

PC RESOLUTION NO. 06-064

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA DENYING A CONDITIONAL USE PERMIT (CUP 06-012) TO ADD BEER AND WINE SALES (LICENSE TYPE 20 – OFF-SALE) TO AN EXISTING SERVICE STATION/FOODMART USE, WITH AUTOMOBILE REPAIR FACILITY AND AUTOMATIC CAR WASH, ON A 1.52-ACRE PROPERTY LOCATED AT 22 RIO RANCHO ROAD.

WHEREAS, Mazda Petroleum (hereafter “applicant”) has filed an application for Conditional Use Permit (CUP 06-012) to add beer and wine sales – License Type 20 – Off-Sale (hereafter “project”) to an existing service station/foodmart use, with automobile repair facility and automatic car wash, on a 1.52-acre property located at 22 Rio Rancho Road (hereafter “subject site”);

WHEREAS, the subject site is zoned C-4 – Highway Commercial, and designated “General Commercial” by the City’s General Plan;

WHEREAS, the Planning Commission, on February 2, 1999, approved Conditional Use Permit (CUP 98-039) allowing the establishment of the service station/foodmart with automobile repair and automatic car wash, and Variance (VAR 99-001a) for reduction of landscape planter widths;

WHEREAS, the approval of a conditional use permit by the Planning Commission is required for any modification to any use, specifically service stations, authorized with a conditional use permit, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, a conditional use permit may be approved by the Planning Commission if certain findings are made, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 13, 2006, concerning the requested Conditional Use Permit (CUP 06-012); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. In accordance of CEQA guidelines Section 15270, the Planning Commission hereby determines that CEQA does not apply to projects that are not approved..

SECTION 2. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to deny Conditional Use Permit (CUP 06-012). 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. *That the proposed use at the particular location will not contribute to the general well being of the neighborhood or community.*

The proposed addition of beer and wine sales to the existing service station/ foodmart use will not contribute to the general well being of the neighborhood. If granted, the addition of beer and wine will create an attractive nuisance due to its location near an interchange with a regional highway (State Route 71) to the west and a vacant property used for open space/flood control/slope purposes abutting the subject site to the east. Presently, activities on the subject site impact the single-family residential neighborhood located 50 feet to the east across the lot used for open space/flood control/slope. The addition of beer and wine sales will increase the likelihood and intensity of negative impacts onto this neighborhood. Additionally, the addition of beer & wine will negatively impact children in the area since the subject site shares its parking lot with an adjacent fast-food restaurant use, which is a major draw for school-age children.

2. *That such use will, under the circumstances of the particular case, be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.*

The project will be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity and detrimental to the use, valuation or enjoyment of property and improvements in the vicinity. The addition of beer and wine will likely introduce or increase noise, loitering, crime, and other negative impacts on the subject site, or the adjacent commercial and residential areas.

SECTION 3. Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 06-012).

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.


APPROVED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 2006.


FRANK DELGADO
PLANNING COMMISSION CHAIRPERSON

ATTEST:


MATTHEW C. BASSI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:


RICHARD L. ADAMS II
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES:	Urey, Scharf, Saunders, Atchley and Delgado.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Sanchez and Martinez.

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."

PC RESOLUTION NO. 08-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA DENYING A CONDITIONAL USE PERMIT (CUP 08-002) TO ADD BEER AND WINE SALES (LICENSE TYPE 20 – OFF-SALE) TO AN EXISTING SERVICE STATION/FOODMART USE, WITH AUTOMOBILE REPAIR FACILITY AND AUTOMATIC CAR WASH, ON A 1.52-ACRE PROPERTY LOCATED AT 22 RIO RANCHO ROAD

WHEREAS, Mazda Petroleum (hereafter “applicant”) has filed an application for Conditional Use Permit (CUP 08-002) to add beer and wine sales – License Type 20 – Off-Sale (hereafter “project”) to an existing service station/foodmart use, with automobile repair facility and automatic car wash, on a 1.52-acre property located at 22 Rio Rancho Road (hereafter “subject site”);

WHEREAS, the subject site is zoned C-4 – Highway Commercial, and designated “General Commercial” by the City’s General Plan;

WHEREAS, the Planning Commission, on February 2, 1999, approved Conditional Use Permit (CUP 98-039) allowing the establishment of the service station/foodmart with automobile repair and automatic car wash, and Variance (VAR 99-001a) for reduction of landscape planter widths;

WHEREAS, the Planning Commission, on September 13, 2006, denied Conditional Use Permit (CUP 06-012) requesting to add beer and wine sales (License Type 20 – Off-sale) to the existing food-mart;

WHEREAS, the approval of a conditional use permit by the Planning Commission is required for any modification to any use, specifically service stations, authorized with a conditional use permit, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, a conditional use permit may be approved by the Planning Commission if certain findings are made, pursuant to Section .580 of the Pomona Zoning Ordinance;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on March 12, 2008, concerning the requested Conditional Use Permit (CUP 08-002); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. In accordance of CEQA guidelines Section 15270, the Planning Commission hereby determines that CEQA does not apply to projects that are not approved.

SECTION 2. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to deny Conditional Use Permit (CUP 08-002). 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. *That the proposed use at the particular location will not contribute to the general well being of the neighborhood or community.*

The proposed addition of beer and wine sales to the existing service station/ foodmart use will not contribute to the general well being of the neighborhood. If granted, the addition of beer and wine will create an attractive nuisance due to its location near an interchange with a regional highway (State Route 71) to the west and a vacant property used for open space/flood control purposes abutting the subject site to the east. Presently, activities on the subject site impact the single-family residential neighborhood located 50 feet to the east. The addition of beer and wine sales will increase the likelihood and intensity of negative impacts on this neighborhood. Additionally, the addition of beer & wine will negatively impact children in the area since the subject site shares its parking lot with an adjacent fast-food restaurant use, which is a major draw for school-age children.

2. *That such use will, under the circumstances of the particular case, be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.*

The project will be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity and detrimental to the use, valuation or enjoyment of property and improvements in the vicinity. The addition of beer and wine will likely introduce or increase noise, loitering, crime, and other negative impacts on the subject site, or the adjacent commercial and residential areas.

SECTION 3. Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 08-002).

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

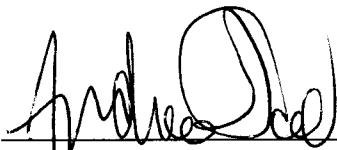
APPROVED AND PASSED THIS 12TH DAY OF MARCH, 2008.


FRANK DELGADO
PLANNING COMMISSION CHAIRPERSON

ATTEST:


BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:


ANDREW JARED
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Vander Molen, Santa Cruz, Jimenez, Saunders and Delgado.
NOES: None.
ABSTAIN: None.
ABSENT: Urey.

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."