

DRAFT PC RESOLUTION NO. 25-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA DENYING A CONDITIONAL USE PERMIT TO ALLOW FOR A TYPE-20 (OFF-SALE BEER & WINE) ALCOHOL LICENSE AT AN EXISTING CONVENIENCE STORE ON A PROPERTY LOCATED AT 22 RIO RANCHO ROAD (APN: 8344-024-019)

WHEREAS, the applicant, Joseph Karaki, has filed an application for a Conditional Use Permit (CUP-001787-2024) requesting to allow an existing convenience store at a gasoline station to obtain a Type-20 (Off-Sale Beer and Wine) Alcohol License on a property located at 22 Rio Rancho Road;

WHEREAS, the subject site is located within the TOD1 Zoning District;

WHEREAS, the subject site is designated as “Transit Oriented District: Neighborhood” Place Type as well as “T5” Transect Zone by the City’s General Plan;

WHEREAS, pursuant to Section 520 and Section 1160.D of the Pomona Zoning and Development Code, which identifies certain land uses, activities, and facilities to obtain a Conditional Use Permit to establish alcohol sales use; approval of the Planning Commission is required to approve a Conditional Use Permit and to impose reasonable conditions upon the approval of the application;

WHEREAS, the Planning Commission of the City of Pomona has, after giving public notice, thereof as required by law, held a public hearing on April 23, 2025 and May 28, 2025 concerning the requested Conditional Use Permit (CUP-001787-2024); 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. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 2. In accordance with Section 1160.D. of the Pomona Zoning and Development Code, a Conditional Use Permit must be acted upon by the Planning Commission based upon the information provided in the submitted application, evidence presented in the Planning Division’s written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The

application may be approved if all of the following findings are made. Based on consideration of the whole record before it, including but not limited to, 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 scale and intensity of the proposed use would be consistent with the scale and intensity of land uses intended for the particular zoning district or use module as indicated in the General Plan.*

The site is located within the TOD1 [MM1-G1-CX1] Zoning District. The General Plan designates the subject property as a Transit Oriented District: Neighborhood. Transit Oriented Districts will feature a mix of uses with retail, commercial and civic activity on the ground floor and housing, lodging, or workplace uses above. Transit oriented district “cores” are closest to major transit stops and have the greatest intensity and widest range of uses while the surrounding transit-oriented district “neighborhoods” are less intense and more housing oriented.

The scale and the use of the existing Food Mart convenience store is not consistent with the intended land use scale and intensity. The issuance of an alcohol license will support the existing convenience store and gasoline station, both of which are automobile-oriented uses that are not consistent with the policies and goals of the Transit Oriented District: Neighborhood Place Type or the TOD1 Zoning District. Therefore, the project does not meet this criterion.

2. *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the General Plan.*

Goal 6B. G4. Ensure that transit oriented districts are walkable, active, and well integrated into surrounding city districts and neighborhoods.

The granting of a Type-20 alcohol license for the convenience store at the existing 76 gasoline and service station will not support the Transit Oriented District: Neighborhood Place Type. The presence of an alcohol license would further intensify the use on the existing site, a gasoline station and automobile repair facility, both of which are inherently automobile oriented uses that run counter to the goals and intent of the Transit Oriented District. Automobile oriented uses, such as the gasoline station and automobile repair facility, do not increase the walkability of the surrounding neighborhood, as Goal 6B.G4 calls for. Therefore, the proposed use at the proposed location is not consistent with the goals and policies of the General Plan and the project does not meet this criterion.

3. *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Zoning and Development Code and any applicable specific plan.*

The project is located within the TOD1 [MM1-G1-CX1] Zoning District. The Transit Oriented Districts (TOD) are the most active and walkable zoning districts in the city and feature development types of medium to large scale development. These districts encourage buildings with a mix of uses with retail, commercial and civic activity on the ground story. The Zoning and Development Code describes the TOD1 Zoning District as “sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground stories, and residential and minimal commercial primary uses.” The introduction of an alcohol license to the existing uses of a gasoline station, convenience store, and automobile repair facility is not consistent with the objectives of the Zoning and Development Code. Therefore, the project meets this criterion.

4. *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*

The proposed project is requesting a Type-20 for off-sale alcohol and the operations of the site would be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood or are injurious to property as the request would add an additional off-sale alcohol establishment in an area that is a high crime area, overconcentrated with alcohol licenses, and already provides convenience for the public in obtaining alcohol. The subject site is also located near to single family homes approximately 53 feet away. Therefore, the proposed request would be detrimental to the health, safety, or general welfare to the surrounding neighborhood or residents. Therefore, the project does not meet this criterion.

5. *The establishment, maintenance, and operation of the proposed use at the proposed location would not create cumulative impacts that are detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*

The request of for an additional off-sale alcohol use will create a cumulative impact that is detrimental to the property and improvements within the vicinity as well as being detrimental to the health, safety, and general welfare of persons residing in the surrounding neighborhood as this request would increase the number of alcohol establishments in an area that is already unduly over-concentrated with off-sale alcohol licenses and is an area designated as high-crime. Therefore, the project does not meet this criterion.

SECTION 3. Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP-001787-2024).

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

APPROVED AND PASSED THIS 28th DAY OF MAY, 2025.

MARCOS MOLINA
PLANNING COMMISSION
CHAIRPERSON

ATTEST:

GEOFFREY STARNES, AICP, AIA, LEED AP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
ASSISTANT CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

"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 California Code of Civil Procedure Section 1094.6."