



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** September 22, 2021

**TO:** Planning Commission

**FROM:** Planning Division

**SUBJECT:** **CONDITIONAL USE PERMIT (CUP 15924-2021):** A request for a Conditional Use Permit for the installation of a convenience recycling facility, located within a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act, located in the rear south east corner of an existing shopping center located at 3180 N. Garey Avenue within the Neighborhood Center of the Pomona Corridors Specific Plan.

### STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission adopt the attached draft Resolution recommending the Planning Commission approve Conditional Use Permit (CUP 15924-2021), subject to conditions (Attachment 1).

### RECOMMENDED MOTION

“Move that the Planning Commission close the public hearing and approve the Conditional Use Permit (CUP 15924-2021) per Staff’s recommendation, subject to the findings and conditions of approval included in the draft resolution.”

### EXECUTIVE SUMMARY

The applicant is proposing the installation of a convenience recycling facility, consisting of two convenience recycling containers and a small prefabricated office for buy-back recyclable aluminum and glass materials, located within a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act, located in the rear south east corner of an existing shopping center parking lot. The proposed facility is consistent with City’s General Plan goals and policies. Based on staff’s analysis of the issues and the recommended conditions of approval, the proposed facility will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding area.

### **GENERAL INFORMATION**

<b>Address</b>	3180 N Garey Avenue
<b>Assessor's Parcel Number (APN)</b>	8367-001-085
<b>Lot Size</b>	234,494 SF (5.3 acres)
<b>General Plan Land Use Designation</b>	Urban Neighborhood
<b>Zoning District</b>	Neighborhood Center
<b>Historic District</b>	N/A
<b>Specific Plan</b>	Pomona Corridors Specific Plan (PCSP)
<b>City Council District</b>	District 6
<b>Applicant</b>	Celso Omar Gonzalez
<b>Property Owner</b>	Skymeadow Properties LP ET AL, Twin Flower Properties LP

### **RELATED ACTIONS**

<b>Historic Preservation</b>	N/A
<b>Code Enforcement</b>	3/2021- CE-17709-2021- Unpermitted Recycling Center
<b>Building &amp; Safety</b>	N/A
<b>Planning</b>	N/A

### **REQUEST**

The applicant is requesting a Conditional Use Permit to establish a convenience recycling facility. The facility will consist of two convenience-recycling containers and a small-prefabricated office for buy-back recyclable aluminum, glass, and plastic materials (Attachment 2). The proposed facility is located within a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act, located in the rear southeast corner of an existing shopping center parking lot containing Superior Grocers (Attachment 3 & 4).

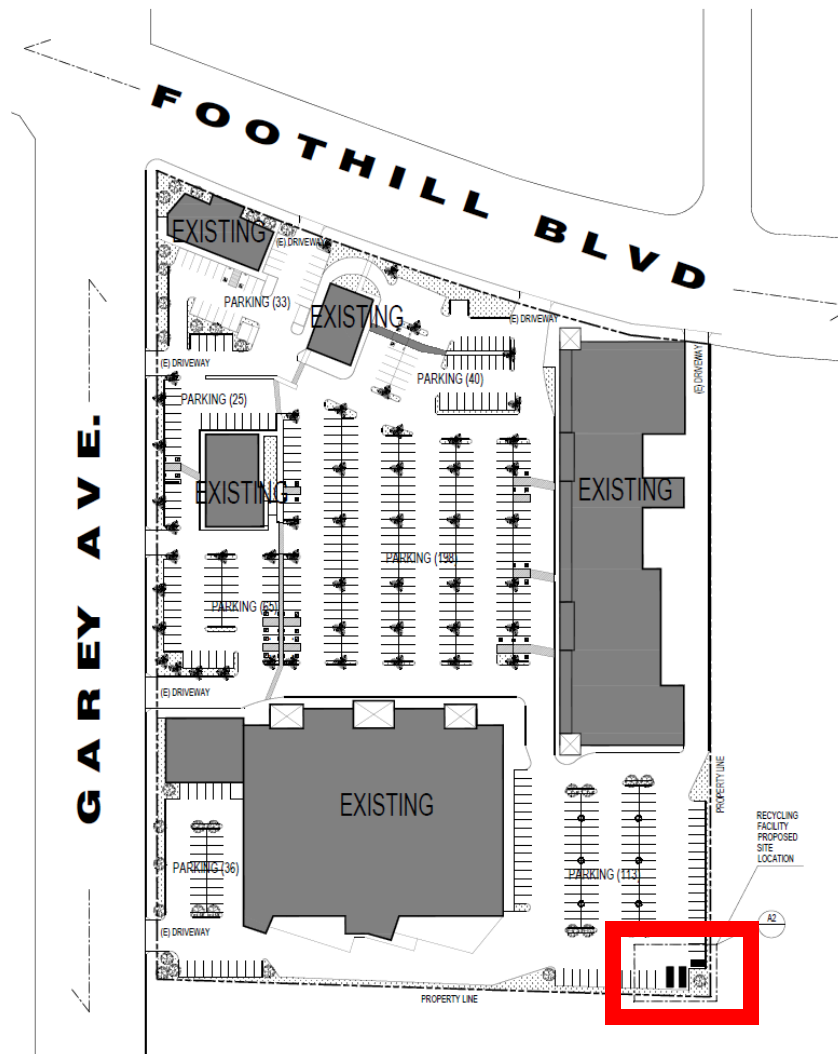
In March of 2020, Superior Grocers was notified by the California Environmental Protection Agency, Department of Resources Recycling and Recovery (CalRecycle), Division of Recycling, that the supermarket is located in an unserved convenience zone. Convenience zones are required to have at least one certified recycling center within the half-mile radius. CalRecycle outlines that previously this convenience zone had been granted an exemption due to several recycling centers within reasonable distance, but due to their recent closure, that exemption status is no longer supported. Therefore, the subject site must comply with Public Resources Code (PRC) Section 14571.

PRC Section 14571 (a) requires that a certified recycling center be located within every convenience zone in California. A convenience zone is the area within a half-mile radius around every supermarket that grosses \$2 million or more in annual sales.

Consequently, Superior Grocers established a state licensed recycling operation without city licensing in the rear southeast corner of the existing parking lot to satisfy the requirements set forth by Cal Recycle and upon receiving a code enforcement citation submitted the subject Conditional Use Permit application.

The collection facility will collect recyclable material eligible for refund value, including empty beverage containers made of aluminum, glass, and plastic. The materials will be collected, weighed and stored in two safely secured roll off container bins. As described in the applicant's summary of business operations (Attachment 6), Tzeng Long USA Inc. will collect the roll off container bins three times a week at 11 A.M. and will leave two empty containers on the site. There will be two attendants at all times of operation and will operate Monday through Saturday from 8:00 A.M. and 5:00 P.M. and Sundays 8:00 A.M. to 3:00 P.M.

**Figure 1.** Recycling Facility at Superior Grocers



## **LOCATION**

The subject property is located within an existing commercial shopping center comprised of five structures across six separate parcels, totaling approximately 8.8 acres. The subject commercial shopping center contains 26 tenants including Superior Grocers, Oreilly Autoparts, Carl's Jr., and a variety of other retail and commercial service stores.

Table 1 illustrates the existing land use, zoning, and General Plan land use designations for the subject property, as well as surrounding properties.

**Table 1.** Surrounding Land Uses

	<b>Existing Land Use</b>	<b>Zoning District</b>	<b>General Plan Place Type</b>
<b>Subject Site</b>	Parking Lot/ Commercial	PCSP, Neighborhood Center	Urban Neighborhood
<b>North</b>	Parking Lot/ Commercial	PCSP, Neighborhood Center	Urban Neighborhood
<b>South</b>	Residential	R-1 7,500	Residential Neighborhood
<b>East</b>	Residential	PCSP, City Gateway Segment	Neighborhood Edge
<b>West</b>	Parking Lot/ Commercial	PCSP, Neighborhood Center	Urban Neighborhood

## **APPLICABLE CODE SECTIONS**

Per Section 2.2(A)(7) of the PCSP, the Neighborhood Center segment permits convenience uses which are defined as,

*“Small businesses selling food and goods, or providing convenience services to serve nearby residential neighborhoods.”*

These small-scale businesses permitted by right in the Neighborhood Center Segment include but are not limited to; small scale pharmacies, small scale grocery or food sales, convenience stores, hardware stores, video rentals, delicatessens, cafes, bakeries, and florists. Within this category, “small collection recycling facilities” may be allowed subject to a conditional use permit (CUP).

The PCSP definition of “small collection recycling facilities” was further refined in 2017 with the adoption of Ordinance No. 4234, which added regulations to waste and recycling facilities. The ordinance added a definition for “recycling facility-convenience,” which is:

*“A recycling facility located in a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act (Pub. Resources Code Section 14500 et seq.). Only cans, bottles, and plastic containers and other containers and material identified or adopted under the Public Resource Code Section 14500 et seq. are accepted at a convenience recycling facility.”*

A “recycling facility-convenience” is subject to a CUP in mixed-use districts in Specific Plan areas. Therefore, the CUP requirement for the proposed use is consistent across both the Pomona Zoning Ordinance (PZO) and PCSP.

Pursuant to PZO, Section .580-B, prior to the granting of a conditional use permit, the planning commission shall make five findings of fact during a public hearing in order to approve a conditional use permit. These findings are contained in the Draft Resolution (Attachment 1).

## **ANALYSIS**

The proposed recycling facility is proposing the installation of three accessory structures on-site without a foundation, thus the only site development standards applied pertain to parking. The area for the proposed facility is approximately 495 square foot within eight existing parking spaces. Staff has evaluated the proposed project and has determined that the proposed recycling facility does not impede or decrease the subject site’s compliance with the minimum parking requirements, as demonstrated in Table 2.

**Table 2.** Minimum Parking Requirements

<b>Business Name</b>	<b>Address</b>	<b>Bldg. Square Footage</b>	<b>Parking Ratio</b>	<b>Parking Required</b>	<b>Parking Provided</b>
Superior Grocers	3180 N Garey Avenue	62,444 sf	Retail Anchors: 3 spaces per 1000 sf	189 spaces	250+ spaces
Omar Recycling	3180 N Garey Avenue	495 sf	Convenience Uses: 3 spaces per 1000 sf	3 spaces	3 spaces

In addition, staff has conducted a parking analysis of the entirety of the commercial shopping center (six parcels) and concluded the existing shopping center currently exceeds the maximum allowable parking spaces outlined in the Pomona Corridors Specific Plan by approximately 54 parking spaces.

## **GENERAL PLAN CONFORMANCE**

The subject site is located within a neighborhood center retail configuration; a retail cluster consisted of convenience uses, small-scale shopping, and personal services that provide goods and service amenities to nearby residential neighborhoods. As such, the existing neighborhood includes both commercial retail and residential uses. According to Building & Safety records, the existing shopping center was established in 1997 and developed in a manner compatible to the existing residential neighborhood and contains noise and light spillage considerations including landscaped edges and a perimeter block wall.

The project conforms to the City's General Plan in that the proposed development is consistent with the "Urban Neighborhood" place type as identified on the General Plan Land Use Map. The project would also promote the following General Plan goals:

*Goal 6E.G1: Preserve stable neighborhoods by focusing new intensity and activity in clusters at major crossroads and areas of existing intensity throughout the City.*

*Goal 7E.G18: Meet the City's solid waste disposal needs, while maximizing opportunities for waste reduction and recycling.*

## **ENVIRONMENTAL REVIEW**

Pursuant to the provisions of California Environmental Quality Act (CEQA)(Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Section 15303 (Class 3, New Construction or Conversion of Small Structures) exempts projects consisting of the construction and location of limited numbers of new, small facilities or structures including but not limited to, accessory structures.

Accordingly, the proposed project may be classified as a Class 3 Categorical Exemption in that the proposed project is the installation of facilities in small structures, an accessory to the existing shopping center located in an identified Convenience Zone by the California Department of Resources Recycling and Recovery.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on September 10, 2021 and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on September 8, 2021 (Attachment 7). As of the date of this report, Staff has received no correspondence regarding the proposed project.

Respectfully Submitted:



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Planning Manager

Prepared By:



Alina Barron  
Associate Planner

**ATTACHMENTS:**

- 1) Draft PC Resolution
- 2) Project Plans
- 3) Vicinity Map & Aerial Photograph
- 4) Site Photographs
- 5) CalRecycle Exemption Revocation Letter
- 6) Summary of Business Operations
- 7) Public Hearing Notice Package