

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING MAJOR SITE DEVELOPMENT REVIEW (MAJSDP 10938-2018) TO ALLOW THE CONSTRUCTION OF A ONE-STORY, 425 SQUARE FOOT ADDITION LOCATED AT 1798 NORTH GAREY AVENUE.

WHEREAS, the applicant, Pomona Valley Hospital Medical Center, has submitted an application for Major Site Development Review (MAJSDP 10938-2018) for the construction of a one-story, 425 square foot addition located at 1798 N. Garey Avenue;

WHEREAS, the subject property is currently located within the Pomona Valley Hospital Medical Center (hereafter PVHMC) Specific Plan;

WHEREAS, the subject property is on a parcel designated as “Transit Oriented District: Core” on the General Plan Land Use Map;

WHEREAS, the approval of Major Site Development Permit by the Planning Commission is required for exterior façade changes with additional square footage;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing January 9, 2019, concerning the requested Major Site Development Review (MAJSDP 10938-2018);

WHEREAS, the Planning Commission 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:

SECTION 1. The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15301 of the California Public Resources Code, which exempts existing facilities. The Planning Commission finds that the project meets the following criteria listed in the exemption: 1) Additions to existing structures provided that the addition will not result in an increase of more than fifty percent of the floor area of the structure before the addition.

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. In accordance with Section 7.2.1.7 of the PVHMC Specific Plan, the Planning Commission must make three (3) findings in order to approve Major Site Development Review (MAJSDP 10938-2018). 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 Planning Commission hereby finds as follows:

1. *The development project substantially complies with the Specific Plan.*

The Planning Commission finds that the development Project substantially complies with the PVHMC Specific Plan. The proposed addition substantially complies with the Specific Plan as the elements of the addition are consistent with the Guiding Principles (Chapter 3 of the Specific Plan), Development Standards (Chapter 5 of the Specific Plan), and Design Guidelines (Chapter 6 of the Specific Plan).

The development Project would further the Project Objectives, as listed in Section 3.2 of the Specific Plan. For example, the addition will allow a more efficient path for the distribution of provisions to the hospital patients in order to meet present and future needs. In addition, the proposed will utilize materials and textures that will complement and match the existing as outlined in Section 6.3.1.2.

In furtherance of the above referenced Specific Plan goals and policies and through the applicable development standards and design guidelines, with which the development Project would comply, the development Project substantially complies with the Specific Plan.

2. *The development project will not adversely affect the health, safety, and welfare of the public.*

The Planning Commission finds that the proposed development will not adversely affect the health, safety and welfare of the public. The Project will be subject to measures and project requirements relating to construction activities, including construction noise best management practices, which will sufficiently ensure that the construction will not be detrimental to the public convenience, health, interest, safety or the general welfare of persons residing or working in the vicinity of the Project.

The Project will also be operated in a manner that will not be detrimental to the public health, safety and welfare. In fact, the Office of Statewide Health Planning and Development (OSHDP) is responsible for the review and approval of architectural, structural, and mechanical plans and the conduct of building construction post project approval.

3. *The development project will not adversely affect adjacent property.*

The development Project will not adversely affect adjacent property. The proposed addition is set back considerably from the northern, eastern, and western property lines as the addition will be constructed within the existing building footprint.

SECTION 4. Based upon the above findings, the Planning Commission hereby approved Major Site Development Review (MAJSDP 10938-2018), subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, all applicable provisions and requirements contained in the PVHMC Specific Plan violations of which (or failure to complete any of which) shall constitute grounds for revocation of major site development permit or any portion thereof:

PLANNING DIVISION

General Conditions:

1. The subject property shall be developed and/or used in a manner consistent with the project plans as reviewed and approved by the Planning Commission on January 9, 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 Planning Manager.
2. Major Site Development Review (MAJSDP 10938-2018) shall lapse and become void if construction has not commenced within one (1) year from the date of Planning Commission approval (January 9, 2020), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one year 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.
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. 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 Major Site Development Review permit.
5. The plans shall conform to Chapters 5.4, 5.5 and 6.4 of the PVHMC Specific Plan.
6. 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 Planning Manager. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Planning Manager.
7. Building lighting plans shall conform to Chapters 5.9 and 6.8 of the PVHMC Specific Plan. A lighting plan (photometric) shall demonstrate a minimum one foot-candle of illumination of parking, driveway, walkways, and open space areas. The lighting plan shall include a site plan showing the locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.
8. All mechanical equipment shall be screened from public view in accordance with Chapters 5.8 and 6.7 of the PVHMC Specific Plan.
9. The applicant shall submit plans, to the Planning Division, for the installation of any permanent signage in accordance with Chapters 5.10 and 6.9 of the PVHMC Specific Plan.

Plan Check:

As outlined in Section 7-103, Chapter 7 of California Administrative Code (CAC): The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (HFSSA) preempts local jurisdictions from the enforcement of all building standards published in the Title 24, California Building Standards Code (CBSC) relating to the regulation of hospital buildings, acute psychiatric hospitals, skilled nursing facilities, intermediate-care facilities and under certain circumstances, some clinics as codified in the California Health and Safety Code. The Office of Statewide Health Planning and Development (OSHPD) is designated as the enforcing agency for these health facilities, including plan checking and inspection of the design and details of the architectural, structural, mechanical, plumbing, electrical, and fire and panic safety systems, and the observation of construction.

The California Health and Safety Code preempts the local building jurisdiction plan review and approval and construction inspection of hospital buildings; and authorizes OSHPD to review and inspect these facilities. These facilities include: general acute care hospitals, acute psychiatric hospitals, and general acute care hospitals providing only acute medical rehabilitation center services. A hospital campus may consist of a number of structures, some under OSHPD jurisdiction; the rest under the jurisdiction of the local building authorities, as well as, various site improvements such as parking and landscaping.

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND ADOPTED THIS 9TH DAY OF JANUARY, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

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APPROVED AS TO FORM:

CHRISTI HOGIN
INTERIM 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 Sec. 1094.6."