



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** April 22, 2015 (Continued from March 25, 2015)

**TO:** Chairman and Members of the Planning Commission

**FROM:** Planning Division

**SUBJECT:** CONDITIONAL USE PERMIT (CUP 13-021):

A Conditional Use Permit request to allow a 61,719 sq. ft. addition to an existing 129,851 square foot Wal-Mart store in the R-C (Regional Commercial) land-use district of the Phillips Ranch Specific Plan.

### STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the following actions:

- 1) Adopt the attached PC Resolution ([Attachment 1](#)) approving certification of the Final Environmental Impact Report (EIR SCH#2013111080);
- 2) Adopt the attached PC Resolution ([Attachment 2](#)) approving Conditional Use Permit (CUP 13-021) to allow a 61,719 square foot addition to an existing 129,851 sq. ft. Wal-Mart store, with conditions.

### PROJECT/APPLICANT INFORMATION

**Project Location:** 80 Rio Rancho Road  
**APN Information:** 8708-001-016, 8708-001-017, 8708-001-036  
**Project Applicant:** Kimley-Horn and Associates  
**Property Owner:** Walmart Real Estate Business Trust  
**City Council District:** District # 5  
**Historic/CBD:** Not Applicable  
**Specific Plan:** Not Applicable

### PREVIOUS RELATED ACTIONS

On December 10, 2014 the Planning Commission held a public hearing to consider approval of the proposed project. During their deliberations, commissioners expressed concern over the expected traffic increases shown in the EIR and over approving a statement of overriding considerations due

to the fact that traffic congestion on surrounding freeway off-ramps could not be mitigated because the facilities are not under City jurisdiction. Those concerns were reaffirmed by the testimony from members within the public who were displeased with existing traffic impacts in the area and those that would result with the eventual construction of the proposed project. The Planning Commission voted three-to-one (3-1-2-1) to approve the request based on the findings and facts presented at the hearing. However, a minimum of four votes in the affirmative are required to approve any resolution, which were not met. Therefore, the request for the Conditional Use Permit was not approved.

On December 22, 2014, Councilmember Lantz appealed the Planning Commission's denial of Conditional Use Permit (CUP 13-021) stating that since the item failed to receive four affirmative votes required to pass the resolution either for approval or denial, the development proposal should garner full consideration of the application based on the fact that is one of the largest retailers in the city and a "no decision" result ended in a denial of the application.

On January 26, 2014 the item was placed on the City Council Consent Calendar to consider scheduling a public hearing. The item was continued to the February 26, 2015 City Council Meeting. During their deliberations the Council expressed concerns of projects being considered when there are not a sufficient number of commissioners to vote. Based on the fact that Planning Commission's "no decision" voting result ended in a denial of the project they are remanding the project to the Planning Commission for review based on a desire to have a larger number of commissioners to participate in the public hearing and decision on the project.

On March 25, 2015 the item was placed on the Planning Commission agenda for a public hearing. However, at the request of the applicant, the Planning Commission continued the item to the April 22, 2015 hearing.

## **PROJECT DESCRIPTION & BACKGROUND**

The subject property is located at 80 Rio Rancho Road, in the Pomona Ranch Plaza at the southeast corner of Rio Rancho Rd. and Rancho Camino Dr. The property is occupied by an existing 129,851 square foot Wal-Mart store on the subject lot. The project site is surrounded by commercial property on three sides, with a freeway on ramp at the rear, and a driveway access leading to Rio Rancho Road ([Attachment 3](#)). The project site is located within the R-C (Regional Commercial) district of the Phillips Ranch Specific Plan (PRSP).

### **Background**

On May 11, 1994, the Planning Commission approved a Conditional Use Permit to build a 119,188 square foot retail Wal-Mart building and a Variance to reduce the width of parking stalls, allow no wheel stops in parking areas and reduce the number of loading spaces required.

On July 9, 2008, the Planning Commission approved a Conditional Use Permit (CUP 08-013) to allow the sale of unrefrigerated beer and wine for off-site consumption.

On September 8, 2008, the City Council approved a finding of Public Convenience or Necessity (PCN) to allow off-sale of beer and wine license to be established at the existing Wal-Mart store.

On April 27, 2011, the Planning Commission approved a Conditional Use Permit (CUP 10-016) to allow the sale of alcohol (Type 21 ABC license) to be established at the existing Wal-Mart store.

On April 16, 2014, the City Council approved a finding of Public Convenience or Necessity (PCN) to allow the off-sale of alcohol to be established at the existing Wal-Mart Store.

### **Proposal**

The proposed project consists of the expansion and remodeling of the existing Walmart store. The existing store is currently located on two parcels totaling approximately 12.73 acres within the larger Pomona Ranch shopping center. Walmart also owns the adjacent southerly parcel to the site and is proposing to utilize the parcel to accommodate an expansion to the existing store. The expansion will include the addition of 61,719 sq. ft. to the existing 129,851 sq. ft. building that will result in a Walmart store with 191,570 sq. ft. ([Attachment 4](#)).

The expanded Walmart will feature a new grocery department along with an additional entrance. The store will also continue to sell general merchandise including clothing, housewares, electronics, sporting goods, personal products, and hardware items. The store currently holds a Type-21 ABC license which permits the off-sale of alcohol including beer, wine, and distilled spirits. The previously approved locations for the display of alcohol will change to a new area in conjunction with the establishment of the new grocery area.

### **Applicable Code Sections**

Pursuant to Section .580 of the Pomona Zoning Ordinance, which establishes criteria for a Conditional Use Permit, approval by the Planning Commission is required for the construction of commercial facilities of four or more commercial units and developments that have more than 20,000 square feet of lot area.

### **Surrounding Land Use Information**

The surrounding properties to the north, east, south and west are developed with a mixture of commercial and single-family residential development. The zoning, General Plan and existing land use designations for the surrounding properties are delineated in the following table:

**Land Use Summary Table**

|                     | <b>Existing Land Use</b> | <b>Zoning Designation</b> | <b>General Plan Designation</b> |
|---------------------|--------------------------|---------------------------|---------------------------------|
| <b>Subject Site</b> | Wal-Mart Store           | PRSP R-C                  | Activity Center                 |
| <b>North</b>        | Shopping Center          | PRSP R-C                  | Activity Center                 |

|              |                   |          |                 |
|--------------|-------------------|----------|-----------------|
| <b>South</b> | Commercial office | PRSP R-C | Activity Center |
| <b>East</b>  | SR-71 Freeway     | –        | –               |
| <b>West</b>  | Shopping Center   | PRSP R-C | Activity Center |

**ZONING COMPLIANCE ANALYSIS**

**Site Development Standards**

Since the project site is zoned R-C (Regional Commercial) as part of the PRSP, the proposed project is subject to specific development standards of the R-C zone. Staff has evaluated the proposed project to ensure compliance with the minimum development standards of the R-C zone. Compliance with the required development standards will ensure that the site is developed in a manner consistent with the purpose and intent of the zoning district. Staff has concluded that the physical development of the site meets and/or exceeds the development standards of the R-C zone. The following table summarizes the proposed project and its compliance with the R-C development standards

**Project Summary Table**

| <b>Development Standards</b> | <b>Zoning/Code Requirements</b>  | <b>Proposed Project</b>   | <b>Compliance Determination</b> |
|------------------------------|--|---|---------------------------------|
| Site area                    | No Requirement   | 16.6 acres  | Yes                             |
| Yards                        | Front : No Requirement<br>Street Side: No Requirement<br>Interior Side: No Requirement<br>Rear: No Requirement | Front: ±450'<br>North Side: ±55'<br>South Side: ±240'<br>Rear: ±50' | Yes<br>Yes<br>Yes<br>Yes        |
| Minimum Bldg. Size           | No Requirement   | 191,570 sq. ft.   | Yes                             |
| Building Height              | 2 stories (40 ft.) Maximum   | 1-story (45')   | Yes*                            |
| Off-street parking           | 767 parking spaces   | 948 parking spaces  | Yes                             |
| Loading Space                | 5 Spaces   | 5 Spaces  | Yes                             |
| Landscaping                  | 6% of Parking Area = 3,290 sq. ft.   | 8,244 sq. ft.   | Yes                             |
| Access                       | Driveway Min. 25 feet wide   | 25'-26'   | Yes                             |
| Trash Enclosure              | 1 enclosure  | 1 enclosure   | Yes                             |

\*Existing non-conforming

## **ISSUES ANALYSIS**

### **Issue 1: General Plan Conformity**

The proposed development will allow an expansion to an existing Wal-Mart store. Conditional Use Permit (CUP 13-021) is consistent with the General Plan place type of Activity Center and in the T6-B transect zone. Further, the proposed project is consistent with the following goal for Activity Center place types from the General Plan:

*“Improve the physical quality of the shopping experience of existing and new activity centers throughout the City.”*

The proposed development proposes an expansion to an established retail store within a developed shopping center. The proposed project is consistent with the surrounding commercial retail development in the surrounding neighborhood. Additionally, the project is proposing site improvements that will create an aesthetically pleasing development that is compatible with the existing shopping center. Based on these factors, staff believes the proposed project is consistent with the General Plan.

### **Issue 2: Zoning Ordinance Compliance**

The proposed development, as proposed and as conditioned, meets or exceeds the development standards of the R-C district, including density, parking, setbacks, building separation, landscaping, fencing and open space. Based on the proposed project and staff’s analysis of the development standards, the project is consistent with the PRSP and the Zoning Ordinance.

### **Issue 3: Land Use Compatibility**

The proposed project will not have a significant impact on the surrounding neighborhood since the development is consistent with its zoning designation and is compatible in scale with the surrounding commercial retail land uses. The project is located in the R-C (Regional Commercial) district of the PRSP. The proposed project is compatible with the neighboring uses, which include commercial retail and office uses. Based on these factors, staff believes that the project will be a positive addition to the shopping center and general area.

### **Issue 4: Project Circulation & Access**

Primary access to the existing Wal-Mart store is currently provided by one signalized driveway off Rio Rancho Road. Secondary access is currently provided by one driveway entrance off Rancho Camino Drive and several connections to the larger Pomona Ranch Plaza access roads (Attachment 4). A Traffic Impact Study (TIS) was prepared by Urban Crossroads (Attachment 10 – Appendix C) to study the potential impacts of the project, if any, as it relates to traffic. Potential impacts were addressed for Existing (2013) conditions, Opening Year (2016) conditions, and Horizon Year (2035) conditions and analyzed the following categories of facilities and operations: Intersection Operations, Roadway Segment Operations, Freeway Off-Ramp Queuing, Freeway Segment Operations, and Freeway Ramp Junction (Merge/Diverge) Operations.

With regards to analysis of Intersection Deficiencies/Traffic Signal Warrants reviewed for existing impacts the TIS identified deficient turn lane configurations at the Rio Rancho and Lone Ridge Roads intersection, level of service (LOS) deficiencies at the Garey Avenue and Philadelphia Street/Rio Rancho Road intersection, and LOS deficiencies at the Phillips Ranch and Village Loop Roads intersection. While these issues, if left unmitigated, can lead to significant effects on the environment, mitigation measures are proposed that will reduce the impacts to a less-than-significant level.

Furthermore, regarding Freeway Ramp Queuing Deficiencies the TIS identified existing traffic conditions that exceed Caltrans performance standards at SR-71 northbound ramps to Rio Rancho Road; creation of traffic conditions that would exceed Caltrans performance standards at SR-60 eastbound ramps at Phillips Ranch Road. All freeway facilities examined in the TIS are under Caltrans jurisdiction and neither the City nor the applicant can autonomously construct improvements to freeway facilities under Caltrans control. There is no feasible mitigation that exists and therefore the TIS states that project traffic contributions to surrounding freeways are recognized as cumulatively considerable. The draft resolution, prepared for the certification of the FEIR, contains findings necessary for the City to certify the FEIR including the finding that the project benefits outweigh the potential, unavoidable adverse effects.

#### **Issue 5: Architectural Elevations**

Due to the project's location along a major gateway into the City, the architectural elevations were reviewed in the context of enhancing the City's image and appearance to travelers along Rio Rancho Road and the 71 Freeway. Due to the large scale of the proposed building, features that break-up the massing were critical to providing the desired overall appearance.

The existing Wal-Mart building has a Contemporary style of architecture, consisting of masonry and stucco walls and roof tower elements at the main entrance with Spanish tile (see Attachment 5). The large massing of the building is broken up through the use of building line variation, vertical articulation, horizontal articulation, use of different materials, and colors. The building addition and existing building will be designed to include the use of four earth tone colors to include one main color and four accent colors, achieved through the use of colored stucco and colored/textured concrete masonry unit (CMU) blocks. Horizontal articulation to the building is provided through the use of reveal lines, projecting wood canopies, accent tiles, projecting decorative pilasters, and glass store front entry systems. Vertical articulation is provided through the use of low profile parapet walls and tower elements with a pyramidal shaped roof that is covered with Spanish tiles. The projecting portions of the building and the color combinations help break up the horizontal and vertical mass.

#### **Issue 6: Location of Alcohol Sales**

On April 27, 2011 the Planning Commission approved Conditional Use Permit (CUP 10-016) to allow the sale of alcohol utilizing a Type-21 (off-sale general) ABC license which allows for the sale of beer, wine, and distilled spirits. This approval replaced a previously approved Conditional Use Permit (CUP 08-013) to allow the sale of alcohol utilizing a Type-20 (off-sale beer and wine)

ABC license which allowed for the sale beer and wine only. As part of the 2011 CUP approval, the Planning Commission had required that the distilled spirit display area be located within an access controlled area accessible by employees and that the beer and wine be located in an area of the store removed from the main entrance and areas where children would frequent (toys, electronics, McDonalds) ([Attachment 2, Exhibit 1](#)).

As part of the proposed store expansion, the applicant is proposing a change to the alcohol display locations. For the display of the distilled spirits, the applicant is proposing to move them from the existing “bullpen” storage area ([Attachment 2, Exhibit 1](#)) to a secured display case on the same aisle adjacent to the beer and wine display shelves. The display case will feature lockable sliding glass doors that will require customers to locate a store employee for access to the distilled spirits. The beer and wine will be displayed on two sides of a single aisle in a combination of open shelving and refrigerated cases. The proposed alcohol display area ([Attachment 2, Exhibit 2](#)) will be away from the main entrance of the store and not within sight of portions of the store where children frequent most (i.e., toys, electronics, children’s apparel, and the McDonalds).

## **ENVIRONMENTAL ANALYSIS/DETERMINATION**

Pursuant to the provisions of the California Environmental Quality Act, CEQA, found in the California Public Resources Code, an Environmental Impact Report (FEIR) has been prepared for this project (see [Attachment 8](#) and [9](#)). The purpose of an EIR is to identify potential significant effects on the environment of the project, to indicate the manner in which those potential significant effects can be avoided or reduced to levels less than significant, and to identify the significant effects that are unavoidable. Where significant effects are identified, the EIR will typically identify “mitigation measures” which, if implemented, could reduce potential significant effects to levels less than significant. For effects that cannot be reduced to less than significant, the EIR identifies these as unavoidable effects and the City has the option of adopting a “statement of overriding considerations”. The EIR identified one unavoidable effect, dealing with Transportation\Traffic.

It should be noted that the Mitigation Measures (see [Exhibit B of Attachment 1](#)) are in addition to the conditions of approval placed on the Conditional Use Permit. The proposed mitigation measures address potential significant impacts relative to Transportation\Traffic.

### **Unavoidable Environmental Impact:**

#### **Traffic and Circulation:**

As discussed in Draft EIR Section 4.2 ([Attachment 9](#)), “Traffic and Circulation,” the Project’s traffic impacts at City facilities under Existing, Opening Year, and Horizon Year conditions are considered less-than-significant as mitigated. However, the Project would contribute to potentially significant extra-jurisdictional traffic impacts affecting facilities under the control of Caltrans. Neither the City nor the Applicant can autonomously construct improvements within areas or at locations under Caltrans jurisdiction. Thus, while physical improvements may be capable of mitigating potentially significant impacts to Caltrans facilities, these improvements cannot be

feasibly implemented by, or assured by, the Applicant or the City. Nor can their timely completion by Caltrans be assured. Project traffic contributions to impacts at the Caltrans jurisdictional facilities listed below are therefore recognized as cumulatively considerable:

**Cumulatively Significant Freeway Ramp Queuing Deficiencies**

- SR-71 Northbound Ramps at Rio Rancho Road (Existing, Opening Year, Horizon Year)
- SR-71 Southbound Ramps at Rio Rancho Road (Opening Year, Horizon Year)
- SR-60 Eastbound Ramps at Phillips Ranch Road (Opening Year, Horizon Year)

**Statement of Overriding Consideration**

Pursuant to CEQA, the City may find that although some significant environmental effects cannot be avoided, the project has specific economic, legal, social, technological, or other benefits that outweigh the unavoidable adverse effects. The draft resolution, prepared for the certification of the FEIR, contains findings necessary for the City to certify the FEIR including the finding that the project benefits outweigh the potential, unavoidable adverse effects ([Attachment 1, Exhibit A](#)).

**PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published on March 13, 2015 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 March 12, 2015 ([Attachment 6](#)). Staff received a letter from WinCo Foods, LLC on November 12, 2014 related to their review of the Draft EIR (DEIR) in response to the public hearing notice ([Attachment 11](#)). Because the DEIR comment letter was received after the DEIR public review period, staff was unable to provide a response in the Final EIR (FEIR). However, Staff prepared a response to the project concerns stated in the letter ([Attachment 12](#)).

The Draft EIR was made available during the Notice of Availability public review period between August 28, 2014 and October 13, 2014. Of the 29 agencies that received notification of the Draft EIR, Staff received public comments on the Draft EIR from the following four agencies:

1. County of Los Angeles Fire Department
2. County Sanitation Districts of Los Angeles County
3. Department of Transportation (Caltrans), District 7
4. Metropolitan Water District of Southern California

The Notice of Preparation (NOP) public review period was between November 27, 2013 and December 26, 2013. There were two written comments received during the NOP review period. These comments were provided to the City's environmental consultant and evaluated in the EIR analysis. Pursuant to CEQA, written responses to comments received during the public review period of the Draft EIR, were addressed in Section 3.0 of the FEIR.



## CONCLUSION

The project will facilitate achieving the City's goals and objectives by allowing the expansion of an existing retail store. The project is consistent with the land uses outlined in the City's General Plan and it meets or exceeds the minimum development standards of the Zoning Ordinance. Furthermore, the project has been designed in a manner that will enhance the aesthetics of the site, and complement the existing character of the surrounding neighborhood. Based on staff's analysis of the issues, the proposed project will be compatible with adjacent land uses.

## RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

- 1) Adopt the attached PC Resolution ([Attachment 1](#)) approving certification of the Final Environmental Impact Report (EIR SCH#2013111080);
- 2) Adopt the attached PC Resolution ([Attachment 2](#)) approving Conditional Use Permit (CUP 13-021) to allow a 61,179 sq. ft. addition to an existing 129,851 sq. ft. Wal-Mart store;

Respectfully Submitted:



Brad Johnson  
Planning Manager

Prepared By:



Leonard Bechet  
Associate Planner

## PC ATTACHMENTS:

- 1) [Draft PC Resolution approving certification of the Final Environmental Impact Report \(EIR SCH#20130111080\) with exhibits](#)
- 2) [Draft PC Resolution approving Conditional Use Permit \(CUP 13-021\) with exhibits](#)
- 3) [Location Map and Aerial Photograph](#)
- 4) [Project Plans \(8-1/2" x 11"\) Reductions](#)
- 5) [Colored Elevations](#)
- 6) [Public Notice and Radius Map](#)
- 7) [Mitigation Monitoring Program](#)
- 8) [Final Environmental Impact Report](#)
- 9) [Draft Environmental Impact Report \(Separate Cover\)](#)
- 10) [Electronic Copy \(CD\) of Appendices A-F \(Separate Cover\)](#)
- 11) [WinCo Foods, LLC DEIR Comment Letter](#)
- 12) [City Response to WinCo Letter](#)
- 13) [Full Size Project Plans \(Separate Cover\)](#)

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**ATTACHMENT 1  
DRAFT PC RESOLUTION APPROVING  
CERTIFICATION OF THE FINAL  
ENVIRONMENTAL IMPACT REPORT  
(EIR SCH#2013111080) WITH EXHIBITS**

**ATTACHMENT 2  
DRAFT PC RESOLUTION APPROVING  
CONDITIONAL USE PERMIT (CUP 13-021)  
WITH EXHIBITS**

**ATTACHMENT 3**  
**LOCATION MAP AND AERIAL PHOTOGRAPH**

**ATTACHMENT 4**  
**PROJECT PLANS (8½" x 11") REDUCTIONS**

**ATTACHMENT 5**  
**COLORED ELEVATIONS**

**ATTACHMENT 6**  
**PUBLIC NOTICE AND RADIUS MAP**

**ATTACHMENT 7**  
**MITIGATION MONITORING REPORT PROGRAM**



**ATTACHMENT 8**  
**FINAL ENVIRONMENTAL IMPACT REPORT**

**ATTACHMENT 9**  
**DRAFT ENVIRONMENTAL IMPACT REPORT**  
**(SEPARATE COVER)**

**ATTACHMENT 10**  
**ELECTRONIC COPY (CD) OF APPENDICIES A-F**  
**(SEPARATE COVER)**

**ATTACHMENT 11**  
**WINCO FOODS, LLC DEIR COMMENT LETTER**

**ATTACHMENT 12**  
**CITY RESPONSE TO WINCO LETTER**

**ATTACHMENT 13**  
**FULL SIZE PROJECT PLANS (SEPARATE COVER)**