



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: November 28, 2018

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department, Planning Division

SUBJECT: MODIFICATION OF CONDITIONAL USE PERMIT (MODCUP 6924-2017), MODIFICATION OF CONDITIONAL USE PERMIT (MODCUP 10990-2018), VARIANCE (VAR 6925-2017), REVOCATION OF CONDITIONAL USE PERMIT (CUP 07-016), REVOCATION OF VARIANCE (VAR 07-005);
Request for a Modification of a Conditional Use Permit (CUP 6924-2017) to permit the addition of a car wash tunnel to an existing automobile service station; Modification of a Conditional Use Permit (MODCUP 10990-2018) to amend a condition for an existing permit for off-sale beer and wine; Variance (VAR 6925-2017) from side yard setback development standards; Revocation of Conditional Use Permit (CUP 07-016) to permit a car wash tunnel; and Revocation of Variance (VAR 07-005) to reduce side yard setback to four feet, on a property located in the M-2 (General Industrial) zoning district.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolutions (Attachments 1-3) approving Modification of Conditional Use Permit (MODCUP 6924-2017), Modification of Conditional Use Permit (MODCUP 10990-2018), and Variance (VAR 6925-2017), subject to findings and conditions as applicable. Staff further recommends that the Planning Commission adopt the attached PC Resolutions (Attachment 4-5) approving Revocation of Conditional Use Permit (CUP 07-016), and Revocation of Variance (VAR 07-005), subject to findings.

PROJECT/APPLICANT INFORMATION

Project Location: 2488 S. Reservoir Street
APN Information: 8330-012-025/10
Project Applicant: Thomas Kim
Property Owner: Kim Family Ventures, LLC
CC District: District # 3
Historic/CBD: Not Applicable
Specific Plan: Not Applicable
General Plan: Workplace District Edge

EXISTING ENTITLEMENTS

- | | |
|----------------|--|
| 8/28/53 | Special Land Use Permit for petroleum storage (Resolution 461) |
| 9/15/82 | Conditional Use Permit for Manager's residence for mini-storage facility (Resolutions 5540, 5541) |
| 9/13/84 | Determination of Similarity for convenience store with gasoline sales and off-sale alcohol in M-1 and M-2 zoning districts (Resolution 5988) |
| 5/25/88 | Conditional Use Permit for automobile service station with mini-mart (Resolutions 6898, 6899, 6900, 6903) |
| 7/11/07 | Conditional Use Permit to add an automatic car wash tunnel to an existing automobile service station and Variance to allow a reduction of the north building setback to four feet (Resolutions 07-059, 07-060) |
| 4/1/13 | Conditional Use Permit for off-sale of beer and wine in conjunction with the operation of an existing automobile service station (Resolution 13-002) |

PROJECT DESCRIPTION & BACKGROUND

The applicant, Thomas Kim, is proposing to add a 1,540 square foot automatic carwash tunnel to an existing automobile service station along the northern property line on a 39,909 square-foot lot in the M-2 (General Industrial) zone on property located at 2488 S. Reservoir Street. The proposed project represents a modification to an existing conditional use permit issued in 1989 for an automobile service station and mini-mart. There are currently four (4) fuel pumps and a 2,495 square-foot mini-market on site. The carwash will be automatic and self-serving. Customers will pay for the car wash either in the mini-mart or at the dispensary pumps, and drive through the tunnel and exit the site. The applicant is not expecting to hire additional employees for the carwash tunnel.

The applicant is also seeking to modify an existing conditional use permit for off-sale beer and wine to permit the sale of three-pack quantities, instead of the existing limitation of no less than six-pack quantities.

Moreover, Planning seeks to revoke an existing conditional use permit and variance for a similar project approved in 2007 but that was not executed by the previous owner.

Applicable Code Sections

Pursuant to City of Pomona Zoning Ordinance, Section .410 & .580-J: A Conditional Use Permit is required for automobile service stations and for off-sale of beer and wine. Changes to existing conditional use permits require a modification. Section .5804 of the Zoning Ordinance provides the development standards for automobile service stations, and Section .560 provides the guidelines for a Variance application. Section .560-H and .580-H provide guidelines for revocations of variances and conditional use permits.

Surrounding Land Use Information

The properties to the north, east and south of the project site are zoned M-2 (General Industrial), while the properties to the west of the subject site is zone R-3 (Medium Density Multiple Family). The following table summarizes the surrounding land uses, zoning and General Plan designations for Planning Commission consideration.

Table 1. Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Service Station	M-2	Workplace District Edge
North	Warehouse	M-2	Workplace District Edge
South	Self Storage	M-2	Activity Center
East	Warehouse	M-2	Workplace District Edge
West	Multi-Family	R-3	Residential Neighborhood

COMPLIANCE

Staff has evaluated the proposed project and determined that it is in compliance with the minimum development standards of the M-2 zone and Section .5804, except for the north building setback. Table 2 summarizes the required development standards applicable to the proposed project.

Table 2. Property Development Standards Compliance

Development Standard	Requirement	Proposed Project	Compliance
Side Property Line setback	15 feet	0	Yes, with variance
Building Height	≤ 2 stories or 40 feet	15'-4"	Yes
Off-street parking	14 parking spaces	14 parking spaces provided	Yes

Variance

The applicant is proposing to locate the car wash tunnel along the north property line, which requires a 15 foot building setback. Staff has identified the following reasons to support a variance to reduce this setback and allow for the construction of a car wash tunnel along the side property line:

1. One intent of the 15 foot setback is to allow for building separation between adjacent properties; however, after the addition of a car wash tunnel along the side property line, there will remain approximately 120 feet from the industrial building to the north. This is an adequate amount of building separation to meet the intent of code requirement for

automobile service stations. Furthermore, each property line of the subject property is adjacent to other M-2 General Industrial uses, and is not shared with any residential use or zoning district.

2. After the addition of a car wash tunnel, approximately 13% of this 39,909 square foot parcel will be covered by roofed structures. This is a low lot coverage percentage, which reflects that the addition of a car wash tunnel would not overcrowd the property or impede circulation.
3. The car wash tunnel has been designed to be automatic, without the addition of a new employee, and is intended to serve existing customers of the gas station and convenience market; therefore, allowing the car wash along the side property line would not significantly increase the intensity of the existing operation.
4. Requiring compliance with a 15 foot side property line setback to allow the addition of a car wash tunnel may burden the applicant to alter the existing site improvements such as the fuel pump islands and canopies and may make it impractical for the owner to improve the site with an additional accessory use.

Modification of Alcohol Conditional Use Permit

The applicant seeks to modify the following single condition from an existing Conditional Use Permit for off-sale beer and wine at the existing convenience store (emphasis added):

1. The sale of alcoholic beverages shall be limited to off-sale of beer and wine in pre-packaged containers. Sale and display of beer products ***shall be in packages containing six or more individually packaged servings*** (i.e., no individual can/bottle or tapped/keg container display or sales). No wine, wine coolers or flavored malt beverages shall be sold in containers of less than 750 ml, unless sold by four-pack or other manufacturer's pre-packaged multi-unit quantities.

The proposed change to the condition would allow the applicant to sell beer products in packages containing ***three*** or more individually packaged servings, as opposed to the existing condition of ***six*** or more. The requested change is consistent with Planning conditions set forth in recently adopted conditional use permits for similar beer and wine licenses. Furthermore, Staff has analyzed the property's code enforcement and compliance history and has found no active code enforcement cases or safety actions on the property following approval of the beer and wine license.

General Plan Conformity

The proposed project is in the "Workplace District Edge" land use designation under the Pomona General Plan. The project conforms to the goals and policies found in the Plan, specifically to *"provide for continued operation of older industrial and service commercial businesses at specific locations"* (Goal 6F.G2) and *"incrementally redevelop eastern employment lands with contemporary industrial and light industrial uses"* (Goal 6F.G3).

ENVIRONMENTAL ANALYSIS/DETERMINATION

Upon submittal of the project, staff reviewed the proposed development project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff determined that the project is Categorically Exempt under Section 15303, Class 3 (New Construction or Conversion of Small Structures) of CEQA, in that the proposed project is in an urbanized area, involves the construction of a carwash, does not involve the use of hazardous substances and is less than 10,000 square feet in floor area.

PUBLIC COMMUNICATIONS

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

CONCLUSION

The proposed project meets the development standards of the Zoning Ordinance except for the north building setback for which a Variance is being requested. Based on staff's analysis of the issues, the proposed development will be compatible with the adjacent land uses and will not result in any negative impacts to the surrounding area.

Respectfully Submitted:

Prepared by:

Mario Suarez, AICP, CNU-A
Development Services Director

Ata Khan
Senior Planner

ATTACHMENTS:

- 1) Draft PC Resolution (MODCUP 6924-2017)
- 2) Draft PC Resolution (VAR 6925-2017)
- 3) Draft PC Resolution (MODCUP 10990-2018)
- 4) Draft PC Resolution (Revocation of CUP 07-016)
- 5) Draft PC Resolution (Revocation of VAR 07-005)
- 6) Location & Aerial Photograph
- 7) Radius Map & Public Hearing Notice
- 8) Project Plans