



CITY OF POMONA COUNCIL REPORT

April 3, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mark Lazzaretto, Development Services Director

Subject: **Public Hearing – Appeal of the Planning Commission’s Approval Decision on Conditional Use Permit (CUP 5063-2016) to allow for the construction of a six pump gasoline service station and a 2,701 square foot convenience store located at 2085 S. Towne Avenue in the C-1 (Neighborhood Stores & Services Commercial) zone. (Council District 3).**

OVERVIEW

Recommendation – That the City Council conduct a Public Hearing, and at the conclusion of receiving public testimony, consider three options of approving, denying, or requesting additional technical studies for Conditional Use Permit (CUP 5063-2016) to allow for the construction of an automobile service station located at 2085 S. Towne Avenue in the C-1 (Neighborhood Stores & Services Commercial) zone. (Council District 3).

Fiscal Impact – A typical gasoline service station similar in size to the proposed project generates for the City’s General Fund anywhere from \$25,000 to \$50,000 per year in sales tax, property tax, and utility user tax. There is no fiscal impact if the project is denied.

Public Noticing Requirements – Pursuant to Section .580.D of the Pomona Zoning Ordinance (PZO), notice of a public hearing is required to be published in a newspaper of local circulation and sent to property owners and occupants of properties within a 400-foot radius of the subject property. Said notice was mailed to property owners on Wednesday, March 22, 2017, and published in the Inland Valley Daily Bulletin on Thursday, March 23, 2017.

Previous Related Action – On January 11, 2017, the Planning Commission held a public hearing and approved Conditional Use Permit (CUP 5063-2016) on a vote of 7-0-0-0.

On February 27, 2017, the City Council approved the request for appeal and set the item for a public hearing before the Council.

Environmental Impact – Pursuant to the provisions of the California Environmental Quality Act (CEQA), the proposed project meets the criteria for Class 32, Section 15332 Categorical Exemption in that the project involves development of a project less than five acres in an urbanized area that can be served by all required utilities and public services and that would not result in any significant effects relating to traffic, noise, air quality or water quality.

EXECUTIVE SUMMARY

The project appellant, Councilmember Cristina Carrizosa is appealing the January 11, 2017 decision of the Planning Commission on the Conditional Use Permit (CUP 5063-2016) based on concerns with traffic impacts to neighborhood school children and environmental impacts on the health of families, students, teachers, and community center staff that utilize three nearby schools, a City park, and community center.

DISCUSSION

Project Description & Background

The project applicant, Farhad Sayari, is proposing to construct an automobile service station on a single vacant 26,518 square foot parcel (.60 acres) and located at the northwest corner of S. Towne Avenue and E. Philadelphia Street. The applicant is proposing to construct two freestanding structures on the site that include a 2,701 square foot building to be used for a convenience store and a 2,491 square foot solid canopy cover to shelter a total of six gasoline pumps on three pump islands. Additional site improvements would add landscaping and parking to the site. On January 11, 2017, the Planning Commission conducted a Public Hearing and, after hearing testimony about the project, voted unanimously to approve the project.

Planning Commission Hearing

During the Commission's deliberations, all commissioners were in favor of the proposed automobile service station to return a vacant parcel back into a productive commercial use. The Planning Commission adopted a resolution approving the request by a vote of 7-0-0-0. There was no opposition to the project by any surrounding property owners or tenants within the noticing radius.

ANALYSIS

Issue 1: General Plan Conformity

The General Plan designation of the subject site is located within the Neighborhood Edge place type. The granting of a 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 C-1 use

designation. Furthermore, the proposed project will result in the development of an existing vacant lot, which is consistent with the following planning approach for the “Neighborhoods” Strategic Action Area of the General Plan:

“Preserve the scale, character, and value of established neighborhoods by ensuring that new residential development is well integrated with existing development.”

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”

Therefore, approval of the proposed Conditional Use Permit to allow the development of an automobile service station would result in the development of a vacant property increasing the value of the property while remaining compatible with the surrounding residential development.

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the proposed project and has determined that the proposed development is in substantial conformance with the development standards of the C-1 (Neighborhood Stores & Services Commercial) zone. The proposed project conforms to the Zoning Ordinance and, as a result, the granting of this Conditional Use Permit will not adversely affect the Zoning Ordinance. The C-1 district is intended to serve a small neighborhood area needs for limited convenience goods and services only. The stores and services are intended to fit into the residential pattern of development and not create either architectural or traffic conflicts. Automobile service stations are currently allowed uses within this zoning district, subject to a CUP and all development standards associated with automobile service stations.

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

The applicant is proposing to replace a gasoline service station that was demolished in 1988. The proposed onsite upgrades will be compatible with commercial and residential uses located within the surrounding area. In addition, the proposed site improvements are designed and developed in a manner that will aesthetically compliment the surrounding area.

CITY COUNCIL OPTIONS

After conducting a Public Hearing to receive testimony from the public, in accordance with Section .580.F. of the PZO, the City Council, at its discretion, has the following options:

- 1) Based upon the facts and public testimony presented at the public hearing, the City Council may uphold the January 11, 2017 decision of the Planning Commission approving Conditional Use Permit (CUP 5063-2016) and adopt the attached resolution (Attachment A) approving Conditional Use Permit (CUP 5063-2016); or
- 2) Alternatively the City Council may overturn the decision of the Planning Commission

and deny the applicant's request for a Conditional Use Permit. Staff has attached a denial resolution that includes findings that could be considered in reaching the denial decision (Attachment B); or

- 3) The City Council may direct the project applicant to prepare a traffic study and an air quality study to ascertain whether a higher level environmental clearance document would be required to review the project environmental impacts at a more detailed level.

Attachments:

- A. Draft City Council Resolution approving Conditional Use Permit (CUP 5063-2016), with conditions
- B. Draft City Council Resolution denying Conditional Use Permit (CUP 5063-2016)
- C. City Council Staff Report, Dated February 27, 2017, with Attachments