



Planning Commission

Planning Division Staff Report

DATE: July 24, 2024
TO: Chairperson and Members of the Planning Commission
FROM: Planning Division

REQUEST: **CONDITONAL USE PERMIT (CUP-000111-2024)**

Request for a Conditional Use Permit for the installation of a convenience recycling facility consisting of four (4) 6' x 5' recycling containers for aluminum, plastic, and glass beverage container recycling located in a Convenience Zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act, on a site located within the C-1 Neighborhood Stores Zoning District and SB330 Overlay District and designated Activity Center Place Type with T5 Transect.

Executive Summary

The applicant, Milton Elias Amaya Saenz, is requesting a Conditional Use Permit (CUP-000111-2024) to allow for the installation of a convenience recycling facility consisting of four (4) 6' x 5' recycling containers for aluminum, plastic, and glass beverage container recycling located in a Convenience Zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act, on a site located within the C-1 Neighborhood Stores Zoning District and SB330 Overlay District. The proposed scope of work includes the creation of a convenience recycling center within an area surrounded by an existing 6' tall block wall along with associated on-site and off-site improvements including the construction of an awning cover over the proposed recycling facility, drains to prevent run-off, new landscape planters, and the elimination of an existing vehicular driveway. The request complies with the applicable standards of the C-1 Neighborhood Stores Zoning District of the Pomona Zoning Ordinance (PZO). The request also meet the General Plan goals and policies for the respective Place Types and Transect Zones and represents appropriate improvements in the area.

Staff Recommendation

Staff recommends that the Planning Commission move to close the public hearing and adopt attached Draft Planning Commission Resolution No. 24-016 (CUP-000111-2024), subject to the findings and conditions of approval as presented in the draft resolution (Attachment 1).

Property Details

Address	805 E. Philadelphia Street
Assessor's Parcel Number (APN)	8329-002-001, 8329-002-002, 8329-002-010
Lot Size	+/- 30,558 SF (+/- 0.70 AC)
General Plan Place Type	Activity Center

General Plan Transect Zone	T5 (max of 80 du/ac and 6 floors max)
Zoning District	C-1 Neighborhood Stores Zoning District SB330 Overlay District
Historic District	N/A
Specific Plan	N/A
City Council District	3
Applicant	Milton Elias Amaya Saenz
Property Owner	Maha Laxmi Gas, Inc.

Related Actions

Historic Preservation	N/A
Code Compliance	November 4, 2023: Administrative Citation – Correction Notice issued requiring property owner to obtain a City of Pomona Business License
Building & Safety	<p>1948 – Construction of a frame – stucco building with joisted built-up cover</p> <p>1951 – Add storage room to existing stucco’ed market building with slab floor</p> <p>1965 – New frame partitions to enclose a small office and create a corridor in existing commercial building</p> <p>1965 – new 35 x 6 foot canopy awing</p> <p>1965 – New block wall 245 ft long and 6’ high along perimeter of property</p> <p>2008 – Construction of non-retaining block wall enclosure to east of building</p>
Planning	<p>2003 – PC Resolution No. 9080 denying conditional use permit (CUP 02-047) to upgrade an existing off-sale beer and wine license (Type 20) to an off-sale general liquor (License Type 21) within an existing market</p> <p>2006 – PC Resolution No. 06-065 denying conditional use permit (CUP 05-040) to allow a collection facility for recyclable materials in the C-1 (Neighborhood Stores) zone.</p> <p>2007 – PC Resolution No. 07-004 denying conditional use permit (CUP 06-028) to upgrade an existing off-sale beer and wine license (Type 20) to a general liquor sales (License Type 21 – off-sale) for an existing market</p> <p>2007 – PC Resolution No. 07-073 denying conditional use permit (CUP 07-08) to allow a collection facility for recyclable materials in the C-1 (Neighborhood Stores) zone.</p>

Location of Request

A. General Location

The subject site consists of a three parcels, approximately 30,558 square feet in area or about

0.70 acres in size. The subject site is a corner development that is bounded by East Philadelphia Street to the south and South Towne Avenue to the west. Access is currently provided from two existing vehicular driveways on Philadelphia Street and one existing driveway on Towne Avenue. The subject parcel is developed with a +/- 8,300 SF commercial building with three tenant spaces. The building permit records of the Building and Safety Division indicate that the commercial building on site was constructed in approximately 1948 as a market with additional tenants added in approximately 1965. The site currently consists of mostly asphalted surface with 51 open parking spaces. Existing site photographs have been provided for Commission consideration as Attachment 2.

Figure 1. Location of Request



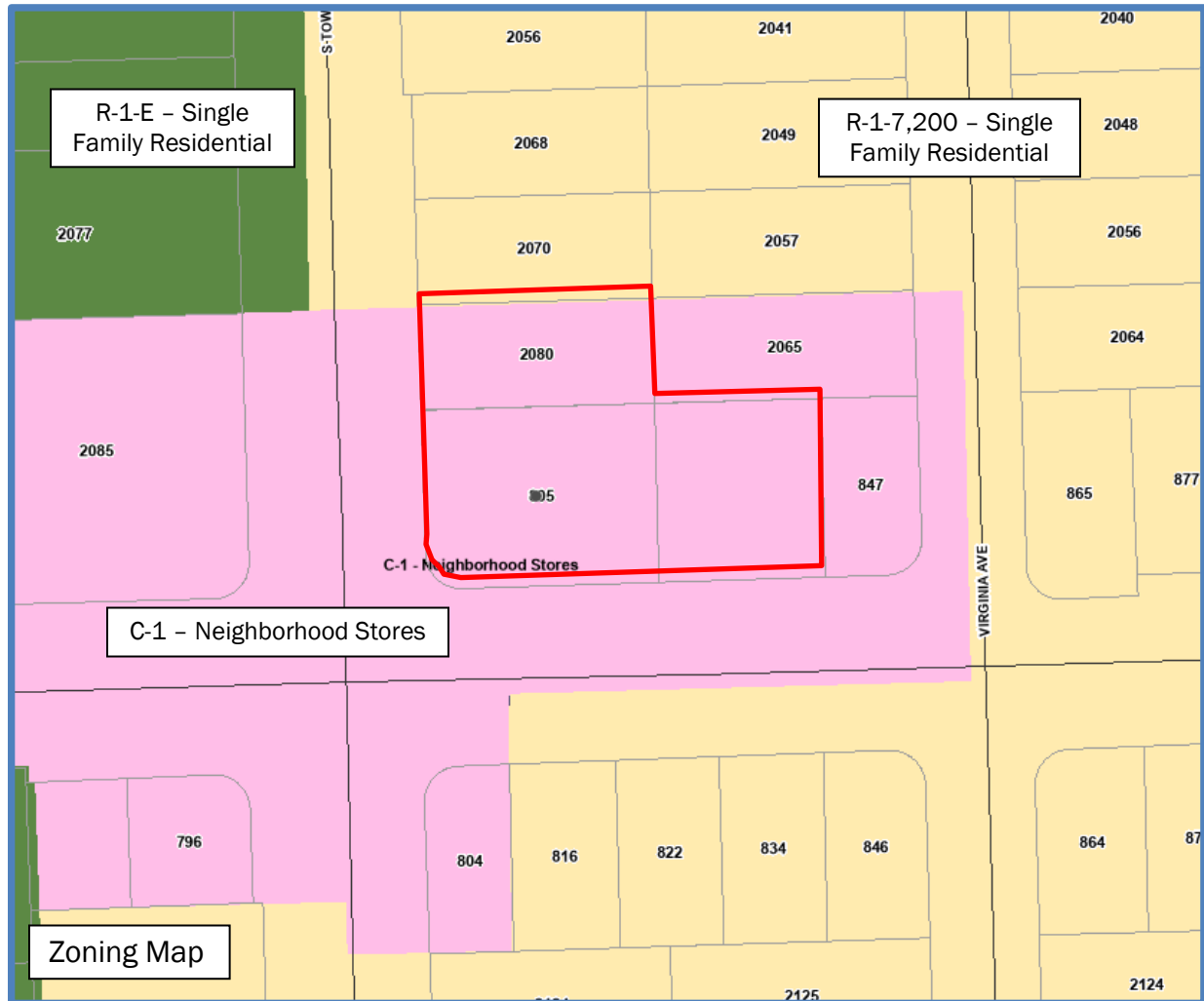
B. Adjacent Land Uses & Current Zoning

The existing use as a multi-tenant commercial building is a permitted use in the current zoning designation of C-1 Neighborhood Stores zoning district of the PZO. The existing tenants include: a restaurant, “El Pariente: Tacos Y Mariscos;” a convenience store, “Pomona Quick Stop;” and a barber shop, “The Spot.” The subject property is also located within the SB330 Overlay District.

The property immediately adjacent to the east is developed as a commercial building currently

occupied by a dental clinic. The properties across Philadelphia Street to the south and the properties immediately adjacent to the north are all are single family homes within the R-1-7,200 Single Family Residential zoning district. Directly across Towne Avenue and across the intersection are properties that are currently vacant and undeveloped. Nearby to the southwest is Philadelphia Park and Philadelphia Elementary School, zoned as “O” Open Space and Publicly Owned Land zone.

Figure 2. Current Zoning



C. General Plan Land Use

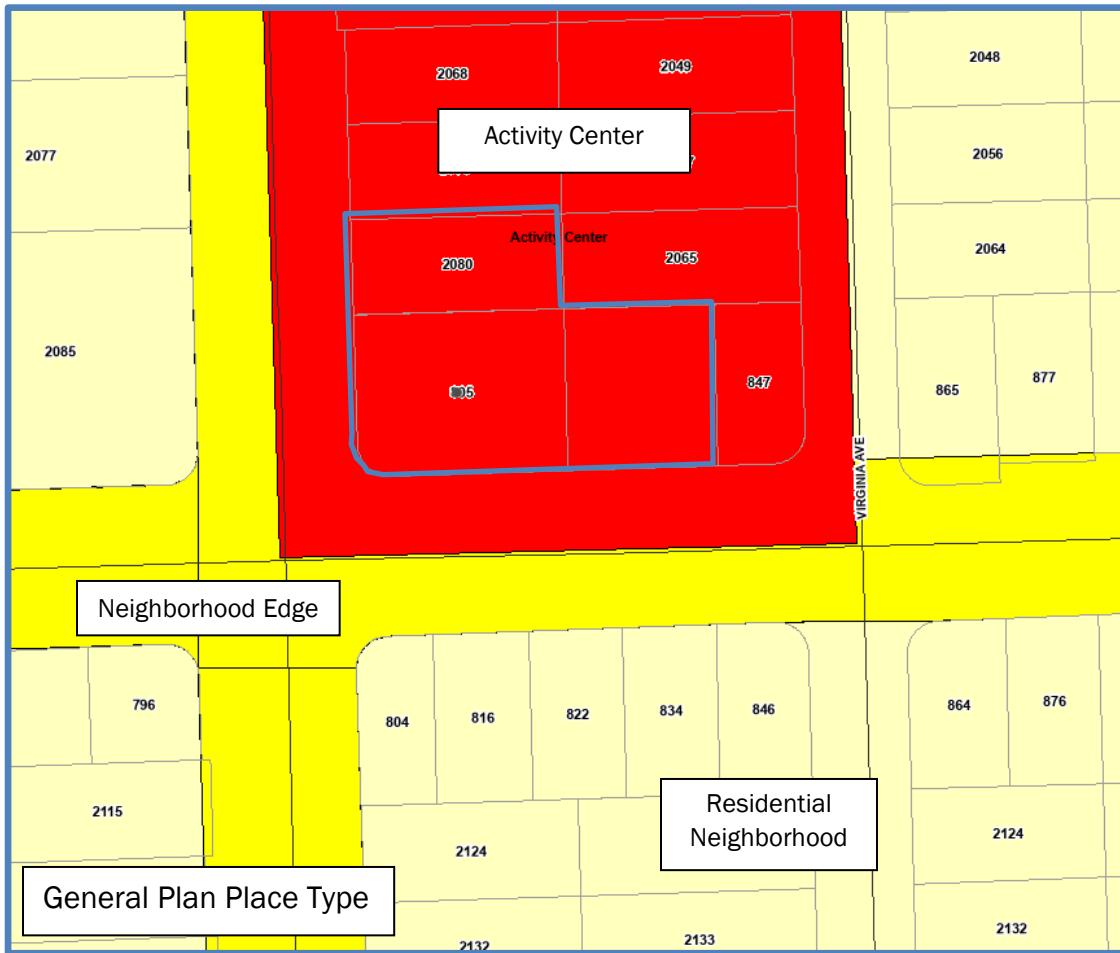
The Pomona General Plan designates the location as “Activity Center” Place Type. The Activity Center is envisioned as concentrations of development that are catalyzed by retail and other complementary uses where the mix and format of the latter are related to those of the retail uses. Goals of the Activity Center Place Type include improving the physical quality and shopping experience of existing and new activity centers, concentrating retail investment in

centers that provide a variety of shopping environments conveniently serving the regional and local community and establishing patterns of retail centers that satisfy current and future market demands.

The neighboring properties immediately adjacent to the north and east are designated as the Activity Center Place Type. Directly south and west of the subject site and across Towne Avenue and Philadelphia Street is the Residential Neighborhood Place Type.

The subject parcel is also within the T5 Transect. The T5 allows for developments up to a maximum of six floors and a maximum of eighty dwelling units an acre. The proposed use is within the allowable maximums set by the respective General Plan transect zones.

Figure 3. General Plan Land Use



Request Details

The applicant, Milton Elias Amaya Saenz, is requesting to establish a convenience recycling facility consisting of four (4) 6' x 5' recycling containers for aluminum, plastic, and glass beverage containers. The proposed facility is located within a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act (Pub. Resources Code Section 14500 et seq.). A "Convenience Zone," currently defined by PRC 14509.4 and PRC 14562.5, is a one-mile radius circle with the center point at a supermarket that:

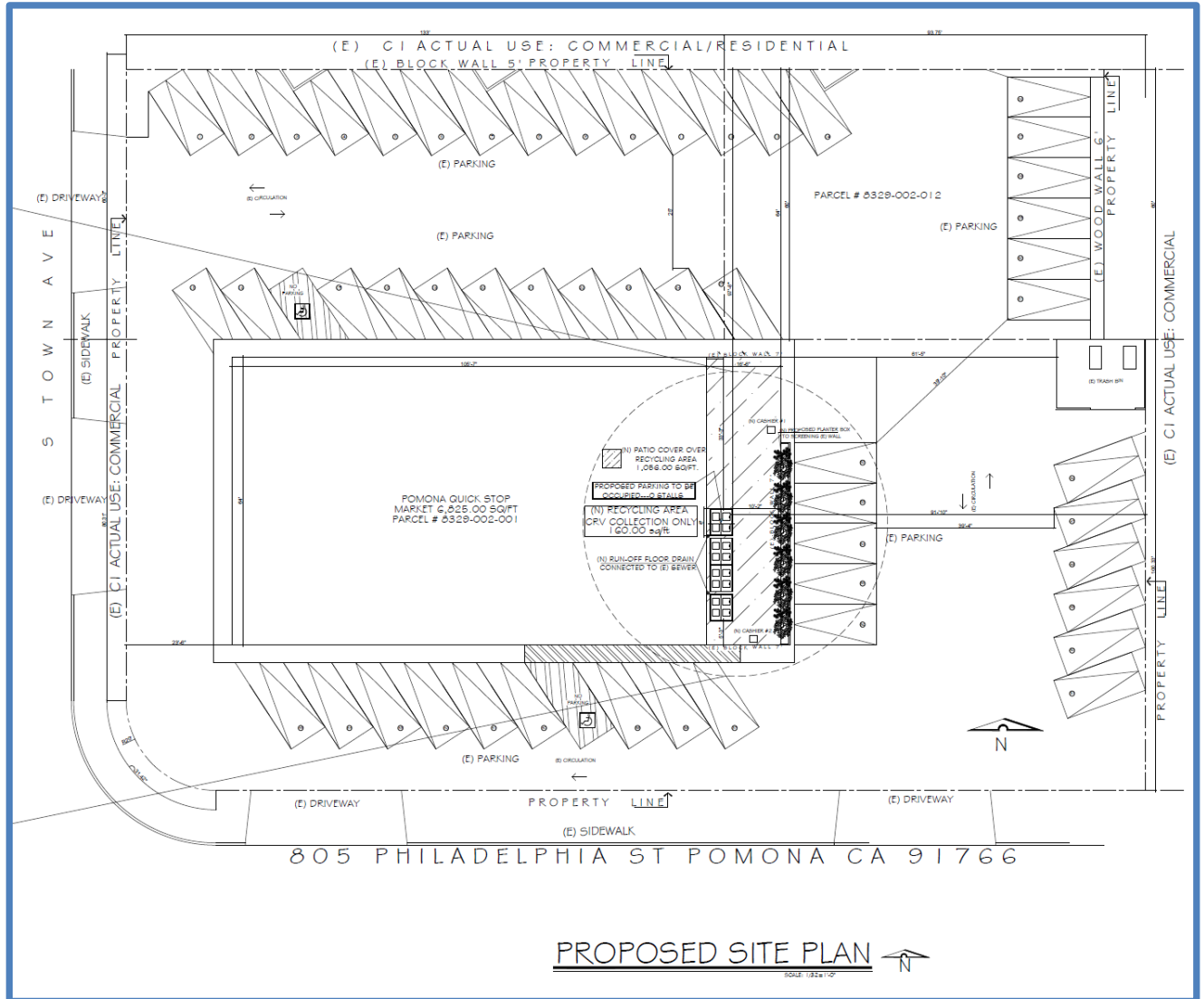
- Is in the Progressive Grocer Marketing Guidebook
- Has gross annual sales of \$2 million or more
- Is considered a full-line self-service retail store that sells a line of dry grocery items, canned goods, non-food items, and perishable items

According to State Law, PRC 14571(a), there shall be at least one certified recycling center or location within every convenience zone that can redeem all CRV (California Redemption Value) bottles and cans within a convenience zone's radius unless other conditions are met. Only cans, bottles, and plastic containers and other containers and material identified or adopted under the Public Resource Code Section 14500 et seq. are accepted at a convenience recycling facility.

The collection facility will be approximately 160 square feet, consisting of four (4) 6' x 5' x 5' storage containers with two cashier kiosks. The facility will be within an existing walled area that was formerly used as outdoor storage adjacent to the existing commercial building. The area is screened by the existing block wall approximately 5' tall with two wrought iron gates. The proposed facility will be covered as a 1,056 square foot patio cover/awning will be constructed over the outdoor open storage/enclosure area where the recycling facility will be located. Additionally, to prevent any water run-off into storm drains from the washing or maintenance of the containers, drains will be installed underneath the recycling facility within the open storage/enclosure area that will lead to wastewater sewer lines. There will be two attendants at all times of operation. The facility will operate Monday through Saturday from 9:00 AM to 6:00 PM and on Sunday from 9:00 AM to 5:00 PM. Planters are proposed to provide additional screening of the already existing block wall. The containers will be emptied once full, approximately one to three times a week. The proposed project plans have been provided for Commission consideration as Attachment 3.

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Figure 4. Site Plan



Staff Analysis

A. Applicable Code Sections

The subject site is located within the C-1 Neighborhood Stores Zoning District of the PZO and subject to the Waste and Recycling Ordinance (Ordinance No. 4234). According to City of Pomona Ordinance No. 4234, Convenience Recycling Facilities are subject to a Conditional Use Permit (CUP) in the C-1 Zoning District and must be within a “convenience zone” as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act (Public Resources Code Section 14500 et seq.). The property is also located within the SB330 Overlay District.

B. Code Compliance

The proposed project does not constitute a significant addition, therefore the many development standards of the C-1 Neighborhood Stores Zoning District do not apply with the exception of the proposed landscape planters and canopy awning, along with any modifications to the existing fence or wall. The existing development is in compliance with applicable development standards.

C. Findings

Conditional Use Permit (CUP-000111-2024)

In analyzing a Conditional Use Permit, Staff reviews five findings of fact that the Planning Commission must make to approve such requests pursuant to Section .580.B. These findings must be made for the approval of a Conditional Use Permit. The analyses related to each of these findings are 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 the development of a convenience recycling facility will contribute to the general well-being of the neighborhood and the community by expanding the opportunity for residents to redeem a refund value within a convenient location as it will be located within an existing commercial shopping center. It will also provide a service to the residents of Pomona as recycling centers have been eliminated in the City by the Waste through Recycling Ordinance (Ordinance No. 4234).

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 project will not be detrimental to the health, safety, peace, and general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood as the proposed recycling facility area is approximately 160 square feet in size and will be located within an existing screened enclosure area. The recycling facility will only collect material eligible for refund value including beverage containers made of aluminum, glass, and plastic to be weighed and directly stored in containers with a lock. The facility will be screened from the public right-of-way behind an existing block wall and landscape planters. Two wrought iron gates will ensure security during non-hours of operations. Although the site is adjacent to residential land uses, the convenience recycling facility is a compatible use and will be further separated by an additional block wall along the property lines to the north. The site will be approximately 67' from the nearest single family residences to the north. The proposed facility will have a new patio cover to further enclose the facility as well as a drainage connection to the existing wastewater sewer to prevent any water run-off from the site into storm drains. Therefore, the

use will not, under the circumstances of the particular case, be detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.

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 with the land and uses in the neighborhood and make it compatible thereto.

The site is of adequate topography, size, and shape to accommodate the proposed use. The site has an area of approximately 0.70 acres and is relatively flat with 51 open parking spaces. Therefore, the site has the adequate topography, size, and shape to accommodate the proposed convenience recycling.

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 street access directly to Philadelphia Street, a Minor Arterial, and Towne Avenue, a Major Arterial, both of which are of adequate width and improvements to carry the traffic generations that are typical for commercial development projects and the proposed convenience recycling.

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 proposed project as conditioned is consistent with the Pomona General Plan and all and all applicable requirements of the Pomona City Code. The proposed request is within the "Activity Center" Place Type designations under the Pomona General Plan. The proposed project specifically meets Pomona General Plan Goal 6A.G8 for "Activity Center," which reads encourages new developments to *"improve the physical quality of existing neighborhood centers throughout the City, particularly those within or next to residential neighborhoods."* This goal is being satisfied as the project will establish a use within an area that was previously outdoor storage at an existing commercial development. Additionally, the proposed use will provide a convenience use to a unserved convenience zone.

D. Environmental Review

The City of Pomona, as lead agency, has conducted an environmental review of 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 proposed project meets the criteria for a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to Article 19, Section 15303 in that the proposed project consists of the installation of small new equipment and facilities in small structures. The proposed project

described above hereby meets the guidelines for a Categorical Exemption, therefore no further environmental review is required.

Public Communication

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on July 12, 2024 and was sent to the owners and occupants of properties within a 400-foot radius of the subject site (Attachment 4). As of the date of this report, Staff has not received any comments in opposition to the proposed project.

Attachments

1. Draft PC Resolution No. 24-016
2. Site Photographs
3. Proposed Plans
4. Public Hearing Notice

Prepared by:
Alan Fortune
Assistant Planner

Submitted by:
Vinny Tam
Supervising Planner