



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: January 29, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 13-003) & STREET VACATION (V-307):**

A request for Conditional Use Permit (CUP 13-003) for the development of a 279,424 square foot warehouse/distribution building and Street Vacation (V-307) to vacate a portion of Mount Vernon Avenue between Humane Way and the Chino Valley Freeway (SR-71) on an approximately 18.5 acre site in the M-1 (Light Industrial) zone located at 2205 Mount Vernon Avenue.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolutions (Attachment 1 and 2) approving Conditional Use Permit (CUP 13-003) and Street Vacation (V-307), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location:	2205 Mount Vernon Ave
APN Information:	8707-007-017 and 8707-007-018
Project Applicant:	Overton Moore Properties
Property Owner:	ATC Realty Sixteen, Inc.
CC District:	District # 1
Historic/CBD:	Not Applicable
Specific Plan:	Not Applicable

PROJECT DESCRIPTION & BACKGROUND

The proposed project area includes two parcels, with a combined total land area of 18.5 acres, collectively known as the project site. The project site is located west of State Route 71 (SR-71) at the southwest corner of SR-71 and Valley Boulevard (Attachment 3). The project site is bordered by Valley Boulevard, and an inpatient drug and alcohol rehabilitation facility to the north, Mount Vernon Avenue and the Southern Pacific Railroad right-of-way to the south, SR-71

to the east, and Humane Way to the west. A segment of Humane Way is elevated over the southwest portion of the property, via an easement.

The project site was formerly occupied by the Blue Heron Paper Company, a newsprint/paper mill that produced newsprint and other specialty paper products from recycled paper. However, all former improvements (buildings, parking lots, etc.) have been demolished and removed. Current groundcover consists of exposed sparse to moderate native grass and weed growth with areas of exposed soil. Portions of the site also include asphaltic concrete pavement and limited areas of concrete pavement.

The applicant proposes to build one concrete tilt-up industrial warehouse building totaling 279,424 square feet on an approximately 18.5-acre undeveloped lot. The building will be centrally located on the subject lot and will consist of approximately 259,424 square feet of warehouse area and 20,000 square feet of office area. The building will have the main facade facing south, towards Mount Vernon Avenue. The rest of the elevations will have raised loading docks. The project proposal also includes the vacation of a portion of Mount Vernon Avenue, between Humane Way and the SR-71, immediately abutting the subject site to the south, and incorporating it as part of the project site as a private driveway.

The site will contain a total of 165 passenger off-street parking spaces, 147 trailer stalls and related site improvements to include landscaping, curbing, pavement, fencing, lighting, irrigation and walkways. Access to the site will consist of two driveway entries located; one located on Mount Vernon Avenue and the other on Humane Way. The main driveway, at the proposed easterly terminus of Mount Vernon Avenue, will serve both passenger vehicles and trucks. The driveway on the northwest of the property frontage, along Humane Way, is designed to be exclusively accessed by passenger vehicles. All access points are designed to provide direct access and sufficient maneuvering area for vehicle parking and loading dock purposes.

Applicable Code Sections

Pursuant to **Section .580 of the Pomona Zoning Ordinance**, the approval of a conditional use permit by the Planning Commission is required for industrial facilities in M zones on properties with more than one acre (43,560 square feet) of lot area.

Pursuant to California Streets and Highways Code Section 8313 (a) and (b), and Government Code 65402 (a), before the City Council vacates or abandons a street, highway or public service easement, the Planning Commission shall report upon the proposed vacation for conformity with the City's General Plan.

Surrounding Land Use Information

The subject site is located in an industrial area of the City. With the exception of the existing rehabilitation center abutting the site to the north, the subject site is surrounded by properties zoned and designated by the General Plan for industrial uses.

Across the street (Mount Vernon) to the south is a Southern Pacific Railroad right-of-way and beyond that is an industrial park. Immediately abutting the subject site to the west, beyond Humane Way, is a 12 acre industrial park. Abutting the lot along its north lot lines is American Recovery Center, an inpatient drug and alcohol rehabilitation facility. State Route 71 borders the project site along its eastern boundary and beyond that is an industrial park. The following table summarizes the surrounding land uses, zoning and general plan designations for Commission consideration.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Vacant	M-1	Industrial
North	Rehabilitation Center	M-1	Industrial
South	Southern Pacific R.R. Industrial Park	M-1	Industrial
East	SR-71 Industrial Park	M-1	Industrial
West	Industrial Park	M-1	Industrial

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The project site is currently zoned M-1 (Light Industrial). The proposed project is subject to specific development standards of the M-1 zone. Staff has evaluated the proposed project to ensure compliance with the minimum development standards of the M-1 zone. Compliance with the required development standards will ensure that the site is developed in a manner consistent with the purpose and intent of the zoning district. Staff has concluded that the physical development of the site meets and/or exceeds the development standards of the M-1 zone. The following table summarizes the proposed project and its compliance with the M-1 development standards:

Project Summary Table

Development Standards	Zoning/Code Requirements	Proposed Project	Compliance Determination
Lot Area	None	805,860 sf (18.5 acres)	Yes
Lot Width	None	1,000' +/-	Yes
Lot Depth	None	1,135' +/-	Yes
Street Yards	25 feet minimum	400' (From Mount Vernon/ Humane Way Intersection)	Yes
Side & Rear Yard	None required	50' minimum	Yes
Building Height	75 ft./ 6 stories max.	39' maximum	Yes

Development Standards	Zoning/Code Requirements	Proposed Project	Compliance Determination
Building Separation	None	N/A	Yes
Building Area	No min./max.	279,424 sq. ft.	Yes
Number of Parking Spaces	165	212	Yes
Landscaping	Minimum 6-percent of parking area	16% 128,792 sq. ft. (2.95 acres)	Yes
Loading Area	5 minimum	78 raised loading docks 2 ramped loading areas	Yes
Driveway Width	25' minimum	26' minimum	Yes

Vehicular Circulation and Access

A Traffic Impact Study was prepared by LSA Associates (Attachment 7 – Appendix C) to study the potential impacts of the project, if any, as it relates to traffic

The study concluded that the industrial park is projected to generate 41 trips in the a.m. peak hour, 45 trips in the p.m. peak hour, and 616 daily trips. Opening year of the project is 2014. Under existing and opening year conditions, all study intersections operate or are projected to operate, based on the off-site improvements proposed in the development plans, at satisfactory levels of service without and with the proposed project.

The study analyzed the impacts the trips generated by the proposed industrial park would have on the following six adjacent intersections: (1) Ridgeway St and Valley Blvd, (2) Humane Way and Valley Blvd, (3) Humane Way and Project driveway on Humane Way, (4) Humane Way and Mount Vernon Ave, (5) Mount Vernon and Project driveway on Mount Vernon Ave, and (6) Fairplex Drive SR-71 northbound ramps and Valley Boulevard. The study concluded that those six intersections currently operate at a satisfactory level of service (LOS) and would continue to operate at a satisfactory level of service with implementation of the proposed project. As such, it is not anticipated that the proposed project would have any significant impacts as it relates to traffic.

Architectural Elevations

Due to the project's location along a major gateway into the City, the architectural elevations were reviewed in the context of enhancing the City's image and appearance to travelers along Humane Way and the 71 Expressway. Due to the large scale of the proposed building, features that would break up the massing were critical to providing the desired overall appearance.

The proposed building has a Contemporary style of architecture, consisting of tilt-up concrete walls and flat roofs (Attachment 5). The large massing of the building is broken up through the

use of building line variation, vertical articulation, horizontal articulation, use of different materials, and colors.

The main features of the elevations are towers provided at main entries and at the edges of the façade and at the mid-sections of the façades and side elevations. The mid-section towers project 1 foot-6 inches beyond the building line of the majority of the building to provide variation in the wall surfaces. Further vertical articulation is provided by projecting the tower features two to four feet above the parapet roofline of the rest of the building. Blank walls are further articulated by the use of vertical reveals and control joints at defined intervals and the use of windows. Additional horizontal articulation is provided by a recessed belt band at height above midpoint, with a pair of small reveals and larger reveals at intervals above and below the band. Additional materials are provided through the use of glass windows and doors. Many of the windows, especially those on the second floor, will be spandrel and are provided to soften the appearance of the facades. Windows and doors will be recessed from adjacent walls to provide additional relief from flat surfaces.

Loading Dock Elevations

These elevations are similar to the other elevations since their prominent architectural features are towers at the ends of the façade and at the midsection. However, the midsection towers on these elevations differ since these do not project beyond the building wall and are flush with the rest of the façade, since these walls have all the loading docks. The tower and wall surfaces in-between share the same articulation features and color scheme as the other elevations. In an effort to reduce the visibility of the loading docks and the trailer storage areas, from commuters on the SR-71, the applicant will be utilizing a tree line along the eastern property line to aid in screening these areas. The tree line will consist of new and existing trees, ranging in canopy widths and heights; species include eucalyptus, pines, Mexican sycamores, coast live oak and Brisbane box.

ISSUES ANALYSIS

Issue 1: General Plan Conformity

The proposed use of industrial warehouses conforms to the General Plan and is consistent with the “Industrial” land use designation of the subject site shown on the General Plan Land Use Diagram. Furthermore, the project will develop a site that is currently unoccupied into an economically viable and aesthetically pleasing development, which is consistent with the following policies of the General Plan:

“To encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector (Economic Development Element);”

“To promote a balanced and dynamic economic growth for Pomona with continued development of commercial, financial, 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 (Economic Development Element);”

“It is the policy of the City of Pomona to place a major priority on improving physical and visual images of the community (Community Design Element).”

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the proposal in terms of conformance to the development standards of the M-1 (Light Industrial) zone. As mentioned in the Zoning Compliance Analysis section, the project conforms to the development standards of the M-1 zone. Therefore, the granting of the Conditional Use Permit will not adversely affect the intent and purpose of the Zoning Ordinance.

Issue 3: Land Use Compatibility in the Context of the Neighborhood

The applicant is proposing to construct an industrial building within an industrial zoned portion of Mount Vernon Avenue. The proposed construction, and future industrial uses, would be compatible with other adjacent industrial uses that include other industrial parks, related uses such as warehousing and manufacturing along Mount Vernon Avenue and Humane Way. Based on the proposed project, and as conditioned, it is not anticipated that the configuration of the site or activities associated with the proposed development will generate impacts that are associated with a typical industrial use that will be detrimental.

Issue 4: General Plan Consistency – Vacate Mount Vernon Avenue

The portion of Mount Vernon Avenue to be vacated is located immediately south of the project site, between Humane Way and the SR-71. This portion of the street is currently paved and includes curbs and gutters. Upon vacation, the street will be used for the benefit of the owner of 2205 Mount Vernon Avenue as a private access and driveway for the proposed development.

The request to vacate a portion of Mount Vernon Avenue, , between Humane Way and the SR-71, is consistent with the following policy found in the Circulation/Transportation Element of the General Plan:

It is the policy of the City of Pomona to coordinate circulation planning with existing and proposed land use policies of the City and to use circulation planning as one means to accomplish desired land use patterns for the future.

The proposed vacation can be accomplished with little or no effect on the City’s transportation circulation system. Access to individual properties will not be impaired by the proposed Commercial Street vacation.

ENVIRONMENTAL ANALYSIS/DETERMINATION

Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) found in the California Public Resources Code, the City contracted with LSA Associates, Inc., to prepare an Initial Study to assess the potential effects of this project on the environment. The Initial Study (Attachment 7) found that the proposed project could have a significant impact on the environment in relation to Noise, Biological Resources and Cultural Resources. However, it was also found that if mitigation measures were added to the project, the impacts could be reduced to levels less than significant. The mitigation measures have been incorporated as conditions of approval in the draft resolution for the project. Consistent with CEQA, a Mitigated Negative Declaration of Environmental Impact has been prepared for the project for consideration by the Planning Commission.

NOISE

The mitigation measures were established based on a Noise Impact Analysis prepared by LSA Consultants, Inc (Appendix B of Attachment 7). The analysis found that construction of the proposed project would result in potentially high short-term intermittent noise levels reaching 84 dBA maximum instantaneous noise level (L_{max}) at the closest sensitive receptor (single-family neighborhood) to south of the project site. The range of noise is lower than the City's maximum permissible noise level of 85 dBA L_{max} for construction activity noise. Additionally, as specified in the City's noise control ordinance, construction activities would be limited to the hours of 7:00 a.m.–8:00 p.m., Monday through Saturday, and would not be permitted at any time on Sundays or federal holidays. Short-term noise levels would be higher than existing ambient noise levels in the project area, but would cease upon project completion. Although the projected noise levels is lower than the City's maximum permissible noise level, the following mitigation measures would be required to reduce potentially high noise levels at the closest sensitive receptor (rehabilitation center) to less than significant.

The following are the recommended mitigation measures that have been accepted as conditions of approval:

NOI-1 The project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

NOI-2 The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the west of the site.

NOI-3 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise-sensitive receptors in the vicinity of the site during all project construction.

Furthermore, there would be on-site stationary sources in the form of truck movement and loading/unloading activities at the northern loading docks on the north side of the building that would potentially generate noise levels at the adjacent rehabilitation center to the north and west

of the project that would exceed the City's nighttime noise thresholds. Therefore, the following mitigation would be required:

NOI-4 Truck movement and loading/unloading activities shall be restricted during nighttime hours (between 10:00 p.m. and 7:00 a.m.) for the loading docks on the northern side of the warehouse building, unless a sound wall with a minimum height of 10 feet is built along the project's western boundary.

With implementation of the identified mitigation measures, potential short-term construction noise and long term operational noise impacts would be reduced to less than significant

BIOLOGICAL RESOURCES

The proposed project site has been substantially altered from its natural site by its previous uses of paper mills and the subsequent demolition of associated buildings and structures, and has been substantially altered from its natural state. The site is devoid of any substantive natural habitat and in general has no significant biological resource value. The site currently contains remnant ornamental plants, ruderal vegetation, and other non-native plants and weeds. These plants include eucalyptus trees (*Eucalyptus spp.*), pine trees (*Pinus spp.*), and Mexican Fan Palm (*Washingtonia robusta*) along its eastern edge, adjacent to the SR-71. The nearest federally designated critical habitat is for Coastal California Gnatcatcher, approximately one mile north of the project site, north of I-10. Riparian and wetland habitat do not exist on the project site. Due to the presence of trees along the site perimeter and open areas within the site's interior, several bird species, including the burrowing owl (*Athene cunicularia*), have a moderate to low probability of occurrence for the purposes of nesting. Nesting bird species are protected by the Migratory Bird Treaty Act (MBTA) (16 USC 703- 711) and Section 3503 California Fish and Game Code. These laws make it unlawful to take, possess, or needlessly destroy the nest or eggs of any migratory bird or bird of prey. The proposed project would be subject to compliance with the MBTA. To avoid potential impacts to nesting birds and to ensure compliance with MBTA, it is recommended that the limits of the proposed project be cleared of vegetation outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a preconstruction nesting bird survey by a qualified biologist is recommended prior to vegetation removal. Therefore, the following mitigation measures are required:

BIO-1 A 14 day preconstruction survey for the burrowing owl shall be required to avoid any potential impacts to the species. State of California, Natural Resource Agency, Department of Fish and Wildlife (CDFW), Staff Report on Burrowing Owl Mitigation (March 2012). The survey shall include 100% coverage of the development area and within suitable habitat areas. If active burrowing owl burrows are determined to be present, the burrow shall be flagged and a 160-foot buffer would be created around the burrow during the non-breeding season (September 1 to January 30), and a 250-foot buffer shall be created during the breeding season (February 1 to August 31). The buffer limits may vary depending on the burrow location and burrowing owl sensitivity to human activity. Any relocation efforts must be coordinated with the CDFG and US Fish and Wildlife Service.

BIO-2 In addition, to ensure compliance with California Fish and Game Code and the MBTA, and to avoid potential impacts to other nesting birds, the proposed project site shall be cleared of vegetation outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. Should nesting birds be found, an exclusionary buffer shall be established by the biologist. This buffer shall be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing shall not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.

CULTURAL RESOURCES

There are no known historic structures, archaeological resources, or paleontological resources located within the project site nor would the project affect any offsite resources of historical, archaeological, or paleontological significance. Also, past development of the site would have disturbed and/or removed any significant resources. However, there is a possibility that significant historical, archaeological, or paleontological resources could be unearthed during grading activities. Therefore, Conditions No. 34-36, of Attachment 1, are required as mitigation measures to reduce the impacts to historical, archaeological, and paleontological resources.

TRAFFIC

A Traffic Impact Analysis prepared by LSA Consultants, Inc (Appendix C of Attachment 7) assessing potential project traffic impacts. The analysis found that construction of the proposed project would not result in any significant impacts as long as the project is built as requested. A critical off-site improvement, which is already proposed by the applicant on the development plans, is the construction of a southbound left-turn lane on Humane Way to accommodate southbound movement into the project driveway on Humane Way. The Traffic Analysis concluded that there would be significant impacts related to traffic if the construction of the southbound left-turn lane did not occur, therefore, the following condition of approval has been added to the project:

TRAN-1 Prior to issuance of an occupancy permit for the project, the developer shall be responsible for installing a southbound left-turn lane at the Humane Way/Driveway 1 intersection. The southbound left turn lane shall include a minimum of 50-feet of storage and a 60-foot bay taper. Landscaping on the project site (trees or shrubs) in excess of 3.5 feet shall be prohibited within 10 feet of the westbound stop sign in order to accommodate adequate site distance. The driveway on Humane Way shall be restricted to passenger vehicles only. A sign shall be posted facing northwards indicating “No Truck Access, Use Mount Vernon” to notify truck drivers that truck ingress is prohibited and to use Mount Vernon and a second sign shall be posted facing eastward on the driveway indicating “No Truck Exit, Use Mount Vernon” to notify truck drivers that trucks egress is prohibited and to use Mount Vernon. This improvement shall be made to the satisfaction of and in coordination with the City traffic engineer.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on December 23, 2013 in the Inland Valley Daily Bulletin and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on December 19, 2013 (Attachment 6). As of the date of this staff report, staff has not received any correspondence either supporting or opposing the proposed project. Additionally, the Initial Study and Negative Declaration were made available for the required 20-day public review period which began on December 23, 2013.

CONCLUSION

The project is consistent with the land uses outlined in the City's General Plan and it meets or exceeds the minimum development standards of the Zoning Ordinance. Furthermore, the project has been designed in a manner that will enhance the aesthetics of the site, and compliment the existing character of the surrounding neighborhood. Based on staff's analysis of the issues, the proposed project will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding land uses.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolutions (Attachment 1 and 2) approving Conditional Use Permit (CUP 13-003) and Street Vacation (V-307), subject to conditions.

Respectfully Submitted:

Prepared By:

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Luis Rocha
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PC ATTACHMENTS:

- 1) Draft PC Resolution for CUP 13-003
- 2) Draft PC Resolution for V-307
- 3) Aerial Photo & Vicinity Map
- 4) Project Plans (8-1/2" x 11") reductions
- 5) Colored Elevations (11"x 17"-Separate Cover)
- 6) 400-foot Radius Map & Public Notice
- 7) Initial Study and Mitigated Negative Declaration
- 8) Full Size Plans (Separate Cover)

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