



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** June 27, 2018

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Planning Division

**SUBJECT:** Revocation of Conditional Use Permit (**CUP 08-030**) for a car rental agency and Determination of Parking Sufficiency (**MISC 9798-2018**) for a coffee shop on a site in the C-4 (Highway Commercial) zone located at 1180 N. White Ave. (Council District 1)

### STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission:

1. Adopt the attached resolution to revoke the Conditional Use Permit (CUP 08-030/PC Resolution No. 08-053) (Attachment 1) for a car rental agency; and
2. Adopt the attached resolution determining that the shared parking is sufficient for the proposed uses (Attachment 2).

### PROJECT/APPLICANT INFORMATION

<b>Project Location:</b>	<b>1180 N. White Ave. (2 properties)</b>
APN Information:	8340-003-002, 8340-003-017
Project Applicant:	City of Pomona/Jean Ndjongo
Property Owner:	Jean Ndjongo
CC District:	District 1 – Rubio Gonzalez
Historic/CBD:	Wilton Heights Historic District
Specific Plan:	Not Applicable
General Plan	Residential Neighborhood
Zoning:	C-4 (Highway Commercial)

### PREVIOUS ENTITLEMENTS

October 22, 2008	PC Resolution No. 08-053: Conditional Use Permit (CUP 08-030) issued for a Dollar Rent a Car rental agency.
October 1, 2008	HPC Resolution No. 08-024: Major Certificate of Appropriateness (MISC 08-163) to relocate the former automotive service station, identified as a cultural resource for its association with former Mayor Edward “Eddie” Cortez, from its location at 1212 N. White Ave. to 1180 N. White Ave.

## **PROJECT BACKGROUND AND DESCRIPTION**

The project site consists of two adjacent parcels, under the same ownership, that share the same address, commonly known as 1180 N. White. The applicant, Mr. Jean Ndjongo, is proposing to establish a coffee shop in the former automotive service station building and canopy structure at the rear of the lot at 1180 N. White Ave., located on the east side of White Ave., between Orange Grove and West Columbia Ave. (see Attachment 8 for photographs of the site). He currently operates a barbeque (BBQ) restaurant in two separate buildings on the property; there are four structures on the combined site. A condition had been added to merge the lots, to prevent one lot from being sold to another party that jeopardizes the proposed sharing arrangement on which basis this parking reduction is based. This condition was also a requirement of the CUP, and was not completed. Staff has added a condition that requires proof of recordation prior to the issuance of a Certificate of Occupancy for the coffee shop

The relocated 996 square foot (SF) service station building and its canopy structure consists of two automotive bays, a lobby, storage space, and office area. It is proposed that the automotive bays will be used as dining areas, the office as customer entrance, and the other rooms as kitchen and restroom area. The building is a contributor to the Wilton Heights Historic District. The 1,080 SF BBQ restaurant operates in a building that was originally a residence (with the detached garage converted to the kitchen) and was formerly used as a rental car agency office. It is not listed as a contributor to the Wilton Heights Historic District.

The proposed hours of operation for the coffee shop are from 6:00 am - 5:00 pm, daily. It will operate with no more than two employees per shift. The hours of operation for the BBQ restaurant are Tuesday to Friday from 11:00 am – 8:00 pm, and 12:00 pm - 8:00 pm on weekends. It operates with no more than two employees per shift.

Any exterior changes to the service station building will require a Certificate of Appropriateness to be reviewed by staff (Minor) or the Historic Preservation Commission (Major). Building permits must be obtained prior to construction, when changes are made to the building.

On October 22, 2008, the Planning Commission approved an application submitted by Mr. Jean Ndjongo requesting a Conditional Use Permit (CUP 08-030) for a Dollar Rent a Car agency. The building now used as the BBQ restaurant dining area contained the administrative activities involved with the operations of the car rental agency. The automotive bays of the former service station were used for the basic cleaning and upkeep of the rental vehicle fleet, the canopy of the building provided shade to the rental vehicle fleet. They operated with one employee per shift at this location. The rental fleet generally consisted of compact, mid-size, full size, vans, pick-up trucks and premium vehicles with five to six rental vehicles generally available at this location and stored overnight if not rented out. The franchise operated until 2009. Approximately 63 square feet of the administrative office building was leased out to a barber shop that operated with one barber chair from early 2007 to late 2009. There was also tax preparation office housed in the building around that time as well. Because the CUP runs with the land unless revoked, staff is also processing a revocation of that 2008 CUP that is no longer used by the property owner

### **Applicable Code Sections**

Pomona Zoning Ordinance (PZO) Sections .503-H.F.4 and .503-H.F.5 outline procedures for the Planning Commission to approve a reduction on the required parking with a parking study. An analysis of a parking study for the Planning Commission to consider approval is included on page 4, second paragraph under the off-street parking table.

Section .580-H of the PZO establishes criteria for the revocation of a Conditional Use Permit which is being proposed for the CUP for the car rental business on site that has not been exercised in nine years.

### **Surrounding Land Use Information**

The project is located within a commercially zoned intersection near White and Orange Grove Avenues. Beyond the intersection, the immediate area is predominantly zoned for residential purposes. The nature of the surrounding uses, zoning and General Plan land use designations are delineated in the following table for Planning Commission consideration.

**Land Use Summary Table**

	<b>Existing Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
<b>Subject Site</b>	Vacant building/ parking	C-4 (Highway Commercial)	Residential Neighborhood
<b>North</b>	Commercial	C-4	Residential Neighborhood
<b>South</b>	Residential	C-4	Residential Neighborhood
<b>East</b>	Residential	R-1-6000, 7200	Residential Neighborhood
<b>West</b>	Commercial	C-4	Urban Neighborhood

### **ZONING COMPLIANCE ANALYSIS**

The project site is currently zoned C-4. The proposed project is subject to specific development standards of the C-4 zone. Staff evaluated the proposed project to confirm compliance with the minimum development standards of the C-4 zone. Based on this analysis, the physical development of the site meets and/or exceeds the applicable development standards of the C-4 zone. The following table summarizes the proposed project and its compliance with the C-4 development standards:

**Project Summary Table**

<b>Development Standards</b>	<b>Zoning/Code Requirements</b>	<b>Proposed Project</b>	<b>Compliance Determination</b>
Site area	No Requirement	11,454 sq. ft. (.27 acre)	Yes, existing
Setbacks	Front: none Sides: none Rear: (When abutting residential 10')	Front: 20'-10" Sides: 5' Rear: 3'-8" – 14'5"	Yes, existing Yes, existing N/A, existing legal non-conforming
Minimum Bldg. Size	No Requirement	Restaurant: 720 sq. ft. Service Station: 996 sq. ft. Storage Bldg.: 360 sq. ft.	Yes, existing Yes, existing Yes, existing
Building Height	6 stories (75 ft.)	1 Story (12'-10")	Yes, existing
Walls	6' Block wall	6' Block wall	Yes
Access	Driveway Min. 20 feet wide	21'-8"	Yes, existing

The C-4 allows restaurant uses such as the coffee shop proposed (and the existing BBQ restaurant) by-right; the existing structures meet all the relevant development standards that are required including building height.

#### **Vehicular Circulation & Access**

Access to the site will occur from White Ave. All employees and customers will take access to parking spaces from the private driveway. The existing driveway (21'-8") meets the standards for the proposed use. The Public Works Department did not identify any concerns with the adjacent existing roadway system or right-of-way traffic improvements. Therefore, proposed vehicle access and circulation of the project site will adequately serve the proposed use.

#### **Off-Street Parking**

The PZO required off-street parking for restaurants is outlined in the chart below with the requirement for car rental agency use approved in 2008:

Use	Square Footage	Parking Ratio	Required Off-Street Parking	Off-Street Parking Provided
Existing BBQ Restaurant:	1,080 SF	1 space for each 100 square feet of gross floor area, with a minimum of ten spaces	11 spaces	14 spaces
Proposed Coffee Shop	996 SF		<u>10 spaces</u> 21 spaces TOTAL	TOTAL (5 compact)

Former Car Rental Agency Use (previously approved):	1,716 SF total	1 space for every 350 square feet of gross floor area	5 spaces	5 spaces (in 20008)
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For uses that provide more than ten spaces, the Code allows 25% of the spaces in excess of ten to be compact spaces. As outlined above, the proposed use does not have the PZO required number of off-street parking spaces for the proposed coffee shop or the allowed ratio of compact to standard size spaces.

Per Section .503-H.F.4 and .503-H.F.5, the Planning Commission may approve a prescribed parking study prepared by a registered traffic engineer that includes the basis for the recommended number of off-street parking spaces when the proposed development does not meet Code requirements. The applicant is requesting relief from the minimum parking requirement with this application and the parking study is the justification and proof that the request will not have an impact. The parking demand study (Attachment 4) was completed by a licensed traffic engineer and states that the off-street parking needs are less than what the PZO requires due to the fact that the two businesses have staggered operating hours, different peak hours, and that most of the BBQ restaurant customers utilize on-line ordering and pick-up so they are only parked in the lot briefly.

The Engineering staff in the Public Works Department reviewed the study and provided comments and suggestions, such as including additional daily counts. The applicant's Traffic Engineer then took additional daily counts and augmented his report with this supplementary data (Attachment 5). The site plan was also revised to add another parking space. It is staff's opinion that the proposal meets the required findings, as follows:

- a. The parking plan proposed will adequately provide for the parking needs of the development;  
*As demonstrated in the traffic engineer's parking study, the parking needs for the BBQ restaurant are significantly less than would be expected due to the dominance of pick-up orders. Further, the two uses have different peak hours and staggered operating hours.*
- b. The parking plan proposed will not adversely affect traffic patterns, as they exist or as they are outlined in the general plan; and  
*The proposal will not result in the generation of traffic that would exceed the capacity of the existing streets and right-of-ways from which the subject site will take ingress/egress. N. White Ave. is of appropriate width and has improvements to handle the traffic generated by the restaurant and coffee shop.*
- c. The parking plan will not be detrimental to the public health, safety or welfare, but will be consistent therewith.  
*The proposal will comply with all of the provisions of the Zoning Ordinance. It will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the subject site is located within a commercial area with uses compatible to those proposed.*

The proposed project conforms to the Zoning Ordinance and the reduction in parking is warranted based on its location, size, and proximity to adjoining neighborhood uses as demonstrated in the Traffic Engineer's Parking Study. The BBQ restaurant has never had a full parking lot, except when there were rental agency cars located there. The properties cannot accommodate the car rental agency in conjunction with the restaurant uses and therefore the revocation of the associated CUP is warranted for incompatible use as well as lapse of use.

## **ADDITIONAL ANALYSIS**

### **Issue 1: Land Use Compatibility in the Context of the Neighborhood**

The BBQ restaurant has operated for six years. The applicant is now proposing to establish a coffee shop in a former automotive service station building that is located within a commercially zoned portion of White Ave. The proposed use is compatible with the adjacent uses that include other retail and service uses. Nearby commercial uses include restaurants/fast food and retail. Small scale restaurant uses, like these, can complement the surrounding residential uses when conditioned as proposed. The coffee shop provides an amenity that contributes to a walkable neighborhood.

### **Issue 2: Revocation of Conditional Use Permit for a Car Rental Agency**

In 2008, there was a request under Conditional Use Permit (CUP 08-030) to operate a car rental agency at 1180 N. White Ave. which was approved and adopted by Planning Commission Resolution No. 08-053. The car rental agency is no longer operating at the site and the property cannot physically accommodate the car rental agency, the BBQ restaurant, and the coffee shop.

The current proposal is in conflict with the conditions contained in the original resolution that granted entitlement per PZO .580.H.2.b *The permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in the violation of a law.* Therefore, Conditional Use Permit (CUP 08-030) shall be revoked concurrently with the request to approve the Determination of Parking Sufficiency (MISC 9798-2018). Revocation of Conditional Use Permit (CUP 08-030) will ensure that there is no longer a conflict with current proposal requested (MISC 9798-2018).

## **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 because the proposed project: is the conversion of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure, is a commercial building not exceeding 10,000 square feet in floor area on a site zoned for such use, does not involve the use of significant amounts of hazardous substances, is served by all necessary public services and facilities, and is not located in an environmentally sensitive area, it therefore meets the criteria for a Class 3 Categorical Exemption pursuant to Section 15303, New Construction or Conversion of Small Structures. Based on this assessment, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.

The revocation of Conditional Use Permit 08-030 (Planning Commission Resolution No. 08-053) has no possibility of having a significant effect on the environment, and is therefore not a project as defined under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines and, therefore, not subject to environmental review.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was sent to all properties within a 400' radius of the project site on June 14, 2018 and was published in the Inland Valley Daily Bulletin on June 16, 2018 (Attachment 7). As of the date of this staff report, staff has not received any correspondence either for or against the proposed action.

## **CONCLUSION**

The proposed project will allow the applicant to open a coffee shop in an underutilized building and meets the minimum development standards of the Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed project will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding uses. Further, the project has been designed in a manner that will complement the existing commercial character of the surrounding area.

Staff is requesting that the Planning Commission revoke the CUP based on the current proposal which is in conflict with the conditions contained in the original resolution that granted entitlement. This action will make clear for the record that there is no valid CUP for a car rental agency approved by the City at this address.

Prepared By and Respectfully Submitted:

Emily Stadnicki, AICP  
Development Services Manager

**PC ATTACHMENTS:**

- 1) Draft PC Resolution for Revocation of CUP 08-030
- 2) Draft PC Resolution for MISC 9798-2018
- 3) PC Resolution No. 08-053 Approving CUP 08-030
- 4) Parking Demand Study completed by K2 Traffic Engineering, Inc.
- 5) Parking Demand Study Amendments
- 6) Vicinity Map and Aerial Photograph
- 7) Public Hearing Notice and 400' Radius Map
- 8) Site Photographs
- 9) Site Plan (8-1/2" x 11") Reductions