

PC RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A DETERMINATION OF PARKING SUFFICIENCY FOR A PROPERTY IN THE C-4 (HIGHWAY COMMERCIAL) ZONE LOCATED AT 1180 N. WHITE AVENUE.

WHEREAS, the applicant, Mr. Jean Ndjongo, has submitted an application for a Determination of Parking Sufficiency (MISC 9798-2018) to facilitate the addition of a coffee shop to property which includes an existing barbeque restaurant on a subject site with a combined approximate size of 11,454 square feet (.27 acre) located at 1180 N. White Ave. (APNs: 8340-003-002, 8340-003-017).

WHEREAS, the subject site is currently located in the Wilton Heights Historic District and considered a contributor to the District;

WHEREAS, the subject site is currently located within the C-4 (Highway Commercial) zone;

WHEREAS, the subject site is currently designated "Residential Neighborhood" by the City's General Plan;

WHEREAS, on October 1, 2008, the Historic Preservation Commission approved Major Certificate of Appropriateness (MISC 08-163, Resolution No. 08-024) to relocate the former automotive service station from its location at 1212 N. White Ave. to 1180 N. White Ave.;

WHEREAS, the revocation of Conditional Use Permit 08-030 (Planning Commission Resolution No. 08-053), has been initiated by the City of Pomona's Development Services Director and is being reviewed in concurrence with this application;

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California, as follows:

SECTION 1. In accordance of CEQA guidelines, the Planning Commission hereby determines that the proposed project would be categorically exempt under Article 19, Section 15303 (New Construction or Conversion of Small Structures), Class 3, in that 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.

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 .503F of the Pomona Zoning Ordinance (PZO), the Planning Commission must make findings in order to approve a Determination of Parking Sufficiency when a parking study is submitted for review and approval by the Planning Commission if the proposed development does not adequately provide for on-site parking needs as they exist. 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 Planning Commission hereby finds 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. North White Avenue 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.

SECTION 4. Based on the above findings, the Planning Commission hereby approves a reduced parking requirement (MISC 9798-2018) subject to the following conditions:

PLANNING DIVISION

General Conditions

1. The subject property shall be developed and/or used in a manner consistent with the

project plans reviewed and approved by the Planning Commission on June 27, 2018, and as illustrated in the stamped approved plans dated June 27, 2018. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.

2. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
3. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
4. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein parking reduction.

5. All future work shall comply with City and State Codes and shall be subject to the appropriate building permit requirements.
6. Any future alterations to the exterior of the former automotive service station building and canopy structure shall require approval of a Certificate of Appropriateness (COA) from the Historic Preservation Commission or Planning Division in accordance with the Pomona Zoning Ordinance.
7. The reduced parking requirement shall be approved specifically for the two uses included in the MISC 9798-2018 application: a 1,080 square foot barbeque restaurant and a 996 square foot coffee shop. Any other combination of uses, including those allowed by right, shall be subject to additional review and approval by the Planning Commission.
8. Prior to the issuance of the first building permit a lot merger application shall be submitted to the Public Works Department. Proof of recordation shall be provided prior to the issuance of a Certificate of Occupancy for the coffee shop.

SECTION 6. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 27th DAY OF JUNE, 2018

LUIS M. JAUREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

EMILY STADNICKI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES:
NOES:
ABSTAIN:
ABSENT:

"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6."