

PC RESOLUTION NO. 24-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 22538-2023) FOR OUTDOOR STORAGE ON A PROPERTY LOCATED AT 1000 WALNUT AVENUE

WHEREAS, the applicant, Exeter 1000 Walnut, has submitted an application for Conditional Use Permit for outdoor storage on a property located at 1000 Walnut Avenue;

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

WHEREAS, the subject property is on a parcel designated as "Workplace District" on the General Plan Land Use Map;

WHEREAS, the approval of a conditional use permit by the Planning Commission is required for the development of an industrial facility of over 20,000 square feet of gross floor area or greater than one acre in size in all M zoning districts;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, continued off-calendar a public hearing on May 8, 2024 concerning the requested 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 June 12, 2024 concerning the requested Conditional Use Permit; 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. The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. The City of Pomona, as lead agency, has conducted an environmental review on the proposed project per the California Environmental Quality Act (CEQA). Pursuant to the provisions of CEQA (Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Planning Commission hereby adopts a Categorical Exemption in compliance with Article 19, Section 15301, (Class 1—Existing Facilities) in that the project is an existing developed site with no proposed expansion.

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 Zoning Ordinance, the Planning Commission must make five (5) findings in order to approve this Conditional Use Permit. 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 use of the subject site for industrial development, specifically, the outdoor storage of materials and equipment, will contribute to the general well-being of the neighborhood and the community by providing a local storage use for machinery, equipment, and other tools that can be used by local manufacturers and related uses in the City's workplace districts. The proposed use will also activate a large portion of the site area that is otherwise vacant and undeveloped, increasing the likelihood of improved security and maintenance of the property while activating that area for new business operations.

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 applicant's request will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity as the outdoor storage items identified preclude those outdoor storage uses that would otherwise contribute to dust, debris, odor, or other public health impacts, including frequent truck trips. An applicant-provided technical report, reviewed by the City, concludes that noise levels will not exceed existing thresholds, that trip generation of trucks and vehicles would not exceed significant thresholds, nor would construction-related emissions related to air quality and greenhouse gases.

3. *That the site of 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 site is rectangular with sufficient width and depth to accommodate fire lanes and other dimensional limitations to ensure Fire safety provisions for any outdoor storage piles. The site is adequate to accommodate required walls, yards, and aisles.

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

The subject site takes access from Ficus, which is of sufficient width to accommodate traffic generated by the outdoor storage. As conditioned, the use would not include storage of containers, chassis, or truck trailers, which would reduce the truck traffic on both Ficus and Walnut, significantly reducing the possibility of negatively affecting existing road conditions. An applicant-provided trip generation study, reviewed by the City, concludes that new trips generated by the site would not exceed any thresholds of significance.

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 granting of this conditional use permit will not adversely affect the General Plan of the City of Pomona. As conditioned, the permitted outdoor storage items are materials and equipment that can support the uses called out by the Pomona General Plan as essential to for the City's Workplace Districts while precluding those types of outdoor storage items that would contribute to heavier industrial impacts of noise, diminished roadway safety, odor, dust, and debris.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit 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:

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 June 12, 2024, and as illustrated in the stamped approved plans. 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 Director of Development Services.
2. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval (June 12, 2026), 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 a violation of any of the conditions of approval and/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 (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. The property owner and tenant shall be responsible for a one-thousand dollar (\$1,000) fine for each violation.
5. The project is subject to a twenty 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 four hundred 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.
6. Within six months from certificate of occupancy, Applicant shall file for a Conditional Use Permit Inspection application and pay applicable fees. The Development Services Director and Code Compliance Supervisor shall conduct an inspection of the proposed operation, at any such time deemed necessary, and review any complaints received on the property. The Director shall determine if the applicant is satisfactorily in compliance against all conditions of approval identified in this Resolution. The Development Services Director may, at his or her discretion, pass or fail an inspection. If noncompliance is determined, the Director may schedule the matter for review by Planning Commission to consider bringing revocation proceedings. Applicant shall file for subsequent Conditional Use Permit Inspection Requests on an annual basis.

Plan Check:

1. The applicant shall include all conditions of approval from Conditional Use Permit on the title sheet of construction plans prior to plan check submittal.
2. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
3. 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.
4. Prior to the issuance of any building permits, the following must be completed:
 - a) A *Landscape Plan Check* in substantial conformance to the conceptual landscaping plan submitted as part of the Conditional Use Permit process. Plan should further conform to the State Model Water Efficient Landscape Ordinance, and applicable portions of Section .503-J of the Pomona Zoning Ordinance. A landscaping maintenance bond shall be required and held for a period of one year to ensure the project's compliance with the approved landscaping, at an amount to be determined by the Development Services Manager.
 - b) A *Photometric* plan demonstrating a minimum 0.5 foot-candle of illumination of parking, driveway, walkways, and common areas. Plan shall identify 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.
 - c) Compliance with *Art in Public Places* requirements, per Section .5809-24 of the Pomona Zoning Ordinance; compliance may be met by either placement of an approved public art piece on the project site, or payment of an in-lieu contribution.
 - d) 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.
 - e) A *Sign Permit* will be required for any installation of new signage.

Site Development & Maintenance Conditions

7. During demolition, grading, site development, and/or construction, all requirements of the Pomona Zoning Ordinance and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and

grading will be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.

8. 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.
9. The construction area shall be kept clean at all times prior to, during, and after construction.
10. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall 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 Director.
11. All existing landscaping shall be maintained and removed of weeds and debris and any trees shall be trimmed. Any patches of dirt on the perimeter of the property shall be landscaped. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Conditional Use Permit. Prior to removing or replacing any landscaped areas, check with the Planning Division. Substantial changes may require approval by the Development Services Director.

Outdoor Storage Conditions

12. This Conditional Use Permit authorizes the following types of outdoor storage on the property. No other forms of outdoor storage are authorized by this approval.
 - a) Material and Equipment Storage and Rental
 - i) Aerial Work Platforms, Ladders, Scaffolds Equipment
 - ii) Compaction, Earthmoving, Surface Preparation, Forklifts Trench Safety Equipment
 - iii) Precast concrete, stone and masonry building component materials
 - iv) Prefabricated building components materials (i.e. walls, panels)
 - v) Plumbing, piping, pumps, tanks, filtration equipment
 - vi) Electrical conduit, wire, lighting, power generation, solar panels, renewable energy storage infrastructure
 - vii) Electrical infrastructure, transformers, switchgear, meter cabinets
 - viii) HVAC units and evaporative coolers equipment
 - ix) Steel building components, racking, shoring materials
 - x) Lumber materials exclusive of recycling materials

- xi) Hardscape and Tile materials (i.e. pavers, large stones, large granite, marble and slabs)
- xii) Landscape materials (i.e. trees, sod, plants, shrubs, bagged fertilizers)
- xiii) Roofing materials, sheet goods, insulation, fasteners
- xiv) Fully enclosed, bagged or palletized non-hazardous products and building materials (i.e. planters, buckets, consumer goods)
- xv) Rental tools and equipment (except as prohibited)

All material shall be stored in a manner that does not expose it to the elements or increase the likelihood of generation of dust, debris, or spread of material across site to other sites or towards public right of way.

All equipment rental shall ensure any discharged non-hazardous liquids and non-hazardous refuse are contained promptly and properly disposed of.

Determinations on any specific outdoor storage item that is similar enough to the aforementioned to be permitted be made by the Development Services Director. Notwithstanding this provision, those items prohibited in Condition #14, shall not be permitted.

13. The rental of those items identified in Condition #12 shall be permitted.
14. The following types of outdoor storage shall be prohibited on the property at all times:
 - a) Vehicles (Cargo and Passenger Vans, Passenger Cars, Pickup Trucks, SUVs Dump Trucks, Contractor and Service Body Trucks, Stake Bed Trucks, Truck Trailers, Chassis, and Utility Vehicles); with the exception of vehicles stored or parked on site that are ancillary to the primary storage use on site or for the purpose of moving, managing, and delivering stored goods. The storage of such vehicles shall not be the primary use of the site).
 - b) Storage Containers and Mobile Offices
 - c) Portable restrooms
 - d) Shipping Containers Hazardous Waste
 - e) Loose aggregates (i.e. soil, gravel, dirt, stone)
 - f) Auto dismantling, junk yard
 - g) Tires
 - h) Lead Acid Batteries
15. Any outdoor storage items within the first 125 feet of any street facing lot line must not exceed the height of the screen fence or wall. Any outdoor storage items beyond the first 125 feet of any street-facing lot line may not exceed 20 feet in height.
16. Outdoor storage must not exceed 45 percent of total lot coverage. Outdoor storage must not be located in designated fire lines, drive aisle lanes, parking aisles, or parking spaces.

17. Site may operate 24 hours daily.
18. Accessory shade structures must only be permitted to protect outdoor storage items, at the same square footage maximum equivalent as 45 percent of total lot coverage in accordance with Conditions No. 17 above related to the allowed percentage of outdoor storage, and at a height limit of 20 feet. The only exception to this height is accessory structure additions to the existing, permitted shade, which may not exceed the existing height of said shed.
19. Property Maintenance Program must be submitted for review and approval by the Development Services Director or their designee prior to the issuance of building permits, business license, or business license renewal. The program must do the following:
 - a) Identify the location for all outdoor storage areas.
 - b) Identify the maximum height for all outdoor storage areas.
 - c) Identify all materials intended for outdoor storage.
 - d) The methods and maximum intervals for maintenance of each outdoor storage area.
 - e) Clearance from the Los Angeles County Fire Department of a site plan depicting allowable dimensions and heights of piles and width of drive aisles and fire lanes.
 - f) Landscaping plan depicting compliance with parking lot and site area landscaping as defined by City ordinance.

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

APPROVED AND ADOPTED THIS 12TH DAY OF JUNE, 2024



ALFREDO CAMACHO
PLANNING COMMISSION CHAIRPERSON

ATTEST:



ATA KHAN
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



MARCO MARTINEZ
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Camacho, Brown, Miranda Meza, Urey, VanderMolen, Kercheval.
NOES: None.
ABSTAIN: None.
ABSENT: Ontiveros.

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.

