

PC RESOLUTION NO. XX-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 10607-2018) TO ALLOW THE ESTABLISHMENT OF A LICENSED ADULT DAY CARE FACILITY (“GROUP CARE FACILITY”) WITHIN AN EXISTING 14,241 SQUARE FOOT STRUCTURE LOCATED AT 1275 EAST HOLT AVENUE (APN 8323-017-032) IN THE CITY GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the applicant, Anthony Chin, has filed an application for Conditional Use Permit (CUP 10607-2018) to allow the establishment of an Adult Day Care Facility (“Group Care Facility”) serving adults and elderly clients located at 1275 East Holt Avenue;

WHEREAS, the subject site is located within the City Gateway Segment of the Pomona Corridors Specific Plan (PCSP);

WHEREAS, the subject site is currently designated “Neighborhood Edge” by the City’s General Plan;

WHEREAS, the approval of a Conditional Use Permit by the Planning Commission is required for the establishment of an adult day care facility (“group care facility”) serving adults and elderly clients;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on March 13, 2019, concerning the requested Conditional Use Permit (CUP 10607-2018); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

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), this action as defined is Categorically Exempt under Article 19, Section 15301 (Class 1- Existing Facilities), because the proposed project will utilize existing structures where all public services and facilities are available to serve the project, with only alterations to the interior of the structure.

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 .580.B of the Pomona Zoning Ordinance (PZO), the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 10607-2018). 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. That the proposed use at the particular location will contribute to the general well being of the neighborhood or community.**

The proposed project will contribute to the general well being of the neighborhood and the community by providing social services for adults and particularly the elderly. This service is necessary and it is desirable for the community to serve and provide such services to adults and the elderly. The subject site is currently a 14,241 square foot vacant building and will be transformed into an economically viable building with aesthetic improvements, while providing the need for specialized services and jobs within the community.

- 2. That such use will, under the circumstances of the particular case, not 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.**

As conditioned, the applicant's request will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in substantial conformance with the development standards and use requirements of the Pomona Zoning Ordinance (PZO). Additionally, the applicant will be licensed by the State of California Department of Social Services. Based on the proposed project, it is not anticipated that the configuration of the site or activities associated with the use will generate noise or other impacts that will be detrimental since all of the proposed activities of the program are indoors. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is located within a mixed-use segment of the PCSP.

- 3. That the site for 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 in the neighborhood.**

The subject site (approximately 32,670 square feet in size) is sufficient enough in size to accommodate all of the development standards required of Group Care Facilities as outlined

in Section .5809-14 of the Pomona Zoning Ordinance (PZO). The subject site is an existing building in the City Gateway Segment of the PCSP. The applicant has provided justification for the number of off-street parking spaces required because their clients are not capable of driving to the facility.

4. The site abuts streets and highways adequate in width and improvements to carry traffic generations by the proposed use.

The subject site takes access from Holt Avenue, a Major Arterial street, which is capable of handling the vehicle trips generated by the proposed use. The proposed use would generate traffic from the pickup and drop off of a maximum of 200 clients and a maximum of 25 employees.

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.

Granting of the permit will not adversely affect the General Plan of the City in that the proposed tenant improvements of an existing commercial building is consistent with the intent of the General Plan's Neighborhood Edge place type. Furthermore, the proposed use is consistent with the following General Plan goals (6D.G2 and 6D.G1):

"Maximize the value of all properties along the City's most visible and prominent corridors" and "improves the physical character, economic vitality, and mobility function of the City's most visible and well-traveled corridors."

SECTION 4. In accordance with Section .503F of the Pomona Zoning Ordinance (PZO), the Planning Commission must make findings in order to approve a parking study submitted for review and approval by the Planning Commission when the proposed development does not adequately provide for on-site parking needs as they exist. 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 parking plan proposed will adequately provide for the parking needs of the development.

The proposed use is for an adult day care facility ("group care facility") for disabled and elderly adults who do not have the ability to operate a vehicle and will utilize alternative transportation as a way to get to and from the site. As such, the applicant has stated that the off-street parking on the subject site will be utilized primarily for the employees of the

proposed use. The applicant has stated that they will have 25 employees and will be limited to 25 employees under the conditions of approval for CUP 10607-2018.

2. **The parking plan proposed will not adversely affect traffic patterns, as they exist or as they are outlined in the general plan.**

Since the proposed project is within an existing commercial building, there will be no adverse effects to traffic patterns because all of the existing driveways, drive aisles, and off-street parking spaces will be utilized by the business operator.

3. **The parking plan will not be detrimental to the public health, safety, or welfare, but will be consistent therewith.**

Based on the information provided by the applicant, the proposed use will only need to utilize the off-street parking spaces for employees and for van loading and unloading of clients within an existing commercial development. According to the applicant, the specific operations require less off-street parking because of the clientele it serves. It is not anticipated that the parking plan will be detrimental to the public health, safety, or welfare based on the parking plan provided.

SECTION 5. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 10607-2018) 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

General Conditions

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 March 13, 2019, and as illustrated in the stamped approved plans dated March 13, 2019. 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. To the extent any condition in this resolution is not in conformity with the stamped approved plans, the conditions herein shall prevail.
2. This approval shall lapse and become void if construction has not commenced under a valid building permit within one (1) year from the date of this approval (March 13, 2020), in

accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one (1) 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 project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within 1,000 feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
4. 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.
5. 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 conditional use permit.

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 Development Services 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 Development Services Manager.
7. Anti-graffiti film shall be installed onto the exterior windows of the proposed project. Any graffiti on the windows by scratching or acid sketching shall be removed within thirty (30) days.
8. No temporary signs relating to any activity on the premise shall be placed or allowed to remain within landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, and city trees) or other portions on the exterior of the building. The only temporary signs allowed shall be properly permitted banner signs by permit per the City's sign ordinance. Signs placed in any window of the premises shall comply with the City's sign ordinance, and all other conditions under this Conditional use Permit.
9. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351 et seq.
10. Before issuance of zoning clearance and a business license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - a) They have read and understand all the conditions of approval applicable to their project;
 - b) That they are familiar with the daily operations of the use; and
 - c) That the use will operate in compliance with the conditions of approval.
11. 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.
12. The property shall be maintained free of weeds and debris prior, during and after the construction period.
13. The applicant shall adhere to the parking plan provided and be limited to a maximum number of employees for the proposed facility to be 25, while the maximum number of clients shall not exceed 200.

14. The new walls proposed along property lines shall be constructed of decorative block, such as split-face block.
15. Lighting fixtures affixed to the exterior of the building shall remain on after the business is closed.
16. Applicable licensing from the State of California Department of Social Services shall remain active and valid at all times.
17. All activities conducted in association with the Adult Day Care facility shall be conducted indoors at all times.
18. Clients of the adult day care facility shall not stay in the facility overnight.
19. Prior to the issuance of a Certificate of Occupancy, the off-street parking lot of the subject site shall be re-striped to City standards.
20. Prior to the issuance of a Certificate of Occupancy, the parking lot and front yard landscaping must be installed and have proper irrigation.
21. The proposed adult day care facility shall provide fire extinguisher and smoke detector devices, and shall meet all standards established by the Los Angeles County fire marshal.
22. The proposed adult day care facility shall be operated according to all applicable state and local health and safety regulations.
23. No indoor furniture shall be allowed outdoors. All exterior walkways shall be kept clear for handicapped accessibility, and no furniture shall be permitted outdoors.
24. The proposed group care facility shall be in conformance with the Uniform Building Code. A certificate of occupancy shall be obtained from the Building Division prior to occupancy.
25. There shall be adequate lighting around the property at all times (minimum of 1 foot-candle). This shall be done in such a fashion that persons standing outdoors at night are easily identifiable by law enforcement personnel. Lighting shall be screened so that no spillover occurs onto the adjacent properties.
26. Prior to issuance of building permits, the applicant shall obtain approval, during the Plan Check Process, from the Planning Division of a mechanical plan demonstrating the location, type, size, and appropriate screening of all ground-mounted and roof-mounted mechanical equipment. All mechanical equipment shall be screened from public view.

27. The installation of fences and walls that were not contemplated as part of this permit will require the submittal of a “Fence and Wall Permit” for review and approval by the Planning Division.
28. The installation of signage will require the submittal of a “Sign Permit” for review and approval by the Planning Division.
29. No overnight vehicle or van parking shall be permitted at any time, except for vehicles used by employees in the normal course of business.
30. No overnight parking of recreational vehicles (RV’s) shall be permitted.
31. No vending machines of any kind shall be installed outdoors within the Project Site.
32. There shall be no public pay phones installed within or upon any portion of the premises.
33. The placement of outdoor storage bins (including containers, trailers, or enclosures) on the Project Site shall be prohibited, except during the construction process pursuant to an active building permit.
34. Loitering and panhandling on the premises shall be prohibited. Signs stating such prohibition shall be posted on the property.
35. Exterior site video surveillance equipment shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity on surrounding public rights-of-ways as well the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.
36. The operator shall submit a security plan for review and approval by the Pomona Police Department.

BUILDING AND SAFETY DIVISION

37. The undergrounding of utility facilities is required. (PMC 62-31) An application for an exemption may be submitted as specified on PMC62-31, section (c).
38. 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)

39. 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.
40. The design of the building shall comply with all ADA requirements as specified in the 2016 California Building Code Chapter 11B, including accessible parking requirements, accessible path of travel and ADA compliance within the interior of the building.
41. 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.
42. 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.
43. 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.
44. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

WATER/WASTERWATER OPERATIONS DEPARTMENT

WATER & SEWER

45. There is currently an existing eight-inch (8") CIP water main within Holt Avenue. The existing localized static pressure of the project area is 80-90 psi. A pressure reducing valve (PRV) is required to protect internal water fixtures from the pressure at the site. The existing water and sewer infrastructure shall be shown on the site plan. Further design comments shall be issued by the WRD regarding the extent of proposed public water main within the proposed project area.
46. There is currently an existing 1" meter serving 1275 E. Holt Avenue. Please identify if this existing meter will be used with the proposed development. A low-lead (0.25%) 1" reduced pressure principle assembly (RPPA) is required for the site.

47. Verify the fire flow demand and sprinkler need for this site. Contact the Los Angeles County Fire Department for additional requirements.
48. The applicant/developer shall calculate the wastewater discharge and proposed water demand (based on fixture units) to verify that the existing wastewater and water infrastructure can accommodate the water demand, given the size, pressure, and age of the existing system. These calculations shall include fire and domestic water demands. These calculations shall be submitted to the WRD.

PUBLIC WORKS DEPARTMENT

Improvement plans requirements

49. Prior to the issuance of the building permits, Applicant/Developer shall submit for review and approval a **Revised Site Plan** to include the following items and shall be responsible for the construction thereof:
 - a. Should the City's Building and Safety Division require ADA accessibility to the existing structure from Holt Avenue, the platform located along the building front door shall be accordingly modified to comply with the ADA requirements. The Owner shall submit an encroachment permit application for the portion of the aforementioned platform that encroaches in the public right-of-way. The application shall be reviewed and approved by the Public Works Department.
 - b. Construct new sidewalk to complete the missing panels up to the property line and to replace all damaged cracked and uplifted sections.
 - c. Adjust to grade the concrete and metal lid covers of the Gas Company underground equipment vaults located within the Garey Avenue sidewalk area. Applicant/Developer shall coordinate the work with the utility company.
 - d. To address public safety and in compliance with the current City standards, the following modifications shall be made to street lights:
 - i. Refurbish one (1) City street light luminaire along the Holt Avenue frontage with an LED luminaire.
 - e. 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 and a note to this effect shall be added to the public street improvement plan.
 - f. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496 and a note to this effect shall be added

to the public street improvement plan.

- g. Undergrounding of the proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plan.
- 50. The demolition or relocation of all 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 the Engineering Division of the Public Works Department.
 - 51. 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.
 - 52. 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.
 - 53. 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.
 - 54. Prior to the issuance of the building permits Property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting and Landscaping Maintenance District. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.
 - 55. The plans shall be submitted on 24" x 36" sheet size, 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.

- 56. Prior to the issuance of the building permits, Applicant/Developer shall post surety bonds for the proposed public improvements, including but not limited to: sidewalk and street light.
- 57. 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.

- 58. Permittee shall pay fees associated with and possess the City of Pomona Business License.
- 59. 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.

COUNTY OF LOS ANGELES FIRE DEPARTMENT—FIRE PREVENTION

LAND DEVELOPMEN UNIT

The verification of the following requirements will be performed by Fire Prevention Engineering Section Building Plan Check prior building permit issuance.

- 60. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
- 61. 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.
- 62. 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
- 63. 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
- 64. 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

65. 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
66. Dead-end Fire Apparatus Access Roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround.

Water System Requirements

67. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
68. The required fire flow for the public fire hydrant on this development is 2500 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
69. All required public fire hydrants shall be tested and accepted prior to Building Permit Issuance. Fire Code 501.4

An approved automatic fire sprinkler system may be required for this Permit. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval. Contact the Sprinkler Plan Check Unit at 323 890-4125 for submittal requirements.

SECTION 6. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 13TH DAY OF MARCH, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
INTERIM 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."