



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: June 14, 2017

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: CONDITIONAL USE PERMIT (CUP 6979-2017):

A request for a Conditional Use Permit (CUP 6979-2017) to allow the sale of alcoholic beverages (on-sale beer and wine – Type 41 ABC license) for on-site consumption in conjunction with a new restaurant (Pomona Pizza Company) that will be located at 46 Rio Rancho Road, Suite 101 in the Pomona Ranch Plaza in the Regional Commercial District in the Phillips Ranch Specific Plan (PRSP) Area.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolution (Attachment 1) approving Conditional Use Permit (CUP 6979-2017), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location: 46 Rio Rancho Road, Suite 101
APN Information: 8708-02-8004
Project Applicant: Art Rodriguez & Associates for Pomona Pizza Co.
Property Owners: Rio Rancho Argyle, LLC
CC District: District # 5
Historic/CBD: Not Applicable
Specific Plan: Phillips Ranch Specific Plan

PROJECT DESCRIPTION

The applicant, Art Rodriguez & Associates for Pomona Pizza Co., is requesting a Conditional Use Permit (CUP 6979-2017) to allow the sale of alcoholic beverages (on-sale beer and wine – Type 41 ABC license) for on-site consumption in conjunction with a new restaurant. The restaurant will occupy an approximately 2,400 square foot tenant space within a 6,114 square foot three-tenant building on an approximately 49,960 net square foot (1.15 acres) parcel located at 46 Rio

Rancho Road, Suite 101, within the Pomona Ranch Plaza in the Phillips Ranch Specific Plan (PRSP) Area zone (Attachment 2).

Pizza Co.'s have been in business for over 20 years. There are a total of eight Pizza Co. locations. Other locations include Hacienda Heights, Chino Hills, Duarte, Monrovia, East Los Angeles, La Verne, Sierra Madre and Pasadena. The Hacienda Heights and Chino Hills locations are the only other stores serving beer and wine. The applicant anticipates having a total of seven to ten employees working per shift. The restaurant will be open from 11:00 am to 9:00 pm Sunday through Thursday and from 11:00 am to 10:00 pm Friday and Saturday. Alcohol service will take place during all hours of operation as allowed by the Alcohol Beverage Control (ABC).

The restaurant has an interior floor area of 2,400 square feet and is comprised of a main dining area, prep and cooking area, walk-in-cooler, changing area, washing area, utilities and storage areas, men and women's restrooms, and a video game area to the left of the entrance (Attachment 3). Pomona Pizza Company is a bona-fide restaurant where patrons place orders for food and drinks at the counter, and a ticket number is called out for customers to come to the counter to pick up their order. There will be no bar for alcohol service provided and there will be no dancing or entertainment of any kind within the establishment.

The main dining area is characterized by an open floor plan with tables and chairs for dining. The applicant is proposing to store the wine under the service counter, and the beer will be stored in the back near the walk-in-coolers. All orders of alcoholic beverages will be served by restaurant employees (waiters/waitresses), with no direct access by patrons. The restaurant's point-of-sale register system will automatically prompt staff to check for identification for all alcohol sales.

Based on discussions with the Pomona Police Department, this location does not pose any policing or neighborhood compatibility problems.

Applicable Code Sections

Section .580.J and .5809.4 of the Zoning Ordinance establishes criteria for approval of a Conditional Use Permit for the on-sale of alcoholic beverages in conjunction with a bona-fide restaurant. The requirements for approval of on-sale alcohol sales are:

- 1) **Off Street Parking:** Provide one off street parking space per 100 square feet of gross floor area (of alcohol sales).
- 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.

Surrounding Land Use Information

The properties to the north, east, south and west of the subject site are all within the PRSP area. The following table summarizes the surrounding land uses, zoning and general plan designations for Planning Commission consideration.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Vacant (Development Proposed)	PRSP/Regional Commercial (R-C)	Activity Center-Regional Center
East	Commercial	PRSP/R-C	Activity Center-Regional Center
North	Commercial (Sonic Drive-In)	PRSP/R-C	Activity Center-Regional Center
South	Commercial (IHOP, Bank of America)	PRSP/R-C	Activity Center-Regional Center
West	Single-Family Residential	PRSP/Single Family Residential	Residential Neighborhood

ZONING COMPLIANCE ANALYSIS

ABC Census Tract Information

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), a total of six on-sale licenses are allowed in the subject Census Tract No. 4033.18 before the tract is deemed to have undue concentration. The population of the Census Tract determines the number of licenses permitted. Currently, there are two establishments with on-sale alcohol licenses in the subject Census Tract. Thus, the existing number of on-sale licenses is not currently above the maximum permitted in the Census Tract, and will not create an undue concentration. The approval of an additional on-sale alcohol license would add a third license, which is below the number of allowed on-sale licenses in the census tract. The following table summarizes the concentration of on-sale ABC licenses in Census Tract No. 4033.18 and the adjoining Census Tract No. 4030.00 to the north. A map showing the number and location of all active on-sale ABC licenses within the two Census Tracts is provided for Commission consideration (Attachment 4).

ABC Data on Alcohol Licenses in Census Tracts

	Existing Licenses	Allowed Licenses
	On-sale	On-sale
Subject Census Tract 4033.18	2	6
Adjoining Census Tract 4030.00	3	6

Police Department Review

The Pomona Police Department has reviewed the proposed application for the sale of alcohol (on-sale beer and wine) at the existing restaurant. As part of the Police Department's review, they considered both the concentration of alcohol licenses and crime data.

The subject site is located in Police Reporting District No. 73, which is classified as a high crime district according to figures provided by the Police Department. In 2016, the District experienced a total of 278 Part I Offenses and Part II Arrests. The threshold for designating a district high crime is 160 crimes. Crime statistics for the subject reporting district, and adjacent reporting districts are provided in the following table, as received on February 6, 2017 by staff. A map showing location of Police Reporting District No. 73 and adjacent districts is provided for Commission consideration (Attachment 5).

Police Reporting District Data

	Police Reporting District	Part I Offenses and II Arrests (2015)
Census Tract (West) 4030	73	278*
Census Tract 4033.18	83	502*

* Indicates High Crime Area

The State Department of ABC defines undue concentration if either threshold of license number is exceeded or the crime reporting district is defined as "high crime." In this case the subject police reporting district is considered "high crime". However, the number of existing on-sale ABC licenses, including the proposed, would not exceed the maximum allowed for the census tract.

ISSUE ANALYSIS

Issue 1: General Plan/Land Use

The General Plan land use map designates the subject site as Activity Center-Regional Center. Due to its high visibility from the SR-71 and SR-60 interchange, the General Plan envisions this area for further intensification to accommodate regional activity. It specifies that retail investment should be concentrated in “centers” clustered at crossroads that satisfy investor preferences and target the local community; and that the form of new retail development shall not negatively impact the character of surrounding districts or neighborhoods (Goals 6A.G1 and 6A.G2). The project is consistent with the General Plan as it supports the intensification of regional activity through the provision of a new restaurant. The proposed restaurant is clustered with other similar uses in the existing Pomona Ranch Plaza Shopping Center, and is similar in scale and character with surrounding uses.

Therefore, approval of the proposed Conditional Use Permit to allow the on-sale of alcoholic beverages in conjunction with a restaurant would support the General Plan land use goals and policies.

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the proposed project and has determined that the proposed use is in compliance with the applicable code sections of the Pomona Zoning Ordinance and PRSP. The proposed on-sale alcohol (beer and wine – Type 41 ABC license) in conjunction with a new bona-fide restaurant is a conditionally permitted use within the PRSP and Zoning Ordinance. The proposed project conforms to the Zoning Ordinance, and as a result, the granting of this Conditional Use Permit, subject to conditions, will not adversely affect the Zoning Ordinance.

Issue 3: Sensitive Uses

Pursuant to Zoning Ordinance Section .5809, the subject site should be “sufficiently removed” from sensitive uses so that the proposed alcohol sales will not be detrimental to these uses. Sensitive uses including, residential neighborhoods, schools, churches and parks, have been evaluated in the area. The following tables (next page) delineate the distance between the restaurant and neighboring sensitive uses:

Residential	Distance from restaurant
Single family	117' (north)
Multi family	.26 miles (southwest)

Schools	Distance from restaurant
Lexington Elementary School	.44 miles (northeast)
Garey High School	.56 miles (northeast)
John C. Fremont Middle School	.78 miles (north)

Parks	Distance from restaurant
Martin Luther King Jr. Park	.45 miles (northeast)
Phillips Ranch Park	.8 miles (northwest)

The proposed use is across the street from a single-family residential neighborhood within the PRSP Area. However, all other sensitive uses are sufficiently removed from the proposed project. The potential for detrimental impacts will be reduced because alcohol will be served in a controlled environment and the hours of operation will extend to no later than 10:00 pm on Fridays and Saturdays, and no later than 9:00 pm all other nights. Furthermore, the use will be conditioned to eliminate any other potential impacts on surrounding sensitive uses. A map showing location of sensitive uses adjacent to the subject site is provided for Commission consideration (Attachment 6).

ENVIRONMENTAL ANALYSIS/DETERMINATION

Pursuant to the provisions of the California Environmental Quality Act (CEQA), an addendum to a previously adopted Environmental Impact Report considering the proposed land use has been prepared and approved consistent with CEQA Section 15164. Therefore, no further environmental review is required.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on June 1, 2017 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 May 30, 2017 (Attachment 7). As of the date of this staff report, staff has not received any correspondence either supporting or opposing the proposed project.

CONCLUSION

The proposal is consistent with the allowed uses and development standards of the Regional Commercial District of the PRSP. Based on staff's analysis of the issues, the on-sale alcohol sales, as conditioned, will be compatible with the adjacent land uses and will not result in any adverse impacts to the surrounding area with the recommended operating conditions.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolution (Attachment 1) approving Conditional Use Permit (CUP 6979-2017), subject to conditions.

Respectfully Submitted By:

Prepared By:



Brad Johnson
Development Services Manager



Shannon Wages
Contract Planner

ATTACHMENTS:

- 1) Draft PC Resolution Approving CUP 6979-2017
- 2) Location Map & Aerial Photograph
- 3) Project Plans Reductions (8-1/2" x 11")
- 4) Exhibit of On-sale ABC licenses in Census Tracts 4033.18 & 4030.00
- 5) Exhibit of Police Reporting Districts
- 6) Exhibit of Sensitive Uses
- 7) 400-foot Radius Map & Public Hearing Notice
- 8) Full Size Project Plans (Separate Cover)

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