

PC RESOLUTION NO. 19-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING A MODIFICATION OF CONDITIONAL USE PERMIT (CUP 12644-2019) TO UTILIZE A PORTION OF THE LOT FOR OUTDOOR STORAGE LOCATED AT 2205 MOUNT VERNON IN THE M-1 (LIGHT INDUSTRIAL) ZONE.

WHEREAS, the applicant, Mark Sinsko, has filed an application for Modification of Conditional Use Permit (CUP 12644-2019) to utilize a portion of the lot for outdoor storage located at 2205 Mount Vernon in the M-1 (Light Industrial) Zone;

WHEREAS, a separate permit is required for the utilization of a portion of the lot for outdoor storage as established by Resolution No. 14-011;

WHEREAS, the subject property is on a parcel designated as “Workplace District Edge” by the City’s General Plan;

WHEREAS, the subject property is located within the M-1 (Light Industrial) Zone;

WHEREAS, the proposed development meets all of the development standards of the M-1 (Light Industrial) Zone;

WHEREAS, on January 29, 2014, the Planning Commission of the City of Pomona approved Conditional Use Permit and Street Vacation (CUP 13-003 & V-307), Resolution No. 14-011 for the development of an industrial building totaling 238,232 square feet on a 19.1 acre project site;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on November 13, 2019, concerning the requested Modification of Conditional Use Permit (CUP 12644-2019); and

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. In accordance of CEQA guidelines, the Planning Commission hereby determines that the proposed project would be categorically exempt under Article 19, Section 15301 (Existing Facilities), because the proposed project will utilize an existing structure where all public services and facilities are available to serve the project.

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. The Planning Commission hereby amends, by modification, the previously approved Condition Use Permit (CUP 13-003) approved by Planning Commission Resolution No. 14-011, by approving an outdoor storage with walls for screening, and adopts this Resolution by approving Modification of Conditional Use Permit (CUP 12644-2019), as set forth herein with modified conditions.

SECTION 4. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to grant, in part, Modification of Conditional Use Permit (CUP 12644-2019) to modify conditions of approval related to on-site and off-site improvements. 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 wellbeing of the neighborhood or community;*

The proposed use of the subject site for outdoor storage at this location will contribute to the general well-being of the neighborhood and community by supporting the existing business and the local economy. The appearance of the outdoor storage will be screened by eight feet high wall, as conditioned, blocking the visual appearance of the storage along SR-71.

2. *That 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 proposed use of outdoor storage 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 full conformance with the development standards and use requirements of the M-1 Zone. In addition, the project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent and compatible with the surrounding properties, which are zoned and planned for light industrial uses.

3. *That the site for the proposed use is of adequate topography, size and shaped 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 has adequate topography, size and shape to accommodate the proposed outdoor storage. Currently the lot is empty, and the use of the space for outdoor storage is compatible with the existing business and the surrounding land uses. In addition, an eight feet high wall, as conditioned, will be screening the outdoor storage along SR-71.

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

The subject site has direct street access to Humane Way and Mount Vernon Avenue. All available access to the subject site are adequate in width to carry traffic generations typical of warehousing and distribution center, and outdoor storage supporting these uses.

5. *That the granting of such conditional use permit will not adversely affect the General Plan of the city or any other adopted plan of the city and conforms to the provisions of the zoning ordinance.*

The granting of the modification to the Conditional Use Permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed outdoor storage is consistent with the “Workplace District Edge” place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by supporting existing businesses, and meeting its policy of, “[Continuing] to permit General Industrial uses, while attracting new business park and campus style developments (Policies 6F.P3).”

SECTION 5. Based upon the above findings, the Planning Commission hereby approves Modification of Conditional Use Permit (CUP 12644-2019) to modify conditions of approval related to on-site and off-site improvements, subject to the following conditions:

PLANNING DIVISION

1. Written appeals may be filed with the City Clerk within twenty (20) days by one or more City Council members, the applicant, or any person owning property within four hundred (400) feet of the exterior boundary of the applicant’s property.
2. The applicant shall retain a copy of this resolution on the premises at all times and be prepared to produce it immediately upon the request of any City representative.
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 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 violation of the conditions of approval and/or City law occurs within ninety (90) 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.
5. The property owner shall ensure that future tenants are provided with the conditions of approval and that tenants sign a lease addendum confirming that they have read and understand all conditions relative to operation of the facility.
6. A revised site plan and updated floorplans shall be submitted to the Planning Division before Plan Check submittal.
7. The height of the proposed screen wall along the eastern property line shall be increased to eight (8) feet in height.
8. All materials stored in the proposed storage area shall be limited in height to a maximum of eight (8) feet and shall be placed behind the proposed screen wall so as to not be visible from the public right-of-way.

BUILDING & SAFETY DIVISION

1. Do not obstruct accessible parking

WATER

1. No storage materials or structures shall be located within fifteen feet of any existing public water main.
2. No storage or permanent structures shall be located within the existing utility/water easements as identified per Parcel Map 23180.
3. Vehicular and pedestrian ingress/egress access as determined by the WRD shall remain in place for the City's infrastructure maintenance.

FIRE

1. Land Development Unit has no requirements for this permit; however, the proposed project is required to be submitted to the Fire Department's Fire Prevention Engineering Section – Building Plan Check Unit for review for access and water system requirements, along building requirements.

SECTION 7. 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 NOVEMBER, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GUSTAVO N. GONZALEZ, AICP
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 California Code of Civil Procedure Section 1094.6."