

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA DENYING CONDITIONAL USE PERMIT (CUP 8121-2017) TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (OFF-SALE BEER AND WINE – TYPE 21 ABC LICENSE) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A NEW CONVENIENCE STORE ON A COMMERCIAL PROPERTY LOCATED AT 2207 VALLEY BOULEVARD.

WHEREAS, the applicant, Ahmad Ghaderi, has filed an application for Conditional Use Permit (CUP 8121-2017) to allow the sale of alcoholic beverages (off-sale beer and wine – Type 21 ABC license) for off-site consumption in conjunction with a new convenience store that will be located at 2207 Valley Blvd.;

WHEREAS, the subject site is currently located within the C-3 (General Commercial) zoning district;

WHEREAS, the subject site is currently designated “Workplace District Edge” by the City’s General Plan;

WHEREAS, the applicant has concurrently submitted Conditional Use Permit (CUP 5708-2016) to allow an automobile service station; and Variance (VAR 8097-2017) to deviate from setback requirements;

WHEREAS, the approval of a Conditional Use Permit by the Planning Commission is required for the off-sale of alcoholic beverages, 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 August 9, 2017, concerning the requested Conditional Use Permit (CUP 8121-2017); and

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

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

SECTION 1. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed action to deny is exempt per Article 18 Statutory Exemption, under Section 15270 Projects Which Are Disapproved, which states that CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 2. 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 3. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 8121-2017). 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 contribute to the general well being of the neighborhood or community.*

The proposed addition of beer and wine sales to the proposed convenience store will not contribute to the general well-being of the neighborhood. If granted, the addition of beer and wine sales will create a threshold concentration of alcohol sales licenses within the census tract based upon the California Department of Alcohol Beverage Control (ABC) thresholds of allowed licenses within this census tract.

2. *That such use will, under the circumstances of the particular case, not 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 and would be disruptive to sensitive adjacent land use that include a multi-family residential development.

3. *That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance and Pomona Corridors Specific Plan.*

Granting of the permit will adversely affect the General Plan of the City in that the proposed sale of beer and wine for off-site consumption will increase other negative impacts, especially noise and loitering. The proposed use is inconsistent with the following General Plan goal (7G.G1):

“Protect public health and welfare by eliminating or minimizing the effects of existing noise problems, and by minimizing the increase of noise levels in the future.”

Additionally, granting of the permit will adversely affect the General Plan due to the increase in crime potentially caused by the sale of beer and wine for off-site consumption, especially in connection with a threshold concentration of alcohol sales licenses. The proposed use is inconsistent with the following General Plan goal (7G.G5):

“Reduce the perception, both locally and regionally, of high crime rates in the City.”

SECTION 4. Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 8121-2017).

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 9th DAY OF AUGUST, 2017.

LUIS JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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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."

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