



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** January 10, 2018

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

**FROM:** Planning Division

**SUBJECT:** **CONDITIONAL USE PERMIT (CUP 4764-2016):**

A request for a Conditional Use Permit (CUP 4764-2016) to permit the sale of beer, wine, and liquor (Type 21—Off Sale general) and limited instructional tasting events (Type 86—Instructional Tasting License) in conjunction with an existing Wal-Mart Neighborhood Market located at 778 East Arrow Highway in the C-C (Community Shopping Center) zoning district.

### STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolution (Attachment 1) approving Conditional Use Permit (CUP 4764-2016), subject to conditions.

### PROJECT/APPLICANT INFORMATION

**Project Location:** 778 E. Arrow Highway  
**APN Information:** 8365-003-019  
**Project Applicant:** Walmart Stores, Inc.  
**Property Owners:** Sandstone Properties, LP  
**CC District:** District # 6  
**Historic/CBD:** Not Applicable  
**Specific Plan:** Not Applicable

### PROJECT DESCRIPTION

The applicant, Walmart, is requesting a Conditional Use Permit (CUP 4764-2016) to permit the sale of beer, wine, and liquor (Type 21—Off Sale general) and limited instructional tasting events (Type 86—Instructional Tasting License) in conjunction with an existing Wal-Mart Neighborhood Market located at 778 East Arrow Highway in the C-C (Community Shopping Center) zoning district. The market occupies an approximately 37,000 square foot tenant space on a 2.49 acre parcel that is part of a larger multi-parcel shopping center with a total building area of 103,100 square feet and a total site area of 8.40 acres at the southwest corner of E. Arrow Highway and N. Towne Avenue in the C-C (Community Shopping Center) zone (Attachment 3).

The market opened in January 2015 and functions as a grocery store selling goods such as dry groceries, produce, dairy, bakery, and fresh and frozen meats. The market also sells general merchandise including, but not limited to, paper goods, pet food and supplies, infant and toddler goods, home cleaning and care, and cosmetics. The sale of alcohol would be conducted from display and refrigerated shelving and would encompass approximately 350 square feet of existing floor area (less than 1% of total store square footage). The Type 86 license would allow authorized alcoholic beverage manufacturers, winegrowers, and wholesalers to conduct instructional tasting events within the market. The events are free of charge and would be held between 10:00am-9:00pm only, occurring approximately two to three times per month during peak shopping hours. The market is open from 6:00am – 11:00pm, seven days a week with alcohol sales being proposed to take place during these hours (Attachment 9).

An application for a Conditional Use Permit (CUP 14-053) to allow the sale of alcoholic beverages for off-site consumption (Type 21—Off Sale General) was previously approved at this address for the same market on February 11, 2015 (Resolution No. 15-007). However, at a City Council Meeting held on August 3, 201, the applicant formally withdrew the CUP application from further consideration by the City. Staff initiated a revocation process in order to officially revoke CUP 14-053/PC Resolution No. 15-007) and to prevent the applicant from exercising the sale of alcoholic beverages allowed by the CUP. A revocation of the approval was approved on September 9, 2015 (Resolution No. 15-043).

### **Applicable Code Sections**

Section .580.J and .5809.4 of the Zoning Ordinance establishes criteria for approval of a Conditional Use Permit for the off-sale of alcoholic beverages in conjunction with a bona-fide grocery store. The requirements for approval of off-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 off-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, and west are a combination of residential and commercial uses. The following table summarizes the surrounding land uses, zoning and general plan designations for Planning Commission consideration.

**Land Use Summary Table**

	<b>Existing Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
<b>Subject Site</b>	Retail	C-C	Urban Neighborhood
<b>East</b>	Residential Planned Development	R-3-PD	Residential Neighborhood
<b>North</b>	Retail/Multi-Family Residential	M-1-S	Activity Center
<b>South</b>	Single-Family Residential/Vacant	C-C	Residential Neighborhood
<b>West</b>	Retail Single-Family Residential	C-C R-1-7,200	Urban Neighborhood

## **ZONING COMPLIANCE ANALYSIS**

### **ABC Permit Concentration**

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), a total of three off-sale licenses are allowed in the subject Census Tract No. 4021.02 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 off-sale alcohol licenses in the subject census tract. Thus, the existing number of off-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 off-sale alcohol license would add a third license, which is at the number of allowed off-sale licenses in the census tract. The following table summarizes the concentration of on-sale ABC licenses in Census Tract No. 4021.02 and the adjoining Census Tract No. 4021.01 to the east. A map showing the number and location of all active off-sale ABC licenses within the two census tracts is provided for Commission consideration (Attachment 5).

**ABC Data on Alcohol Licenses in Census Tracts**

	<b>Existing Licenses</b>	<b>Allowed Licenses</b>
	<b>Off-sale</b>	<b>Off-sale</b>
<b>Subject Census Tract 4021.02</b>	2	3
<b>Adjoining Census Tract (East) 4021.01</b>	1	2

### **Crime Statistics**

The subject site is located in Police Reporting District No. 23, which is not classified as a high crime district according to figures provided by the Police Department. In 2016, the District experienced a total of 1062 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. A map showing location of Police Reporting District No. 23 and adjacent districts is provided for Commission consideration (Attachment 6).

**Police Reporting District Data**

	<b>Police Reporting District</b>	<b>Part I Offenses and II Arrests (2016)</b>
<b>Census Tract 4021.02</b>	23	106
<b>Census Tract (East) 4021.01</b>	20	95

\* 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 not considered “high crime” and the number of existing off-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 project as Urban Neighborhood. Furthermore, the addition of an additional service to an existing market within an established neighborhood shopping center is consistent with the following planning approach for the “Neighborhood” Strategic Action Area of the General Plan:

*“Preserve the scale, character, and value of established neighborhoods by ensuring that new residential development is well integrated with existing development.”*

Furthermore, the proposed use is consistent with the following General Plan goal (6E.G1):

*“Preserve stable neighborhoods by focusing new intensity and activity in clusters at major crossroads and areas of existing intensity throughout the city.”*

Therefore, approval of the proposed Conditional Use Permit to allow the off-sale of alcoholic beverages in conjunction with a supermarket would contribute to the diversification of the City’s economy and promote an increased mix of uses.

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

Staff has evaluated the proposed project and has determined that the proposed use is in compliance with the C-C (Community Shopping Center Commercial District) zone. The proposed off-sale alcohol and limited instructional tasting events (Type 21—Off Sale General, Type 86—Instructional Tasting License) in conjunction with an existing bona fide supermarket is a conditionally permitted use within the C-C zone. Furthermore, the shopping center has sufficient parking to accommodate the proposed use. 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 to be detrimental to these uses. Sensitive uses including, residential neighborhoods, schools, churches and parks, have been evaluated in the area. The following table delineates the distance between the subject property and neighboring sensitive uses:

Residential	Distance from Walmart
Single-Family	711’ (north) 228’ (south) 445’ (west)
Multi-Family	173’ (east)

Schools	Distance from Walmart
Barfield Elementary	2,000’ (southeast)
Palomares Middle	1,764’ (west)
Pomona High	760’ (south)

Parks	Distance from Walmart
Ted Greene Park	3,095’ (southwest)
Palomares Park	1,395’ (northwest)

Churches	Distance from Walmart
St. Peter Orthodox	3,330’ (southwest)
Vineyard Community	2,940’ (north)
Charisma Life	2,480’ (northwest)
Antioch Baptist	1,000’ (south)

The proposed use is sufficiently removed from sensitive uses so that the proposed alcohol sales will not to be detrimental to these uses. In addition, the potential for detrimental impacts will be further reduced because alcohol will be stored, displayed, and sold in a controlled environment.

Furthermore, the off-sale license, as conditioned, is not expected to have a detrimental effect on the immediate area. A map showing location of sensitive uses adjacent to the subject site is provided for Commission consideration (Attachment 7).

## **ENVIRONMENTAL ANALYSIS/DETERMINATION**

Upon submittal of the project, staff reviewed the proposed development project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff determined that the project falls under Article 19, Section 15301 (Existing Facilities), because the proposed project consist of a negligible expansion of use for an existing building.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published on December 25, 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 December 20, 2017 (Attachment 8). 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 C-C (Community Shopping Center) zone. Based on staff's analysis of the issues, the off-sale alcohol license, 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 4764-2016), subject to conditions.

Respectfully Submitted By:

Prepared By:

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Emily Stadnicki  
Development Services Manager

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Ata Khan  
Associate Planner

## **ATTACHMENTS:**

- 1) Draft PC Resolution CUP 4764-2016
- 2) Draft PC Resolution CUP 4764-2016 (Denial)
- 3) Location Map & Aerial Photograph

- 4) Project Plans Reductions
- 5) Existing Off-Sale ABC Licenses by Census Tract
- 6) Pomona Police Department Crime Statistics
- 7) Exhibit of Sensitive Uses
- 8) 400-Foot Radius Map & Public Hearing Notice
- 9) Project Description Submitted by the Applicant
- 10) Full Size Project Plans (Separate Cover)

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