



# CITY OF POMONA COUNCIL REPORT

Date: September 10, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mario Suarez, AICP, Development Services Director

Subject: **AN APPEAL OF PLANNING COMMISSION FAILURE TO APPROVE  
CONDITIONAL USE PERMIT (CUP 7814-2017) AT 650-690 S.  
RESERVOIR STREET AND FAILURE TO REVOKE CONDITIONAL  
USE PERMIT (CUP 05-035) AT 750 S. RESERVOIR ST.**

## OVERVIEW

**Recommendation** – That the City Council open the public hearing and after receiving testimony and public comment close the public hearing and take the following actions:

1. Adopt the attached draft resolution approving Conditional Use Permit (CUP 7814-2017) and Environmental Documentation (Attachment A & B), subject to findings and conditions; and
2. Adopt the attached draft resolution revoking Conditional Use Permit (CUP 05-035) (Attachment C), subject to findings.

**Fiscal Impact** – The industrial project is subject to payment of building plan check fees, building permit fees and development impact fees. This includes payment of the one percent public arts fee or taking an option to design a public art piece for the site. Investment in the properties will increase assessed value on the tax roll and bring property tax dollars to local government.

**Public Noticing Requirements** – Pursuant to Section .580(F) of the Zoning Ordinance, a notice of public hearing is required to be published in a newspaper of local circulation, and sent to property owners within a 400-foot radius of the project site, at least ten days prior to the date of the public hearing. A notice was published in the Inland Valley Daily Bulletin on Thursday, August 30, 2018, and mailed to property owners on Thursday, August 30, 2018.

**Previous Related Action** – On June 27, 2018, the Planning Commission held a public hearing and voted on a motion to approve Conditional Use Permit (CUP 7814-2017) to allow for the construction of a new 47,199 square foot industrial warehouse and office uses for a property located within the M-1(Light Industrial) district within the East

Mission Boulevard Workplace Expansion Zone of the Pomona Corridors Specific Plan, at 650-690 S. Reservoir Street; and Revocation of Conditional Use Permit (CUP 05-035) (issued but not previously exercised) to construct a 17,362 square foot industrial building at 750 S. Reservoir St. (parking shared with subject property). The vote resulted in a non-action due to a lack of affirmative votes (3-2-0-1), with Commissioner Brown absent. (Attachment I-Draft PC Minutes and H-PC Staff Report)

On August 6, 2018, the City Council moved to hold a public hearing on a request to appeal the Planning Commission's Non-Action of Conditional Use Permit (CUP 7814-2017) and Revocation of Conditional Use Permit (CUP 05-035). (Attachment J-Appeal Application)

**Environmental Determination** - Staff has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects). Therefore, staff is recommending that the City Council adopt a Categorical Exemption for the proposed project.

## **EXECUTIVE SUMMARY:**

This item is the appeal of the Planning Commission action (*there was failure to obtain a majority vote*) on a Conditional Use Permit to allow for the construction of a new 47,199 square foot industrial warehouse and office uses on a property located within the M-1(Light Industrial) district within the East Mission Boulevard Workplace Expansion Zone of the Pomona Corridors Specific Plan, at 650-690 S. Reservoir Street as well as a revocation of Conditional Use Permit (CUP 05-035) (issued but not previously exercised) to construct a 17,362 square foot industrial building at 750 S. Reservoir St. (parking shared with subject property).

## **PROJECT DESCRIPTION AND BACKGROUND**

The subject site is located at 650, 680, 690, and 750 South Reservoir Street and consists of four lots currently improved with four buildings as follows: an approximately 90,611 square foot warehouse structure, an approximately 4,588 square foot office structure, an approximately 1,500 square foot office structure, an approximately 4,500 square foot storage structure, and an approximately 6,500 square foot metal canopy attached to the warehouse. (Attachment E)

A lumberyard was in operation at 650 - 690 South Reservoir Street until December of 2000. Currently, the property is operated by Maco Import and Export, Inc. (no business license on record) as an ancillary truck storage yard to their primary facility located at 1820 South Reservoir Street. According to the property owner, Maco Import, and Export, Inc. is generating approximately 30-40 truck trips per day.

A lumber and construction yard and distribution center operated on the property known as 750 South Reservoir Street until 1994. From 1994 to 2013 Halex Corporation, a flooring product manufacturer, occupied the property. Since 2013, Nepco, Inc., a polystyrene moulding manufacturer is occupying the property.

# Appeal of Conditional Use Permit (CUP 7814-2017) and Revocation of Conditional Use Permit (CUP 05-035)

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The applicant is requesting to consolidate three of the four lots (650, 680, and 690 S. Reservoir St.) and demolish all existing structures and improvements on those properties to accommodate construction of a new 47,199 square foot structure. The new structure will include warehouse and office uses. Associated on-site improvements include a new drive entry along Reservoir St., off-street parking, landscaping, trash enclosure and fencing. The existing drive entry on the northern portion of the subject site will be eliminated. The project will also remove any shared access and parking between 650, 680, and 690 S. Reservoir St. and 750 S. Reservoir St. As such, the parking area for 750 S. Reservoir St. will be relocated on that lot and striped to provide the required parking and drives to accommodate the existing uses on that property. No other improvements are proposed for the portion of the property located at 750 S. Reservoir St. (Attachment G-Plans)

In 2005, there was a request under Conditional Use Permit (CUP) 05-035 to construct a 17,632 square foot industrial building at 750 S. Reservoir St. (Attachment D-PC Resolution No. 05-092). The 2005 project proposed parking stalls and drives to be provided on 650, 680, and 690 S. Reservoir St. However, CUP 05-035 was never exercised and lapsed per the terms of Resolution No. 05-092. Because the Conditional Use Permit runs with the land unless revoked, staff is also processing a revocation of that 2005 CUP that was never exercised by the property owner. Revocation of Conditional Use Permit (CUP 05-035) will ensure that there is no conflict with current proposal under Conditional Use Permit (CUP 7814-2017).

## APPLICABLE CODE SECTIONS

Section .5807 of the Pomona Zoning Ordinance (PZO) states that industrial facilities over twenty thousand square feet of gross floor area or a lot greater than one require a Conditional Use Permit. In this case, the proposed facility is 47,199 square feet and the subject site totals 2.53 acres. The project is also subject to standards contained within the M-1 district of the PZO, Section .410.

Section .580 H. of the PZO establishes the procedure for revocation of a conditional use permit being initiated by staff. The revocation of the CUP has been noticed per Code. The basis for revocation is consistent with subsection .580 H. 2. B: “That the permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in violation of any law.” In this case, the project was never exercised contrary to conditions of approval. Specifically, Condition of Approval No. 2 states “This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction prior to the issuance of a building permit has not commenced within one (1) year from the date of this approval.”

## SURROUNDING LAND USE INFORMATION

The zoning, General Plan land use designation and existing uses for the surrounding properties are identified in the following table:

**Land Use Summary Table**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>General Plan Place Type</b>
<b>Subject Site</b>	Industrial	M-1	Work Place District Edge
<b>North</b>	Industrial	M-1	Work Place District Edge

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>General Plan Place Type</b>
<b>South</b>	Industrial	M-1	Work Place District Edge
<b>East</b>	Waste Transfer Station	M-2	Work Place District
<b>West</b>	Single-Family	R-2	Neighborhood Edge / Residential Neighborhood

## ZONING COMPLIANCE ANALYSIS

### Site Development Standards

Based on staff's analysis, the project exceeds the minimum development standards of the M-1 district. The Project Summary Table below provides a quick compliance determination of the development standards for the proposed project.

**Project Summary Table  
For 650, 680, 690 South Reservoir Street**

<b>Standard</b>	<b>Zone Requirement</b>	<b>Proposed Project</b>	<b>Compliance Determination</b>
<b>Front Yard</b>	25' min.	81'	Yes
<b>Side Yard</b>	None	0' – 37.5'	Yes
<b>Rear Yard</b>	None	225'	Yes
<b>Building Height</b>	75' / 6 stories max.	40' / single-story w/mezzanine	Yes
<b>Min. Drive Width</b>	25'	26' – 34'	Yes
<b>Off-Street Parking</b>	Office 1/250 sf – 7,654 sf Warehouse 1/1,000 sf – 39,545 sf Total Required - 71 stalls	72 stalls	Yes
<b>Loading Spaces</b>	3	4	Yes
<b>Trash Enclosure</b>	Required	Provided	Yes

As noted in the Project Description section of the staff report, the portion of the property located on 750 S. Reservoir St. shall only include work to restripe portions of that property in order to ensure the required parking is provided for the current uses. No other improvements are proposed and therefore analysis of other development standards is not required. As designed, the required number of parking stalls and stall dimensions shall be fully met.

**Project Summary Table  
For 750 S. Reservoir St.**

<b>Standard</b>	<b>Zone Requirement</b>	<b>Proposed Project</b>	<b>Compliance Determination</b>
<b>Off-Street Parking</b>	Office 1/250 sf – 4,588 sf Warehouse 1/1,000 sf – 90,611 sf Total Required - 109 stalls	109 stalls	Yes

## **ANALYSIS**

### **Zoning Ordinance Compliance**

Staff has evaluated conformance to the development standards of the M-1 district. As provided in the Site Development Standards table section above, the project conforms to the applicable development standards of the M-1 district. Therefore, setbacks, parking, truck loading, landscaping, ingress/egress requirements are met.

The subject property is within the Pomona Corridors Specific Plan, East Mission Boulevard Workplace Expansion Zone. While the subject property is within the Expansion Zone, it is not contiguous with property within the Plan Area. Therefore, the subject property is not currently eligible to be added to the Pomona Corridors Specific Plan and the regulations of the Pomona Corridors Specific Plan are not applicable to the proposed project.

The existing 1,500 square foot office structure located on 650 South Reservoir Street was originally constructed in 1939 and is not a potential historic resource. Based on staff's analysis, the structure and property would not meet the criteria used in historic landmark designation. Per Condition of Approval No. 21, the project is conditioned to obtain a Certificate of Appropriateness for the demolition of a structure built prior to 1945.

### **Land Use Compatibility**

The subject site is located in an area with properties planned for industrial uses. The proposed development provides significant landscaping along the frontage and the structure is setback significantly beyond the 25' front yard requirement. Furthermore, the project does include ten-foot street dedication required to widen Reservoir Street. As such, the project design sufficiently buffers the proposed use from the existing residential uses located across the street from the subject site and provides required street dedication for future street improvements. The industrial project includes adequate interior parking and circulation for ingress/egress to occur in a forward direction. Trucks will not be backing into the site from Reservoir Street. The proposed building architecture is adequate for industrial use and will be fenced with a six-foot high decorative steel picket fence.

### **Conditional Use Permit Findings**

In accordance with Section .580.B of the Zoning Ordinance, the City Council must make findings in order to approve Conditional Use Permit (CUP 7814-2017). Therefore, in approving a Conditional Use Permit, requires the City Council to accept the findings as prescribed in Attachments A and B, which also includes the Conditions of Approval and Environmental Analysis further described in the section below.

## **ENVIRONMENTAL ANALYSIS/DETERMINATION**

Staff has reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, it was 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 specific findings are included in

Attachment B of this staff report. One of the reviews includes information related to traffic, noise, air quality and water quality which is included below for City Council consideration. This is the area where a member of the public spoke in opposition of the project during the June 27, 2018, Planning Commission hearing.

***The proposed project will not have any significant effects upon the environment relating to traffic, noise, air quality, or water quality;***

The *City of Pomona Noise Ordinance, Section 18-310, "Designated Noise Zones,"* establishes standards of noise based on type of land use. Furthermore, Section 4.9.2: Regulatory Framework of the 2014 *City of Pomona General Plan Update, Corridors Specific Plan, ATP and Green Plan Environmental Impact Report* establishes thresholds for noise decibel level that each land use must adhere to. The proposed project must comply with these noise standards and the project as designed is not anticipated to generate noise in excess to be considered significant upon the environment and related uses.

As part of a requirement from City of Pomona's Public Works Department, the project was reviewed to determine if the proposal would meet thresholds requiring a Traffic Impact Study (TIS). Upon review by the Public Works Department it was determined that the project did not meet the thresholds requiring a Traffic Impact Study. The thresholds include:

- a) If a project generates 50 or more trips without consideration of pass-by trips during any peak hour.
- b) If a project is located within 300 feet of the intersection of two arterial streets as defined in the City's General Plan or impacted intersection as determined by the City Traffic Engineer.
- c) If a project is anticipated to generate controversy or opposition as determined by the City Traffic Engineer.
- d) As directed by the City Traffic Engineer.

As such, the proposed project is not anticipated to have a significant traffic impact on the environment and surrounding area.

Section 4.9.3: Air Quality Thresholds of Significance in the 2014 *City of Pomona General Plan Update, Corridors Specific Plan, ATP and Green Plan Environmental Impact Report* states that "General Plan Update policies and the Corridors Specific Plan development standards focus on strategic infill development and land re-use, as only 600 acres (5%) of the city remain vacant. Therefore, growth facilitated by the General Plan Update and Corridors Specific Plan is anticipated to be within Air Quality Mitigation Program (AQMP) forecasts. Also, by promoting intensification and reuse of already developed lands as opposed to low density development of undeveloped lands, the General Plan Update and Corridors Specific Plan aim to reduce reliance on the drive-alone automobile. A reduction in vehicle use and vehicle miles traveled can result in a reduction in fuel consumption and air pollutant emissions." The proposed project represents in-fill development of already developed land within the City of Pomona. Therefore, additional significant air quality impacts beyond those previously studied are not anticipated.

The project, as conditioned, must comply with Water Resources Department requirements, and is currently served by an existing ten-inch (10") DIP water main within S. Reservoir St. Significant water quality impacts are not anticipated from this project as proposed.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published 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 September 2018 (Attachment F). While staff has not received any letters in opposition or support of the project, concerns were raised by the public at the June 27, 2018, Planning Commission meeting. The concerns were raised by a Reservoir Street resident who expressed concerns about the project adding to existing truck traffic, disruption in the neighborhood, overnight 18-wheeler parking on Philadelphia and the environmental impact of combining lots for large projects.

## **ATTACHMENTS**

- A. Draft CC Resolution for CUP 7814-2017
- B. Staff Environmental Analysis/Determination Exhibit
- C. Draft CC Resolution for Revocation of CUP 05-035
- D. PC Resolution No. 05-092 Approving CUP 05-035
- E. Location Map and Aerial Photograph
- F. Public Hearing Notice and 400' Radius Map
- G. Conceptual Project Plans
- H. Planning Commission Staff Report with Attachments dated June 27, 2018
- I. Planning Commission Draft Minutes dated June 27, 2018
- J. Appeal Application