, a wall sign and a monument sign to the existing hotel property. All but the monument sign essentially replace signs that were removed during the hotel

remodel. The proposed Variance is consistent with the General Plan place type of Transit Oriented Development: Neighborhood. Furthermore, the proposed project is consistent with the following policies of the Economic Development Element of the General Plan:

*“It is the policy of the City of Pomona to encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector.”*

*“It is the policy of the City of Pomona to promote increased job opportunities within the community.”*

4. *That the granting of the variance will not be materially detrimental or injurious to the surrounding properties nor to the general development pattern of the neighborhood.*

The granting of the Variance will not be materially detrimental or injurious to the surrounding properties nor to the general development pattern of the neighborhood in that the property fully improved hotel in a zone which allows for the such development. The requested deviations from Code will allow new high rise building identification signs and wall signs that replace signs removed during the hotel remodel. The requested deviations pertaining to the monument sign will allow the sign on a very large property that, due to its unique design, lacks adequate street frontage to meet the criteria for a monument sign.

**SECTION 3.** Based upon the above findings, the Planning Commission hereby approves Variance (SIGNVAR 6408-2016) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the Variance or any portion thereof:

### **PLANNING DIVISION**

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on June 14, 2017, and as illustrated in the stamped approved plans dated June 14, 2017. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. 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.
3. 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.

4. The approved Variance (SIGNVAR 6408-2016) shall lapse and become void if the use authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced by June 14, 2018. The Planning Commission may extend this period for one (1) year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval.
5. The project shall be subject to an appeal period of twenty (20) days. Written appeals may be filed with the City Clerk by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property.
6. The monument sign shall be revised such that the maximum height of the sign shall be 10'0" and the maximum area of each sign face shall be 65 square feet, to the satisfaction of the Development Services Manager or designee.
7. The monument sign shall be revised such that a maximum of three (3) lines of copy appear on the sign, to the satisfaction of the Development Services Manager or designee.
8. The plans shall be revised such that the monument sign is no closer than eight (8) feet from the street front property line on Temple Avenue, to the satisfaction of the Development Services Manager or designee.
9. The property shall be maintained free of weeds and debris prior, during and after the construction period.

**BUILDING AND SAFETY DIVISION**

10. The design must be reviewed and stamped by an architect or engineer licensed in the State of California – (Business and Professions code Sections 5537, 5538, and 6737.1).
11. The applicant shall obtain all necessary permits from the Building and Safety Division prior to construction. The design of the signs shall comply with the California Building Codes in effect in the City of Pomona at time of approval.

**SECTION 4.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

**APPROVED AND PASSED THIS 14TH DAY OF JUNE, 2017**

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CAROLYN HEMMING  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

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

AYES:  
NOES:  
ABSTAIN:  
ABSENT: .

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