



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: August 9, 2017

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 5708-2016), VARIANCE (VAR 8097-2017), AND CONDITIONAL USE PERMIT FOR ALCOHOL-RELATED USE (CUP 8121-2017)**

An application for a Conditional Use Permit (CUP 5708-2016) for the demolition of an existing gas station and gas pump canopy and construction of a convenience store building, gas pump canopy, and automated car wash building; a Variance (VAR 8097-2017) to permit deviation from development standards for rear setback requirements; and a Conditional Use Permit (CUP 8121-2017) for a permit to sell beer and wine for off-site consumption in conjunction with the convenience store, on a property located at 2207 Valley Boulevard in the C-3 zone.

STAFF RECOMMENDATION

The Planning Division recommends Planning Commission adopt the attached PC Resolutions approving Conditional Use Permit (CUP 5708-2016) (Attachment 1) and Variance (VAR 8097-2017) (Attachment 2), subject to conditions, and denying Conditional Use Permit (CUP 8121-2017) (Attachment 3).

PROJECT/APPLICANT INFORMATION

Project Location:	2207 Valley Boulevard
APN Information:	8707-006-011
Project Applicant:	A & S Engineering
Property Owner:	Humberto Flores
City Council District:	District #1
Redevelopment Area:	Not Applicable
Historic/CBD:	Not Applicable
Specific Plan:	Not Applicable

PROJECT DESCRIPTION

The subject site is located on the south side of Valley Blvd., immediately adjacent to the southbound off-ramp of SR-71 at Valley Blvd (Attachment 4). The applicant is proposing to construct a convenience store, gas pump canopy, and automated car wash building, including various landscape and hardscape improvements. An existing convenience store and gas pump canopy would be demolished.

Applicable Code Sections

Section .5804 of the Pomona Zoning Ordinance establishes findings and development standards for automobile service stations, including the approval of a conditional use permit by the Planning Commission. Section .580.J and .5809.4 of the Zoning Ordinance establishes criteria for approval of a Conditional Use Permit for the off-sale of alcoholic beverages. The requirements for approval of off-sale alcohol sales are:

- 1) **Off Street Parking:** Provide one off street parking space per 100 square feet of gross floor area (of alcohol sales).
- 2) **Parking Lot:** Parking lots, including landscaping and lighting, shall be installed and maintained per city standards.
- 3) **Area Compatibility:** The proposed on-sale liquor establishment shall be compatible with existing development in the area.
- 4) **Proximity:** The proposed location shall be sufficiently removed from any existing residential development or zoning and any church, school, park, or playground so as not to be detrimental to that use.

Section .560 of the PZO establishes criteria for approval of a Variance.

Surrounding Land Use Information

The property is bordered by multi-family residential to the north and west, the SR-71 to the east, and light industrial to the south. The zoning, General Plan and existing land use designations for the surrounding properties are delineated in the following table:

Land Use Summary Table

	Existing Land Use	Zoning	General Plan Designation
Subject Site	Commercial Gas Station	C-3 - General Commercial	Workplace District Edge
North/West	Multi-Family Residential	R-3 -Medium Density Multiple Family	Workplace District Edge
South	Warehouse/Light	M-1 - Light Industrial	Workplace District Edge

	Industrial		
East	SR-71 Off-Ramp	Public Highway	Public Highway

ZONING COMPLIANCE ANALYSIS

ABC Census Tract Information

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), a total of four off-sale licenses are allowed in the subject Census Tract No. 4024.02 before the tract is deemed to have undue concentration. The population of the Census Tract determines the number of licenses permitted. Currently, there are three establishments with off-sale alcohol licenses in the subject Census Tract. The approval of an additional off-sale alcohol license would add a fourth license, which is at the threshold of the number of allowed off-sale licenses in the census tract. The following table summarizes the concentration of off-sale ABC licenses in Census Tract No. 4024.02 and the adjoining Census Tract No. 4024.05 to the north and 4024.03 to the west. A map showing the number and location of all active off-sale ABC licenses within the two Census Tracts is provided for Commission consideration (Attachment 5).

ABC Data on Alcohol Licenses in Census Tracts

	Existing Licenses	Allowed Licenses
	Off-sale	Off-sale
Subject Census Tract 4024.02	3	4
Adjoining Census Tract 4024.05 (North)	0	1

Police Department Review

The Pomona Police Department considers crime data in addition to the concentration of alcohol permits. The subject site is located in Police Reporting District No. 56. In 2016, the District experienced a total of 57 Part I Offenses and Part II Arrests. The threshold for designating a district high crime is 160 crimes. Therefore, the license would not be issued in a district considered “high crime.” A map showing location of Police Reporting District No. 56 and adjacent districts is provided for Commission consideration (Attachment 6).

Site Development Standards

Based on staff’s analysis, the project meets and/or exceeds the minimum development standards of the C-3 zone and automobile service stations, except the requirement for setbacks from interior property line. In order to provide the Planning Commission with a comparison of the required

development standards and that of the proposed project, staff has prepared the following table for consideration.

Project Summary Table

Standard	C-3 Zone Requirement (and Sec. 5804)	Proposed Project	Compliance Determination
Lot Size	20,000 sf	31,275.6 sf (0.717 acres)	Yes
Street Frontage	145'	156.4'	Yes
Building Size	1,000 sf min	2,590.5 sf	Yes
Building Setbacks	Street property lines: 20' Interior property lines: 15'	Street property line: 56.6' - 104' Interior property line: 18' (west); 1' (north)	No
Canopy Setbacks	5'	22.2'	Yes
Pump Island Setbacks	20' if perpendicular to property line	28'9"	Yes
Distance Between Pump Islands	20'	29'	Yes
Gasoline Fill Pipes	15' from nearest property line	32.5'	Yes
Landscaping	5% of lot area (1,564 sf);	4,520.9 sf (14.45%)	Yes
Off-Street Parking	11 spaces	14 standard, 1 accessible	Yes

Site Plan

The site is irregularly shaped and adjacent to the Valley Blvd off-ramp for SR-71. It is currently used as a mini mart and gas pump canopy, both of which will be demolished. The applicant is proposing to construct a convenience store (2,590.5 sf), gas pump canopy (4,522 sf, eight pumps), and an automated car wash (960 sf) on a lot totaling 0.717 acres. The site will include block walls on the north and west of the property. The new site will also include 4,520.9 sf of landscaping across multiple planters. The majority of landscaping will line the entry and exit of the proposed car wash. The site will also include underground fuel storage tanks to be located on the east of the site adjacent to the proposed car wash. Existing signs located in the front landscape planter and northeast landscape planter will remain.

ISSUES ANALYSIS

Issue 1: General Plan Conformity

The project is consistent with the City's General Plan in that the proposed commercial use is consistent with the "Workplace District Edge" place type site shown on the General Plan Land Use Map. Goal 6F states that "buildings in the workplace district edges will feature ample landscaping, "house scale" massing, and a level of architectural treatment that acknowledges their relationship to adjacent homes. 14.45% of the site will be landscaped, which enhances the property in relation to the adjacent multi-family development. The convenience store includes architectural treatments, such as a canopy overhang, window sills, cornices, and articulation that enhance the design of the site.

Issue 2: Zoning Ordinance Compliance/Variance Request

Staff has evaluated the proposal in terms of conformance to the development standards of the C-3 zone. As provided in the Zoning Compliance Analysis section, the project conforms to the development standards of the zone, except for the interior property line building setback requirement for automobile service stations. The granting of the Conditional Use Permit will not adversely affect the intent and purpose of the Pomona Zoning Ordinance.

The requested Variance to deviate from required building setbacks from interior property lines is warranted because of special circumstances applicable to the subject property. The existing lot is irregularly shaped and adjoins a freeway off-ramp. The site is currently used as a gas station with convenience store; however, the proposed use includes a gas station, convenience store, and automated car wash, which would not be feasible under existing setback requirements. The proposed deviation from required development standards will allow the applicant to construct all three uses on the property. On the adjacent residential property to the north and west, the residential buildings are setback anywhere from 70 to 100 feet from the property line of the proposed project. In order to approve the variance, certain findings must be made to justify its approval, which are outlined in the draft resolution (Attachment 3).

Issue 3: Land Use Compatibility & Neighborhood Context

The subject site is located in an area with multiple industrial developments and a single multi-family residential development. This combination of industrial and residential of uses is contemplated in the General Plan, as the site and surrounding properties are designated as a "Workplace District Edge." The proposed site plan provides ample landscaping and remains compatible in the context of the surrounding properties.

Issue 4: Project Circulation & Access

The entrance to the project site will be located on Valley Boulevard with two driveways. A fire lane from the eastern-most driveway will provide access around the gas pump canopy, adjacent to the convenience store entry, and back around to the western driveway. The car wash entry is located just east of the convenience store and the exit is located near the southeastern end of the site.

Issue 5: Architectural Elevations

The proposed architecture of the project is meant to enhance the aesthetics of the site. The convenience store includes architectural treatments, such as a canopy overhang, window sills, cornices, and articulation that enhance the design of the site.

ENVIRONMENTAL ANALYSIS/DETERMINATION

Upon submittal of the project, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects) of CEQA. The proposed project is consistent with the City's General Plan and Zoning Ordinance; the proposed project site is less than five (5) acres; the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment; and the site can adequately be served by all required utilities and public services. Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on July 27, 2017 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 July 27, 2017 (Attachment 8).

CONCLUSION

The proposed project is consistent with the place type designation contained in the City's General Plan and meets or exceeds the minimum development standards of the Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods. Further, the project has been designed in a manner that will enhance the aesthetics of the site and complement the existing character of the surrounding area.

RECOMMENDATION

The Planning Division recommends Planning Commission adopt the attached PC Resolutions approving Conditional Use Permit (CUP 5708-2016) (Attachment 1 and Variance (VAR 8097-2017) (Attachment 2), subject to conditions, and denying Conditional Use Permit (CUP 8121-2017) (Attachment 3).

Respectfully Submitted:

Prepared By:

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ATTACHMENTS:

- 1) Draft PC Resolution for CUP 5708-2016
- 2) Draft PC Resolution for VAR 8097-2017
- 3) Draft PC Resolution for CUP 8121-2017
- 4) Location Map and Aerial Photograph
- 5) ABC Active Off-Sale Licenses by Census Tract
- 6) Pomona Police Department Crime Statistics
- 7) Project Plan Reductions
- 8) 400' Radius Map and Public Hearing Notice
- 9) Site Photographs
- 10) Full Size Plans (Separate Cover)

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