



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: May 8, 2019

TO: Chairperson and Members of the Planning Commission

FROM: Jeff Hamilton, Contract Planner

SUBJECT: **CONDITIONAL USE PERMIT (CUP 9633-2018), VARIANCE (VAR 11693-2019):** A Conditional Use Permit to construct a gas station with a 2,940 square foot convenience store and 1,908 square foot fueling canopy with four (4) fueling pumps, and to sell beer and wine (Type 20 ABC License) for off-site consumption; and a Variance (VAR 11693-2019) to allow a monument sign on a property with less than 200 feet of frontage and a ground sign with more than 3 lines of text), for the property located at 1600 West Holt Avenue.

STAFF RECOMMENDATION

That the Planning Commission approve the attached Resolutions approving Conditional Use Permit No. 9633-2018 (Attachment 1), for the proposed convenience store and gas station with the sale of beer and wine for off-site consumption, and Variance 11693-2019 (Attachment 2) to allow a monument sign on a property with less than 200 feet of frontage and with more than 3 lines of text.

PROJECT/APPLICANT INFORMATION

Project Location: 1600 West Holt Avenue
AIN Information: 8348-005-008
Project Applicant: Fieldergroup and 7-Eleven, Inc.
Property Owner: Josh Golchek, Golchek Development & Investments, LLC.
City Council District: District #1
Historic/CBD: Not Applicable
Specific Plan: Corridor Specific Plan—Downtown Gateway Segment

PREVIOUS ENTITLEMENTS

None

BUILDING PERMIT HISTORY

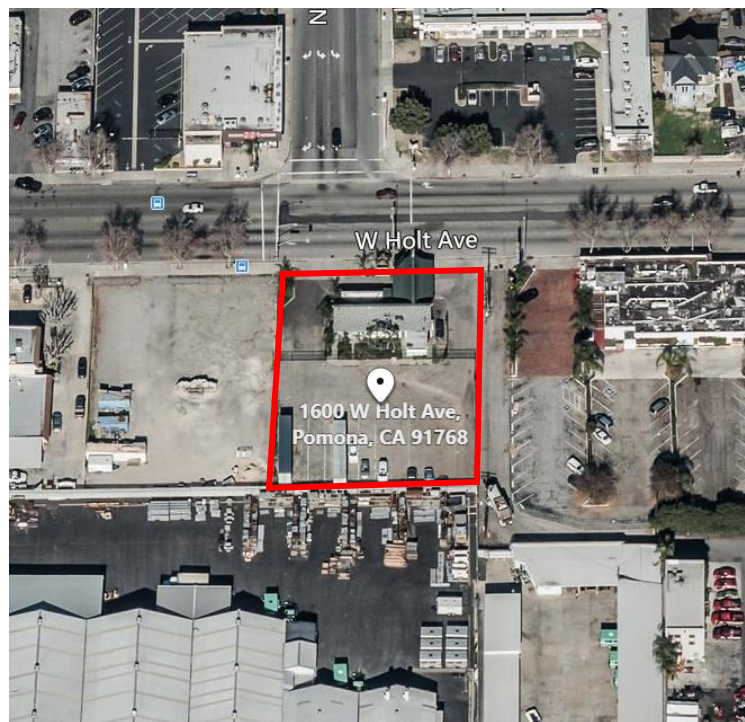
- 1969 Permit 23237—sign
- 1968 Permit 6981—sign
- 1965 Certificate of Occupancy for Blue Star Dairy
Permit 68730—sign
- 1963 Permit 36523—Milk sales and restaurant building
Permit 44940—signs
Permit 44943—signs

PROJECT LOCATION

The Project site is approximately 27,057 square feet (0.62 acres) and located south of the intersection of West Holt Avenue and North Dudley Street. The Project site is within the Downtown Gateway Segment of the Pomona Corridor Specific Plan (PCSP) and has a current General Plan land use designation of Urban Neighborhood (see Attachment 3-Location Map and Aerial Photograph).

PROJECT DESCRIPTION

The applicant proposes to demolish the existing commercial building (formerly Altadena Dairy) and construct a gas station with a 2,940 square foot convenience store and a detached 1,908 square-foot fueling canopy with four (4) fueling pumps (see plans—Attachments 4 and 5). The applicant also proposes a Type 20 ABC License for the sale of beer and wine for off-site consumption. The convenience store and gas station will be open 24 hours per day, seven (7) days a week, and will have an operational staff of two (2) employees per shift. A total of ten (10) parking spaces will be provided for the customers, with one of the spaces reserved as a handicapped space.



The exterior design of the convenience store will incorporate brick elements, a metal canopy area over the entrance, and glass windows along the primary entrances of the store. The walls of the building will be finished in brown brick. The pump island canopy will be white with green and red accent stripes in the corporate colors.

Signage for the project will consist of a 30' 9-1/16" wide by 33-1/4" tall (85.3 square foot) illuminated wall sign window mounted over the store entrance; a 6' tall by 10' 2-3/4" wide (49.8 square foot) monument sign near the street advertising current fueling prices, and also displaying the 7-Eleven logo with the store address; a 3'-3/4" by 1'-1/2" (3.2 square feet) internally illuminated cabinet sign mounted inside the front window advertising the ATM service; and sign graphic (dimensioned as 7 1/4" wide stripe graphics) across the front windows. The fuel canopy will have the corporate logo and stripes in the corporate red and green colors on the north, east and west faces, and just the stripes on the south face. Each of the logos is 9 square feet and does not extend above or below the canopy. The property is 133.68 feet wide. Section 2.9.1.B.1.b of the Zoning Ordinance requires that properties be at least 200 feet wide in order to be allowed a monument sign. The applicant has applied for a Variance for the requested sign, which is discussed below. Section .5804.D.1.b of the Zoning Ordinance requires that properties used for gas stations be at least 150 feet wide. The project is eligible for a Minor Deviation Variance (MDV) since the difference between the required and actual width is less than 20 percent. Obtaining an MDV is a condition of approval.

Landscaping for the Project site will consist of various trees, shrubs, and ground cover with 4,767 square feet, or 17.6%, of the site landscaped. Two southern magnolia trees will be planted near the street. Eight (8) crape myrtles will be planted along the westerly and southerly property lines. The proposed landscaping concept will enhance the visual appeal of the Project.

BACKGROUND

Verizon Wireless Tower:

A 45-foot tall freestanding wireless communication facility (WIRE 2662-2015) was approved by the Pomona Planning Commission (PC Resolution No. 18-001) on January 10, 2018 and will be located (once constructed) within the southwest portion of the Project site. The cellular tower will be visible to pedestrians and vehicles traveling along Holt Avenue; however, the tower will be designed as a clock tower to reduce potential visual impacts. The subject cellular tower was processed under a separate permit and is not associated with the subject convenience store and gas station.

Surrounding Land Use Information

The project site is surrounded by uses which consist of residential, restaurants, and commercial retail uses to the north and commercial retail and service/storage uses to the east, west, and south.

Staff has provided a land use table which identifies the immediate surrounding uses, general plan designations, and zoning for Commissions consideration.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Project Site	Commercial Retail	Pomona Corridor Specific Plan (PCSP)	Urban Neighborhood
North	Restaurant, industrial storage, single-family residential	Pomona Corridor Specific Plan (PCSP)	Activity Center and Neighborhood Edge
South	Industrial service and storage	Pomona Corridor Specific Plan (PCSP)	Urban Neighborhood
East	Commercial retail and storage	Pomona Corridor Specific Plan (PCSP)	Urban Neighborhood
West	Commercial retail	Pomona Corridor Specific Plan (PCSP)	Urban Neighborhood

ZONING COMPLIANCE ANALYSIS

Applicable Code Sections

PCSP Section 2.0.5.B establishes the procedures for the review of a Conditional Use Permit (CUP). Section 2.2 of the PCSP lists gas stations as a conditionally permitted use in the Downtown Gateway Segment. Sections .580.J and .5809.4 of the Zoning Ordinance establish criteria for approval of a Conditional Use Permit for the sale of alcoholic beverages:

- 1) Off Street Parking: Provide one off street parking space per each four persons of occupant load as defined in the Uniform Building code, city of Pomona.
- 2) Parking Lot: Parking lots, including landscaping and lighting, shall be installed and maintained per city standards.
- 3) Area Compatibility: The proposed on-sale liquor establishment shall be compatible with existing development in the area.
- 4) Proximity: The proposed location shall be sufficiently removed from any existing residential development or zoning and any church, school, park, or playground so as not to be detrimental to that use.

Section .5804 of the Zoning Ordinance establishes criteria and findings for approval of a Conditional Use Permit for automobile service stations. PCSP Section 2.9 establishes sign regulations in the Corridor.

Census Tract Information

Concentration of Licenses:

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), the threshold for “undue concentration” in the subject Census Tract (4024.02) is four (4) off-sale licenses. The established threshold is based on a ratio of the number of alcohol licenses to population within the Census Tract, in relation to the Los Angeles County average. As shown in the table provided below, there are currently two (2) active off-sale licenses within the Census Tract, including the active Type 20 license from the prior project site tenant (Altadena Dairy). The existing number of off-sale licenses is not currently above the maximum permitted in the Census Tract (4024.02) and will not create an “undue concentration.” The following table summarizes the concentration of off-sale ABC licenses located in the project Census Tract (4024.02) and the adjoining Census Tracts to the east (4023.04) and north (4024.06), (map included as Attachment 6).

Table 1: Off-sale Alcohol Licenses in Census Tracts

Off-Sale	Existing Licenses	Allowed Licenses
Subject Census Tract (4024.02)	2	4
Adjoining Census Tract (4023.04) East	3	2
Adjoining Census Tract (4024.06) North	3	2

Crime Statistics:

The State Department of ABC defines “undue concentration” if the total number of active licenses is exceeded or the site is within a “high crime” reporting district. Through information provided by ABC and the Pomona Police Department, staff has determined that the subject Census Tract is within Police Reporting District No. 54 and is not a classified “high crime” reporting district as there were approximately 86 total offenses (Part I and Part II). Provided below is a comparison table identifying the current offenses for the subject tract and neighboring tracts, (map included as Attachment 7).

Table 2: Crime Statistics-Police Reporting District (RD) Data

	Police RD	Part I Offenses and II Arrests
Subject Census Tract 4024.02	54	86
Census Tract (East) 4023.04	50	152
Census Tract (North) 4024.06	55	107

Site Development Standards

The Project site is located within the Downtown Gateway segment of the Corridor Specific Plan zoning district. Outlined in Section 2.2 of the Pomona Corridor Specific Plan, a convenience store and gas station are uses within the service commercial and repair use category which is intended for *Businesses providing services to industry, services that are industrial in nature, or services that are best suited to an auto-oriented environment*. Based on the type of use proposed and associated ABC request, the Project would be consistent with the requirements of the PSCP through the processing and approval of a CUP and Variance.

Provided below is a comparison table identifying the required Development Standards of the Downtown Gateway segment of the Pomona Corridor Specific Plan and Project consistency.

Project Summary Table

Development Standard	PCSP/PZO Code Requirements	Proposed Project	Compliance Determination
Height	Min. 1 story & 20 ft.	1 story, approx. 18'8": building 17'6" fueling canopy	Yes*
Building Length	Max. 300'	60'2"	Yes
Frontage Coverage	Minimum 70%	N/A	No, but infeasible with a gas station
Building Orientation to Street	Required	Provided	Convenience mart/fueling canopy street oriented
Front Setback	12 ft/20 ft (or 5 percent of parcel depth)	137'	No, but based on the use, the standards don't apply.
Side Setback	Without living space windows: 0'	10'	Yes
Rear setback	Min. 10'	10'	Yes
Min. Lot Area for Gas	15,000 sf	27,057 sf	Yes

Development Standard	PCSP/PZO Code Requirements	Proposed Project	Compliance Determination
Station			
Lot Width for Gas Station	Min. 150'	133.68'	Yes*
Lot Depth for Gas Station	Min. 100'	200'	Yes
Min. Bldg. Size for Gas Station	1000 sf	2,940 sf	Yes
Parking	Convenience Store: 3/1000 to 4/1000	10 spaces provided	Yes
Landscaping	New standards apply if rehabilitated landscape area is 2,500 s.f. or greater	Approximately 4,767 s.f. of new landscaping	Yes

*With approval of a Minor Deviation Variance

Signage Requirement

Development Standard	PCSP Code Requirements	Proposed Project	Compliance Determination
Window Sign	Letter Height: 12" Maximum Area: 25% of window area	7 ¼"	Yes
Wall Sign	Total wall sign area permitted on each façade for each tenant shall not exceed 1 ½ square feet for each foot of tenant frontage	85.3'	Yes. 85.3' proposed where 90' is allowed.
Fueling Canopy	Total wall sign area permitted on each façade for each tenant shall not exceed 1 ½ square feet for each foot of tenant frontage	3'x3'=9'	Yes as only 7-Eleven logo area will be illuminated.
Monument Sign	Face: 2	Face: 2	Yes*

Development Standard	PCSP Code Requirements	Proposed Project	Compliance Determination
	Height: 6 ft. Area: 60 ft. Back of Sidewalk Setback: 5' minimum Side/Rear Setback: Set back five (5) feet from frontage sidewalk.	Height: 4'10 ½" counting only face area Area: 49.8'	

*With approval of a Variance

Circulation & Access

Access to the Project site will be along Holt Avenue through a new sixty-foot (60') wide driveway. Two existing driveways will be removed. Holt Avenue is designated as a Major Arterial in the Circulation Element of the General Plan. The new driveway will be better aligned with the intersection than the existing driveways and will allow customers to enter and exit the Project site. The site will contain ten (10) parking spaces, with one of the spaces intended as a handicapped space and placed adjacent to the proposed ADA path of travel.

Landscaping

The scope of work includes the removal of 625 square feet of existing landscaping and planting 4,767 square feet of new landscaping. The landscape concept will consist of various types of plants, shrubs, and groundcover and will focus on the planting of eight (8) crape myrtle trees placed along the western and southern area of the Project site, two (2) southern magnolia trees along the Project frontage (Holt Avenue), crimson-spot rockrose and pink princess escallonia shrubs along the western and southern portion of the site. In addition, the northern, western, and southern areas of the site will be covered by ground cover of blue fescue, wall germander, and decorative gravel.

ISSUES ANALYSIS

Issue 1: General Plan

The project site has a General Plan designation of Urban Neighborhood which is intended as *moderately intense clusters of development that contain a mix of uses. The specific character or any individual urban neighborhood will build upon the existing development within or adjacent to it.* The Project is consistent with the intent of the land use designation as the project proposes a convenience store and gas station and is surrounded by retail, restaurant, and service related uses, which can be considered a mixed type use environment.

The Project is consistent with Goal 6E.G1 which is intended to *Preserve stable neighborhoods by focusing of new intensity and activity in clusters at major crossroads and areas of existing intensity throughout the City.*

The Project site contains an existing commercial building (Altadena Dairy), which will be demolished under the Project scope, and is surrounded by various retail, restaurant, and service related uses to the immediate north, south, east, and west. The proposed use will be consistent with the intent of the Urban Neighborhood land use designation and General Plan Goal 6E.G1.

Issue 2: Zoning Ordinance/PCSP Compliance

The project has been designed and will be consistent with the development standards, including such criteria as building height, setback, elevation, of the Downtown Gateway segment of the Pomona Corridor Specific Plan (as identified in the table provided above). The proposed convenience store use would be applicable to the designated convenience uses category which is defined as *small businesses selling food and goods, or providing convenience services, to serve nearby residential neighborhoods.* The PCSP identifies a convenience store as a permitted use; however, since the project proposes the sale of beer and wine for offsite consumption, as well as a gas station, a Conditional Use Permit (CUP) is required.

In addition, the development standards of the Downtown Gateway Segment allow for a convenience store use to be configured in a corner store or neighborhood center configuration. Staff has determined that the Project is not applicable to either configuration as the project is not part of a larger commercial development (neighborhood center) nor located along a major corner intersection (corner store). Staff also believes that although the project doesn't meet the standards for front setback frontage coverage, these standards are infeasible for gas stations since inevitably the gas pumps are near the street and building is set back. Although the building does not meet the minimum building height standard of the Corridor, staff believes that the intent is fulfilled in that this is a one-story structure designed in a style compatible with its use and the development pattern of the area. The property is narrower than required for a gas station (133.68 feet versus 150 feet), but since it is eleven (11) percent narrower than the standard, the project is eligible for a Minor Deviation Variance. This has been added as a condition of approval. The project is also shorter than required at 18'8", rather than 20' minimum in this portion of the Corridor. This is also eligible for a Minor Deviation Variance since the building is approximately nine (9) percent shorter than the standard. Given the unique characteristics of the site and the proposed use as a convenience store and gas station, staff believes the proposed design is reasonable and is compatible with the overall goals of the Corridor.

The proposed monument sign is on a property 133.68 feet wide. Section 2.9.1.B.1.b of the PCSP requires that the property be at least 200 feet wide to be eligible for a monument sign. In addition, the sign will include gas type and price information, resulting in a sign with six lines of text. Section 2.9.5.F.4.b allows a maximum of three lines of text on monument signs. Staff believes it is reasonable to allow the monument sign on the property since gas stations are anticipated as a conditionally permitted use and they almost all have either a monument sign or a

pole sign with type and price information. It would be contradictory to allow the use but not the sign.

The State regulates certain details of gas station signs through Sections 13531(a) and 13532(a) of the Business and Professions Code:

BPC 13531 –

(a) (1) Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium that complies with the requirements of this article and that advertises the total prices of the three major grades of motor vehicle fuel offered for sale.

(2) The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection.

BPC 13532(a) – All gasoline or other motor fuel price signs must include:

- (1) The total price per gallon or liter including all taxes.
- (2) The trademark or brand of the motor fuel.
- (3) The word “gasoline” or the name of the other motor fuel.
- (4) The grade designation of the motor fuel.
- (5) The word “liter” if the prices are advertised by the liter.

After consulting with the City Attorney’s office, staff has determined that these State regulations supersede the limit in the PCSP on the number of lines of text. They also require that the gas station install a prominent sign that advertises the type and price of gasoline. Therefore, staff believes the Variance for the proposed design of the monument sign should be supported.

Issue 3: Land Use Compatibility/Sensitive Uses

Pursuant to Section .5809.4 (Special Uses) of the Pomona Zoning Ordinance (PZO), the Project will be required to be “sufficiently removed” from neighboring uses so that the sale of beer and wine for offsite consumption will not be detrimental to the surrounding community. As defined in the PZO, sensitive uses are residential neighborhoods, schools, churches (religious facilities) and parks. Staff has prepared an analysis which identifies surrounding sensitive uses to the Project site and a vicinity map identifying the project location and neighboring surrounding sensitive uses (Attachment 8).

The Project site is located within an environment of retail, restaurant, and service related uses of various design and density. Neighboring sensitive uses consist of both multi-family (apartment) and single-family (home/mobile home parks) residential, churches, parks, and three (3) different elementary schools.

Residential	Distance from Convenience Store
Multi-Family	400 feet north
Single Family/Multi-Family	1,716 feet northeast
Single Family	700 feet northwest

Religious Facilities	Distance from Convenience Store
St. Joseph Catholic Church	0.4 miles east
Shield of Faith Christian Center	0.2 miles west
Taiwan Buddhist Tzu Chi Buddhist Temple	0.4 miles west
The Universal Church	0.1 miles northeast

Public School	Distance from Convenience Store
Arroyo Elementary School	0.6 miles northwest
St. Joseph Elementary School	0.4 miles east
Marshall Middle School	.54 miles northwest

Parks	Distance from Convenience Store
Kiwanis Park	0.57 miles northeast
John F. Kennedy Park	0.82 miles northwest
Hamilton Park	0.89 miles southeast
Veterans Soccer Complex	0.78 miles southwest

Based on the analysis provided above, Staff has determined that the proposed convenience store with the sale of beer and wine for offsite consumption will not create a significant impact to sensitive uses as the site is adequately buffered from these uses. In addition, Conditions of Approval (COA) will be applied to the Project which restrict operational criteria for the alcohol sales component of the use.

ENVIRONMENTAL ANALYSIS/DETERMINATION

Staff has evaluated the Project pursuant to the requirements of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084 et. seq.) guidelines and determined the Project is exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects) as the Project would occupy a site which has a supportive commercial land use and zoning designation, does not exceed the five-acre lot requirement, it is a previously developed site with no potential impacts to sensitive habitat, and has existing utilities and public services to serve the project. In addition, the site is surrounded by a developed area with various types of uses which range from residential to commercial.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on April 22, 2019, and was sent to the owners of properties within a 1,000-foot radius of the subject site on April 24, 2019 (Attachment 9).

CONCLUSION

The project has been designed in conformance with the applicable development standard requirements outlined in the Pomona Corridor Specific Plan (PCSP) and Pomona Zoning Ordinance (PZO) and through the processing and approval of a Conditional Use Permit and Variance. In addition, the approval of the Type 20 ABC License will not create an issue of “undue concentration” as the site is not located within a “high crime” area nor within an area which has exceeded the allowed number of ABC Licenses. The proposed monument sign is required by State law, which supersedes City regulations related to the proposed lines of text. A monument sign is appropriate despite the property being narrower than ordinarily permitted by the PCSP since the sign is required by State law if the use is allowed. Staff recommends that the Planning Commission adopt the attached Resolutions subject to the Conditions of Approval.

RECOMMENDATION

That the Planning Commission take the following action:

- 1) Adopt the attached Resolution approving the Conditional Use Permit (CUP 9633-2018), subject to conditions.
- 2) Adopt the attached Resolution approving the Variance (VAR 11693-2019), subject to conditions.

Respectfully Submitted By:

Prepared By:

Anita D. Gutierrez, AICP
Development Services Director

Jeff Hamilton, Contract Planner

ATTACHMENTS:

- 1) Draft Resolution for Conditional Use Permit (CUP 9633-2018)
- 2) Draft Resolution for Variance (VAR 11693-2019)
- 3) Location Map and Aerial Photograph
- 4) Project Plans Reductions
- 5) Full Size Project Plans (Separate Cover)
- 6) Exhibit of Off-Sale ABC licenses in Census Tracts 4024.02, 4024.04 & 4024.06 and ABC License Type Description
- 7) Exhibit of Police Reporting Districts
- 8) Exhibit of Sensitive Uses
- 9) 1,000-foot Radius Map & Public Hearing Notice