

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING VARIANCE (SIGNVAR 7206-2017) TO ALLOW A PROJECTING SIGN OF APPROXIMATELY TWENTY RATHER THAN SIX SQUARE FEET, ON THE EXISTING URGENT CARE FACILITY LOCATED ON THE CASA COLINA HOSPITAL CAMPUS AT 255 E. BONITA AVENUE IN THE URBAN NEIGHBORHOOD CENTER OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the applicant, Casa Colina Hospital and Centers for Healthcare, has submitted an application for a Variance (SIGNVAR 7206-2017) to allow to allow a projecting sign of approximately twenty (20), rather than six (6), square feet, on the existing urgent care facility on the Casa Colina hospital campus located at 255 E. Bonita Avenue in the Urban Neighborhood center of the Pomona Corridors Specific Plan; and

WHEREAS, the subject property is located within the Urban Neighborhood center of the Pomona Corridors Specific Plan;

WHEREAS, Section 2.9 of the Urban Neighborhood standards of the Pomona Corridors Specific Plan 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 August 9, 2017 concerning the requested Variance (SIGNVAR 7206-2017); 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. The property is an extremely large hospital campus. The urgent care building is over 200 feet from Bonita Avenue. The intent of the sign is to provide direction to patients seeking treatment at the urgent care facility. Since the building is set well back from the street, it is reasonable for the projecting sign to be an appropriate size to make it easy for patients to quickly find their destination. The proposed projecting sign will be appropriately sized for a large property 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 projecting sign is unique in that it doesn't overhang a public sidewalk like most projecting signs. Given the intent of the sign and the distance the building is from Bonita Avenue, relief from the area standard appears reasonable. The Variance requested will result in a sign consistent with the other 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 have a projecting sign of approximately twenty rather than six square feet. The intent of the standard is to limit the size of projecting signs which typically overhang a public sidewalk. In this case, the sign will be over 200 feet from Bonita Avenue and not above public property. The intent is not to provide additional advertising for the hospital but to enable patients to quickly find the urgent care facility. The proposed sign variance will be compatible with and will help promote the following policy of the Pomona Corridors Specific Plan:

"Support the Continued Presence, Improvement, and Expansion of Existing Commercial Development along the Corridors."

The proposed sign will enhance the visibility of the urgent care facility and will help patients more quickly get the help they seek.

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 hospital property is fully improved in a zone which allows for the such development. The requested deviation from Code will allow a new projecting sign that is twenty rather than six square feet in area for a sign that is set well back from the street. The requested deviation will allow the sign on a very large property where the projecting sign standards do not appropriately apply.

SECTION 3. Based upon the above findings, the Planning Commission hereby approves Variance (SIGNVAR 7206-2017) 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 August 9, 2017, and as illustrated in the stamped approved plans dated August 9, 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 7206-2017) 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 August 9, 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 property shall be maintained free of weeds and debris prior, during and after the construction period.

BUILDING AND SAFETY DIVISION

7. 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.
8. All proposed work shall comply with the 2013 California Energy Code and all other relevant laws, ordinances, and resolutions governing Energy conservation as adopted by the City of Pomona.

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

APPROVED AND PASSED THIS 9TH DAY OF AUGUST, 2017

LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

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255 E. Temple Ave.
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ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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