



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: March 27, 2019

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department, Planning Division

SUBJECT: **TENTATIVE PARCEL MAP NO. 82199 (PARCELMAP 10083-2018), REVOCATION OF CONDITIONAL USE PERMIT 13-007, PC RESOLUTION 13-024, AND REVOCATION OF CONDITIONAL USE PERMIT PC RESOLUTION 5974:**

A request to subdivide an approximately 1.75 acre parcel into three parcels, a request for revocation of previously approved Conditional Use Permit to allow an auto storage yard, and revocation of a previously approved Conditional Use Permit to allow a drive-through on a site located at 1175 & 1199 E. Holt Avenue (APN 8323-016-018) within the City Gateway Segment of the Pomona Corridors Specific Plan (PCSP) area.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map No. 82199 (PARCELMAP 10083-2018) (Attachment 1), subject to conditions. Staff further recommends that the Planning Commission adopt the attached PC Resolutions (Attachments 2 and 3) approving Revocation of Conditional Use Permit 13-007, PC Resolution 13-024 and Revocation of Conditional Use Permit 5974.

PROPERTY & APPLICANT INFORMATION

Address	1175 & 1199 E. Holt Avenue
Assessor's Parcel Number (APN)	8323-016-018
Lot Size	76,219 SF (1.75 Acre)
General Plan Land Use Designation	Neighborhood Edge
Zoning District	City Gateway Segment
Historic District	N/A
Specific Plan	Pomona Corridors Specific Plan
City Council District	District 4
Applicant	Andy Xie

Property Owner | Holt Dev & Investment LLC

RELATED ACTIONS

	1175 E. Holt Avenue	1199 E. Holt Avenue
Building & Safety	10/20/69 Demo sheds and single-family dwelling 11/21/69 Construction of Arby's Restaurant 4/6/70 Illuminated pylon sign 2/19/87 Drive-through and mansard additions 12/11/92 Construct wrought iron fence on top of existing block wall 12/16/93 Monument sign 12/8/15 Patio fencing	12/30/71 42' high pole sign 5/5/72 Certificate of Occupancy Retail Tire Sales 8/1/84 Nonbearing partition walls 2/9/88 Channel letter sign 9/28/98 T.I. for auto repair shop – adding non load bearing walls 12/20/99 Tear off existing, resheath
Planning	8/8/84 Conditional Use Permit to add drive-through to Arby's Restaurant (PC Resolution No. 5974) 7/4/85 Time Extension of Conditional Use Permit (PC Resolution No. 5974-A) 5/14/86 Conditional Use Permit Modification (PC Resolution 5974-B) 12/10/86 Conditional Use Permit Modification (PC Resolution No. 5974-C) 1994 Minor Deviation Variance to allow an 8' high rear yard fence 12/8/15 Fence permit to allow a 3' high fence in patio area	11/13/13 Conditional Use Permit to allow a modification to an existing auto repair facility (PC Resolution No. 13-024)

PROJECT DESCRIPTION

The subject site is located at 1175 & 1199 E. Holt Avenue within the City Gateway Segment of the PCSP (Attachment 4). The proposed project includes a request to subdivide a 1.75 acre parcel into three parcels. Parcel "1" consists of an 11,440 square foot paved lot. It is currently being utilized as an outdoor automotive storage yard with an approved Conditional Use Permit (CUP 13-007). Parcel "2" consists of 40,837 square feet with an existing 11,918 square foot structure with various auto repair/retail tire shop uses. The existing use is legal non-conforming. Additional striping will be included to meet parking requirements to retain its legal non-conforming status. Parcel "3" consists of 23,942 square feet with an existing 1,272 square foot structure with an existing

restaurant (Attachment 5). The existing restaurant has been in operation since approximately March 2013. The existing structures will remain and no façade renovations or building modifications have been requested with the proposed subdivision.

Planning seeks to revoke two existing Conditional Use Permits: Conditional Use Permit (CUP 13-007), PC Resolution 13-024 allowing an outdoor automotive storage yard and Conditional Use Permit, PC Resolution 5974 to allow a drive-through to a former Arby's Restaurant.

Applicable Code Sections

Pursuant to the Subdivision Map Act of the State of California and the City's Subdivision Ordinance (Pomona City Code Chapter 29) require that the filing of a Tentative Parcel Map for the proposed subdivision of one parcel into three parcels. Section .580-H provides guidelines for revocation of conditional use permits.

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

	Existing Land Use	Zoning	General Plan Designation
Subject Site	Restaurant/Auto Repair/Retail	City Gateway Segment	Neighborhood Edge
North	Multi-Family Residential	City Gateway Segment	Neighborhood Edge & Residential Neighborhood
South	Commercial/Retail	City Gateway Segment	Workplace District Edge
East	Commercial/Retail/Garden Nursery	City Gateway Segment	Neighborhood Edge
West	Commercial Shopping Center	City Gateway Segment	Neighborhood Edge

Site Development Standards

Staff has evaluated the proposed subdivision to ensure compliance with the minimum development standards of the Subdivision Map Act and the City's Subdivision Ordinance (Pomona City Code Chapter 29). Compliance with the required development standards will ensure that the site is developed in a manner consistent with the purpose and intent of the PCSP – City Gateway Segment.

ANALYSIS

Land Use Compatibility

The proposed subdivision will not have a significant impact on the surrounding neighborhood since the subdivision is consistent with the PCSP requirements and is compatible with the surrounding commercial and residential uses. The project site is located in the PCSP – City Gateway Segment fronting a major arterial street on the southern portion of the parcel. The northern portion of the parcel is fronting a local street. The surrounding neighborhood north of the site is multi-family residential. Staff believes that the subdivision will not have an adverse impact upon the surrounding area as the subdivision will establish a path for future development to be consistent with the allowed uses outlined within the PCSP.

Access

The subject site currently has street and vehicular access via Holt Avenue. The existing driveway approaches located along Holt Avenue will be brought to City standards and ADA requirements. A new driveway approach is to be implemented on Pasadena Street.

Tentative Parcel Map Findings

Pursuant to Section 66474 of the California Government Code (Subdivision Map Act) and the City's Subdivision Ordinance, the Planning Commission must make seven findings in order to approve Tentative Parcel Map No. 82199 (PARCELMAP 10083-2018). 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:

1. The proposed tentative tract map is consistent with the general plan and applicable specific plan.

The project is consistent with the General Plan place type of the T-4B (Neighborhood Edge) Transect Zone. The location of the site is within the City Gateway Segment of the Pomona Corridors Specific Plan. The T4-B (Neighborhood Edge) Transect Zone prescribes the typical development type as:

“Grand scale buildings. Development is compatible with medium scale multi-family housing and townhomes in areas envisioned to have a more residential character. Grand scale development is more commercial in character and disposition in area envisioned to have more commercial or mixed-use character.”

The existing structures meet the maximum allowable height of 3 stories allowed in the T4-B Transect Zone. The proposed subdivision does *not* include new construction or modifications to the existing structures, however; the proposed subdivision may present an

opportunity for future development which will thereby include frontage improvements that would enhance economic viability.

Goal 7F.G4: “Ensure high quality new development and redevelopment throughout the City that is designed appropriately to add value to its surrounding context.”

Parcel “1” consists of an 11,440 square foot paved lot. Parcel “2” consists of 40,837 square feet with an existing 11,918 square foot structure with various auto repair/retail tire shop uses. The existing use is legal non-conforming. Additional striping will be included to meet parking requirements to retain its legal non-conforming status. Parcel “3” consists of 23,942 square feet with an existing 1,272 square foot structure with an existing restaurant. The existing restaurant has been in operation since approximately March 2013.

The subject site is located within the T4-B Neighborhood Edge Transect Zone which allows for a density of 40 units per acre. The PCSP allows for multi-family and mixed-use development. The proposed subdivision will allow portions of the site that are underutilized to be efficiently developed according to the requirements in the PCSP. Therefore, the project furthers the goals and objectives of the General Plan by establishing a foundation for potential future development that will exhibit high quality that is designed appropriately, and adds value to its surrounding context.

2. *The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.*

The design and improvements of the proposed subdivision are consistent with the General Plan in that improvements such as installation of a new driveway approach on Pasadena Street and repair to damaged sidewalks and drainage facilities will be designed and constructed in accordance with City standards. Street landscaping is to be installed along the Holt Avenue frontage pursuant to the requirements of the Pomona Corridors Specific Plan.

3. *The site is physically suitable for the type of development.*

The proposed subdivision does not include new development; however, the proposed subdivision will accommodate potential new development that will enhance the site and its surroundings. Given the shape and topography of the site, the subdivision design accommodates adequate land for multi-family and or mixed-use development, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

4. *The site is physically suitable for the proposed density of development.*

The site is physically suitable to accommodate future development with the allowable density in the T4-B Neighborhood Edge Transect Zone which allows for 40 units per acre.

5. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed subdivision will comply with the policies and regulations of the Pomona City Code and General Plan and with all local or regional plans, policies, regulations, and any requirements by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Based on these factors, the proposed subdivision will not cause substantial environmental damage or injure wildlife or their habitat.

6. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The proposed project does not include new construction or existing structure modifications therefore the project will not impact public health.

7. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large.

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 the proposed project meets the criteria for a Categorical Exemption pursuant to Section 15315, (Class 15 – Minor Land Divisions). In urbanized areas, this exemption applies to areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than twenty percent. In addition, Article 5, 15061(b)(3), which specifies that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on March 15, 2019 and was sent to the owners and occupants of properties within a 1,000-foot radius of the subject site on March 13, 2019 (Attachment 6).

Respectfully Submitted:

Prepared By:

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ATTACHMENTS:

- 1) Draft PC Resolution (PARCELMAP 10083-2018)
- 2) Draft PC Resolution (Revocation of CUP 13-007 PC Resolution 13-024)
- 3) Draft PC Resolution (Revocation of CUP PC Resolution 5974)
- 4) Vicinity Map and Aerial Photograph
- 5) Project Plans
- 6) Public Hearing Notice and 1000' Radius Map