

**PC RESOLUTION NO. 08-053**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 08-030) TO ESTABLISH A CAR RENTAL AGENCY WITH A RELOCATED FORMER AUTOMOTIVE SERVICE STATION BUILDING AND CANOPY STRUCTURE (FROM 1212 N. WHITE AVENUE) AT 1180 NORTH WHITE AVENUE.**

**WHEREAS**, the applicant, Mr. Jean Ndjongo, has submitted an application for Conditional Use Permit (CUP 08-030) to establish a car rental agency with a relocated former automotive service station building and canopy structure (from 1212 N White Ave) on a subject site with an approximate size of 11,630 square feet (.26 acre).

**WHEREAS**, the subject property is currently located in the Wilton Heights Historic District;

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

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

**WHEREAS**, on October 1, 2008, the Historic Preservation Commission approved Major Certificate of Appropriateness (MISC 08-163) to relocate the former automotive service station from its present location at 1212 North White Avenue to 1180 North White Avenue;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on October 22, 2008 concerning Conditional Use Permit (CUP 08-030); and

**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.** The Planning Commission exercising independent judgment finds that project will not have an adverse effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) found in the California Public Resources Code, an Initial Study was prepared to assess the potential effects of this project on the environment and found that although the proposed project could have a significant effect on the environment, the effects will not be significant because mitigation measures added to the project will reduce these effects to levels less than significant.

Therefore, a Mitigated Negative Declaration of Environmental Impacts with mandatory findings of significance and mitigations and a mitigation monitoring program has been prepared for the project. The Planning Commission hereby adopts said Mitigated Negative Declaration, including the Mitigation Monitoring Program.

**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.** Pursuant to Section .580.B of the Zoning Ordinance, the Planning Commission must make the five (5) findings listed below in order to grant Conditional Use Permit (CUP 08-030) to establish a car rental agency. Based upon a 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:

1. *The proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

The proposed project at this particular location will contribute to the general well being of the neighborhood and the community by enhancing the appearance of the area, developing a property into an economically viable property, and meeting the need for auto rental services in the community.

2. *Such use will not, under the circumstances of the particular case 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;*

The project 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 full conformance with the development standards and use requirements of the Pomona Zoning Ordinance. 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. *The site of 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 with the land and uses in the neighborhood and make it compatible thereto;*

The site is of adequate topography, size and shape to accommodate the proposed project

and related improvements. The proposed project meets the development standards as required by the C-4 zone.

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use;*

The traffic generated by the proposed use will not 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 any additional traffic 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.*

The existing General Plan designation of the subject site is General Commercial. With the conditions of approval, the proposed commercial use will positively affect the general welfare of the community. It will also improve the aesthetics of the project site and of the immediate commercial neighborhood. Furthermore, the project will develop a site that is currently underutilized into an economically viable and aesthetically pleasing development, which is consistent with the following policies of the General Plan:

- “To encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector (Economic Development Element);”
- “To promote a balanced and dynamic economic growth for Pomona with continued development of commercial, financial, professional and industrial services to assure the expansion of local opportunities and to promote a rising standard of living for all residents in a quality environment (Economic Development Element);”
- “It is the policy of the City of Pomona to place a major priority on improving physical and visual images of the community (Community Design Element).”

**SECTION 4.** Pursuant to Section .590.F of the Zoning Ordinance, the Planning Commission must make the seven (7) findings listed below in order to grant Conditional Use Permit (CUP 08-030) for the relocation of the former automotive service station building and canopy structure (from 1212 N White Ave). Based upon a 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:

1. *The building is in conformity with the type and quality of buildings existing in the area into which it is proposed to be move.*

The former automotive service station is a commercial building located on a commercially zoned property at 1212 North White Avenue that is proposed to be relocated to a commercially zoned property at 1180 North White Avenue, approximately 225 feet to the south. The former automotive service station was built in the 1950's and will be located near a commercially zoned intersection with other commercial structures built within the same era.

2. *The building is not more than two stories in height.*

The former automotive service station is a single story structure with a height of 11'-6".

3. *The location of the building on the lot does not in any way adversely affect building or uses on abutting properties.*

The location of the former automotive service station complies with the setback development standards of the proposed C-4 (Highway Commercial) zone; as a result, the location of the former automotive service station will not adversely affect the uses on abutting properties.

4. *The percentage of lot coverage by all buildings and structures is not greater than that permitted by the district into which the building is proposed to be used.*

The relocated former automotive service station and all existing buildings on the project site comply with the lot coverage development standards of the proposed C-4 (Highway Commercial) zone.

5. *All yard and setback provisions are observed.*

The location of the former automotive service station complies with the setback development standards of the proposed C-4 (Highway Commercial) zone; as a result, the location of the former automotive service station will not adversely affect the uses on abutting properties.

6. *Prior to the occupancy the building shall be brought up to standards of a new building, and shall be painted and refurbished.*

Prior to the occupancy of the former automotive service station building the applicant will retain all necessary approvals in compliance with the latest codes mandated by the state to be enforced by the City.

7. *All dedications and improvements required for streets and alleys necessary for access to the property upon which the building are to be provided in conformance with City standards.*

The existing roadway system and right-of-way traffic improvements have been determined by the Publics Works Department to be capable of providing access to the relocated former automotive service station.

**SECTION 5.** Based on the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 08-030) 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 October 22, 2008, and as illustrated in the stamped approved plans dated October 22, 2008. 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 Planning 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 conditional use permit.
5. Conditional Use Permit (CUP 08-030) shall lapse and become void if the use authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced by October 22, 2010. The Planning Commission may extend this period for one year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval.
6. Written appeals may be filed with the City Clerk within twenty (20) days by one or more City Council members, the applicant, or any person owning property within four hundred (400) feet of the exterior boundary of the applicant's property.
7. Landscaping to include trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. The plans shall conform to Section .503-J of the Pomona Zoning Ordinance, including provisions regarding water conservation. All landscape areas shall be provided with an automated underground irrigation system. Landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval prior to construction (Plan Check).
8. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Planning Manager.
9. The applicant shall install a bike rack on the project site at a location to be approved by the Planning Manager.

10. The property shall be maintained free of weeds, graffiti and debris prior, during and after the relocation period.
11. In order to ensure future owners are made aware of conditions of approval, the applicant shall within 30 days of the date of this Resolution ensure that it is recorded with Los Angeles County Recorder's office and a recorded copy forwarded to the City of Pomona Planning Division.
12. The sale and/or display of used automobiles shall be prohibited.
13. The applicant shall refurbish and repaint the former automotive service station building and canopy structure. Final color selection shall be approved by the Planning Manager.
14. 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).
15. The applicant shall redesign the existing monument sign located at the front of the existing administrative-office building and shall submit plans, to the Planning Division, for the installation of any permanent monument design. Final design and location shall be approved by the Planning Manager prior to the finalization of the Certificate of Occupancy for the relocated former automotive service station.
16. No on-street parking shall be allowed for any rental vehicle.
17. The storage of rental vehicles shall be limited to the rear half of the property underneath the covered canopy structure and within the vehicle bay areas. No rental vehicles shall occupy the five required on-site customer and employee parking stalls located within the front half of the property.
18. The maximum number of rental vehicles at this location shall be limited to six (6).
19. All maintenance and cleaning of vehicles shall occur inside the auto bays of the former automotive service station building.
20. All temporary signs, except permanent signs within the areas depicted for signage in development plans dated October 22, 2008, shall be prohibited. This shall include no placement of temporary signs within any landscaped area. Window signs shall be limited to no more than 25% coverage of the glass window.
21. The automotive services provided within the automotive service building shall only be rendered to the vehicle rental fleet.

22. The applicant shall provide a decorative exterior treatment to the existing and proposed perimeter block walls. Final design to be approved by the Planning Division during the Plan Check process.

#### **PUBLIC WORKS–TRANSPORTATION & DEVELOPMENT DIVISION**

23. The applicant shall submit to the Engineering Division an application and processing fee for a “Lot Merger” to consolidate the existing two (2) parcels into one (1) continuous lot.
24. The property owner shall join the “Street Lighting and Landscaping District”.
25. The applicant shall plant a 24-inch tree in the empty tree well per the approval of the Community Services Department, Parks and Parks Facilities Division.

#### **PUBLIC WORKS DEPARTMENT – BUILDING AND SAFETY DIVISION**

26. Plans shall be submitted showing a project designed in compliance with the latest codes mandated by the state to be enforced by the City, including, but not limited to: grading, architectural/structural, mechanical/plumbing/electrical/energy, soils investigation/ geotechnical, water supply, and SUSMP compliance.
27. Before a building permit may be granted there shall be the posting of a cash bond as determined by the supervising building official and city engineer to cover costs of the activities involving the city and the expenditures involved in complying with conditions related to improvements of the property which may have been established in the granting of the permit. The bond shall also cover the costs involved in cleaning up the vacated site and restoring it to a safe and sightly condition if said site is within the city.

#### **PARKS DIVISION**

28. All trees and landscaping shall be maintained by the property owner.

#### **PUBLIC WORKS- WATER ENGINEERING**

29. All improvements to the City’s water system required for the development shall be at the developer’s expense in accordance with the provisions of the City of Pomona Water Code, Construction Standards and the Department of Health Services requirements.



30. All requirements of the Los Angeles County Fire Department (LACFD) shall be met. Proof of LACFD approval is required at time of final water improvement plan submittal to the Public Works Department. Contact the LACFD for information at (909) 620-2402.
31. Reduced Pressure Backflow Preventers shall be required for all irrigation water services and for all residential water services 1.5 inches and larger. The Reduced Pressure Principal Back-flow Prevention Device shall be installed above grade in the customer service line by his contractor as close as practical to the water meter and shall be between the water meter and the first point of connection to the service. A record of approved testing is required before acceptance by the City. Contact Water Quality Control at (909) 620-3670 for more information.
32. Double Check Detector Assemblies shall be installed for all fire services.

#### **UTILITY SERVICES DEPARTMENT WATER/WASTEWATER OPERATIONS**

##### **WATER**

##### **Main Line**

33. There are two existing water mains on White Avenue, one eight-inch (8") CIP water main and one six-inch (6") ACP water main. There may be no connections to the CIP water main because it is within a separate pressure zone. The static pressure on the six-inch ACP main is 90 psi.
34. Provide "hot tap" connections between domestic service lines and the existing mains, if applicable.
35. Any private onsite water improvements are the owner's responsibility and not the City's.
36. Any public water facilities located on private property must be installed within a City of Pomona easement, and will be maintained by the City.

##### **Domestic and Fire Service Line**

37. There is an existing 5/8" domestic meter with a 1" service, serving this site according to our billing records associated with 1180 N. White Avenue. Due to the absence of any proposed improvements, this existing 5/8" domestic meter may continue to serve the site.

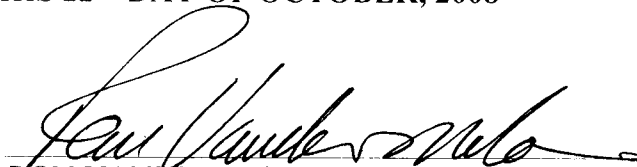
38. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required they must be placed at least five (5) feet from proposed driveways and off of parking spaces.
39. Approved backflow devices (list the brand and model) are required for the following service lines to the site:
  - Reduced principle pressure devices are required for dedicated irrigation service lines to the proposed site; and
  - Reduced principle pressure devices are required for all domestic services used for commercial purposes; and
  - Double check detector assembly devices for all fire sprinkler service lines.
40. The existing 5/8" meter must have a backflow device connected on the private side of the meter. If there is an existing backflow device associated with the 5/8" meter, then no new backflow device is required.

#### **SEWER**

41. There is not an existing sewer main on White Avenue adjacent to the proposed development. Currently, the property is served by an eight-inch (8") VCP sewer main on Columbia Avenue.
42. There is an existing shared four-inch (4") VCP sewer service for this site, addressed to 495 W. Columbia Avenue according to our billing records. This existing service may continue to serve the proposed development due to no additional sewer demand.
43. The sewer laterals from the public main to the site are considered private and must be maintained by site owners.

**SECTION 5.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

**APPROVED AND PASSED THIS 22<sup>nd</sup> DAY OF OCTOBER, 2008**

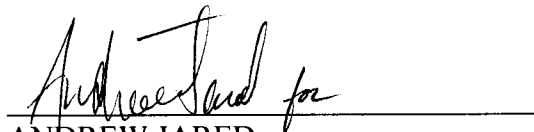
  
RON VANDER MOLEN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**



BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**



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

AYES: Jimenez, Starr, Saunders, Delgado and Vander Molen.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Santa Cruz

"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 Sec. 1094.6 C.C.P."