PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING A CONDITIONAL USE PERMIT (CUP 9813-2018) TO OPERATE A BOARDING SCHOOL ON THE 8.75 ACRE PROPERTY LOCATED AT 2322-2370 S. GAREY AVENUE

WHEREAS, the applicant, the Grand Sequoia Holding Corp., submitted an application for a Conditional Use Permit (CUP 9813-2018) to allow operation of a boarding school at an existing campus previously approved for use as a school (CUP 11-016) on the 8.75 acre property located at 2322-2370 S. Garey Avenue (Assessor's Parcels 8331-012-025, -026 and -027);

WHEREAS, the subject properties are located within the Neighborhood Parkway Segment of the Pomona Corridors Specific Plan (PCSP);

WHEREAS, the subject properties are designated "Neighborhood Edge" and "Residential Neighborhood" by the City's General Plan;

WHEREAS, Section 2.2 of the PCSP specifies that Civic & Cultural uses, such as the proposed educational facility, are subject to a Conditional Use Permit;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on October 10, 2018 concerning the requested Conditional Use Permit (CUP 9813-2018) for the project;

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. In compliance with Section 15070 of the California Environmental Quality Act (CEQA) guidelines, an Initial Study was prepared consistent with CEQA Section 15070 to assess the potential effects of this project on the environment and attached hereto as Exhibit-A. The study determined that the project either had no potential environmental effects or the effects were less than significant. No mitigation measures were recommended. At the public hearing of October 10, 2018, the Planning Commission, exercising their independent judgment, reviewed the Initial Study and supplemental information and determined that the proposed project could not have a significant effect on the environment, and that the project is Categorically Exempt under Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines.

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 servable.

SECTION 3. Pursuant to Section .580.B of the Zoning Ordinance, the Planning Commission must make the findings listed below in order to grant the Conditional Use Permit (CUP 9813-2018). 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. *The proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

   The educational facility as conditioned will contribute to the general well-being of the neighborhood and community in that the project will re-use an existing office complex previously approved as an educational use (CUP 11-016); it will complement the character of the existing educational, commercial and residential uses in the area; and it will promote increased economic activity and employment in the City.

2. *Such use will not, under the circumstances of the particular case be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity;*

   The project will meet all City Codes and standards, and will have appropriate conditions of approval, that will ensure that the project will not be detrimental to the health, safety or general welfare of the community. As discussed in the Project Summary Table, the Zoning Ordinance Consistency section, and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

3. *The site of the proposed use is of adequate topography, size, and shape to accommodate said use as well as all yards spaces, walls, fences, parking, loading, landscaping and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto;*

   The subject site is a fully developed property used as an office complex from approximately 1964 to 1991. It was approved for use as an educational facility by conditional use permit (CUP 11-016). As discussed in the Project Summary Table, the Zoning Ordinance Consistency section, and Land Use Compatibility section, the project will have development characteristics that are compatible with and not detrimental to either existing or proposed surrounding development.

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use;*

No physical expansion of the existing buildings is proposed, and the proposed school use was previously approved by conditional use permit (CUP 11-016) so no new trips will be generated compared to the previous approved educational or office uses. The site is located at the southeast corner of Garey Avenue and Olive Street which are of sufficient capacity to handle vehicle trips generated by the proposed use.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.*

The existing General Plan designation of the subject site is Neighborhood Edge for the westerly portion and Residential Neighborhood for the easterly portion. No alteration to the existing buildings is proposed other than tenant improvements to facilitate use of the buildings as a school. The proposed windows do not significantly alter the appearance of the building, nor do they change the visual character of the neighborhood. The proposed educational use is consistent with the uses intended for the area, as well as the General Plan's Economic Development Element, including the following policy:

> *"To promote a balanced and dynamic economic growth for Pomona with continued development of commercial, professional, and industrial services to assure the expansion of local opportunities and to promote a rising standard of living for all residents in a quality environment."*

Therefore, approval of the proposed Conditional Use Permit to allow a boarding school will not be detrimental to the City and would promote increased diversity of educational and employment opportunities within the City.

SECTION 3. Based upon the above findings, the Planning Commission approves Conditional Use Permit (CUP 9813-2018) 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 conditional use permit 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 recommended for approval by the Planning Commission on October 10, 2018. 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 Conditional Use Permit (CUP 9813-2018) 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 October 10, 2019. 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 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 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 and/or City law, including, but not limited to, revocation of the herein Tentative Tract Map.

8. Any new landscaping, or any revision to the existing landscaping of the site, shall conform to the recently-adopted water efficient landscaping standards (Ordinance No. 4232).

9. No public address system or school bell shall be installed that produces noise audible at the property lines.

10. Final design of the architecture of the dormitory shall be reviewed and approved by the Development Services Director or designee.

11. This Conditional Use Permit allows the use of the site as an educational facility with housing for students and teachers. No other use, such as exclusive residential use, shall be permitted beyond what is depicted on the plans reviewed and approved by the Planning Commission at the hearing of October 10, 2018.

BUILDING AND SAFETY DIVISION

12. The design shall 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).

13. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2016 California Building Codes.

14. All proposed work shall comply with the 2016 California Energy Code and all other relevant laws, ordinances, and resolutions governing energy conservation as adopted by the City of Pomona.

15. The proposed project shall comply with the 2016 California Green Building Standards Code and all other relevant laws, ordinances, and resolutions governing sustainable design as adopted by the City of Pomona.

16. The proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.

17. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

PUBLIC WORKS—TRANSPORTATION AND DEVELOPMENT DIVISION

Land Development Requirements

18. Property Owner shall submit a Lot Merger application for the consolidation of the real properties corresponding with Assessor Parcel Numbers 8331-012-025, -026 & -27; the lot merger shall be submitted to the Public Works Department, for review and approval and shall be recorded prior to the issuance of the Certificate of Occupancy.

Improvement plans requirements

19. Applicant/Developer shall submit public street improvement plans to include the following:

    a. Removal and reconstruction of the Garey Avenue driveway approach in compliance with the City standards and ADA requirements.

    b. Removal of the Olive Street driveway medians.

    c. New sidewalk, curb and gutter to replace all damaged, cracked and uplifted sidewalk sections along the Garey Avenue and Olive Street property frontages.

    d. Overlay paving of Garey Avenue along the property frontage in accordance with the City standards in the event that the project-related wet and/or dry utility pavement cuts occur and in the event that longitudinal pavement cuts associated with the driveway approach removal and construction occur.

e. Overlay paving of Olive Street along the property frontage, at the minimum from gutter to street centerline, in the event that project-related wet and/or dry utility pavement cuts occur.

f. Existing sewer, water and storm drain infrastructure, including laterals.

g. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.

h. Add the following note to the plans: the parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.

i. Add the following note to the plans: Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b).

j. Add the following note to the plans: It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements.

20. The demolition or relocation of any public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by Public Works Engineering Department.

21. Applicant/Developer shall identify the existence of all City utilities that may be in conflict with the development and submit protection measures to the City Engineer for those City utilities.

22. If future placement of permanent structures conflicts with location of existing public utilities (water, sewer and storm drain), then improvement plans proposing the relocation or abandonment of identified utilities must be submitted, reviewed and accepted by the Public Works Department. No public utility infrastructure shall be removed or modified as part of the onsite demolition plan approved by the Building and Safety Department.

23. Applicant/Developer shall implement stormwater Good Housekeeping Best Management Practices (BMPs) for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.

Traffic

24. The existing Olive Street traffic access gates, total of two (2), shall be relocated to accommodate the minimum 20-foot setback required to be provided beyond the property line.

25. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's **water and sewer connection fees**; proof of payment of the Los Angeles County Sanitation District fees is required.

26. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. Following construction and prior to acceptance of the improvements by the City, the project engineer shall provide hand drafted "AS BUILT" corrections on the original approved Mylars of the final constructed improvements to the satisfaction of the City Engineer. A corrected "**AS BUILT**" plan shall also be provided to the City on disk in AutoCAD v. 2010 and .pdf formats.

27. The plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property owner, address, legal description, property lines, street centerline, curb-lines, existing and proposed utilities (water, sewer, and storm drain), utility easements, and the public right-of-way areas with dimensions.

Public Works Improvements Permit

All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.

28. Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving, street lights, existing and proposed overhead lines undergrounding.

29. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:

    a. Commercial General Liability;

    b. Automobile Liability;

    c. Worker's Compensation as required by the State of California;

    Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.

30. Permittee shall pay fees associated with and possess the City of Pomona Business License.

31. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

LOS ANGELES COUNTY FIRE DEPARTMENT

32. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4

33. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

34. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

35. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2

36. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1

37. Fire Apparatus Access Roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4

38. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3

39. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3

40. A minimum 5-foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.

41. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4

42. A reciprocal access agreement is required for the all private driveway since multiple lots and units are sharing the same access. Submit documentation to the Fire Department, Fire Prevention Engineering, Section Building Plan Check.

43. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

Water System Requirements

44. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

45. An approved automatic fire sprinkler system may be required for the proposed building Tenant Improvements. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

46. Provide the latest copy of the five year certification verifying the existing private fire protection systems, includes fire sprinkler systems and private on-site fire hydrants, are operational and in compliance with the Fire Department standards.

47. Additional water systems may be required during the building plan check phase.

48. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4

49. The required fire flow for the public fire hydrants for this project is 4000 gpm at 20 psi residual pressure for 3 hours. Three (3) public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1

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

APPROVED AND PASSED THIS 10th DAY OF OCTOBER, 2018

KYLE BROWN

PLANNING COMMISSION CHAIRPERSON

ATTEST:

_____
MARIO SUAREZ, AICP
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 California Code of Civil Procedure Section 1094.6."