

RESOLUTION NO. 2017-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,
CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 5063-2016)
TO ALLOW THE CONSTRUCTION OF A NEW GASOLINE SERVICE
STATION WITH CONVENIENCE STORE IN THE C-1 (NEIGHBORHOOD
STORES) ZONE LOCATED AT 2085 SOUTH TOWNE AVENUE**

WHEREAS, the applicant, Farhad Sayari, Inc., has filed an application for Conditional Use Permit (CUP 5063-2016) to allow the construction of a gasoline service station and convenience store located at 2085 S. Towne Avenue:

WHEREAS, the subject site is currently located within the C-1 (Neighborhood Stores) zone;

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 gasoline service stations, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on January 11, 2017, concerning the requested Conditional Use Permit (CUP 5063-2016) and voted 7-0-0-0 to approve the project;

WHEREAS, an application for appeal was submitted by City Councilmember Crristina Carrizosa on January 30, 2017 outlining concerns with traffic conflicts and environmental concerns;

WHEREAS, the City Council considered the setting of this application for appeal at a public hearing on February 27, 2017 and voted 7-0-0-0 to approve setting the appeal public hearing on the project;

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 3, 2017, concerning the requested appeal of the Planning Commission’s approval of the project application;

WHEREAS, the City Council 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 City Council of the City of Pomona, California:

SECTION 1. The City Council exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15332, (Infill Projects) (Projects Which Are Rejected or Disapproved) in that the action involves the denial of the proposed use.

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 City Council must make findings in order to approve Conditional Use Permit (CUP 5063-2016). 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 City Council 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 enhancing the appearance of the area, developing a vacant property into an economically viable property, and meeting the need for commercial uses and jobs in 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 proposed and 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. 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. To this end, a condition has been included that prohibits any sound that exceeds the City noise ordinance standards. 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 commercial area with uses compatible to those proposed.

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 .60 acres) is sufficient enough in size to accommodate all of the development standards of the C-1 (Neighborhood Commercial) zone, such as setbacks, parking, landscaping, and signage.

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 Towne Avenue and Philadelphia Street, both major arterial streets with two lanes for traffic traveling in each direction. Both streets are capable of handling any additional vehicle trips generated by the proposed use.

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 development of an automotive service station 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 goal (6D.G2):

"Maximize the value of all properties along the City's most visible and prominent corridors"

SECTION 4. Based upon the above findings, the City Council hereby approves Conditional Use Permit (CUP 5063-2016).

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED THIS 3RD DAY OF APRIL 2017.

ATTEST:

CITY OF POMONA:

Eva M. Buice, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 3rd day of April 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 4th day of April 2017.

Eva M. Buice, MMC, City Clerk