



CITY OF POMONA COUNCIL REPORT

February 5, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Emily Stadnicki, Acting Development Services Director

Subject: **Request for Public Hearing on the Planning Commission's Approval of Conditional Use Permit (CUP 4764-2016)** to allow the sale of beer, wine, and liquor (Type 21—Off Sale general) in conjunction with an existing Wal-Mart Neighborhood Market at 778 Arrow Highway in the C-C (Community Shopping Center) zone; **Appellant: Councilmember Rubio Gonzalez**

OVERVIEW

Recommendation – That the City Council set the appeal of Conditional Use Permit (CUP 4764-2016) for public hearing on February 26, 2018.

Fiscal Impact – None.

Public Noticing Requirements – None required.

Previous Related Action – On January 10, 2018, the Planning Commission held a public hearing and voted on a motion to approve Conditional Use Permit (CUP 4764-2016) to allow the sale of beer, wine, and liquor (Type 21—Off Sale general) in conjunction with an existing Wal-Mart Neighborhood Market at 778 Arrow Highway in the C-C (Community Shopping Center) zone. The Commission discussed and agreed to amend Conditional Use Permit (CUP 4574) to only allow for the Type 21 license and to prohibit the requested Type 86—Instructional Tasting license. The Planning Commission approved CUP 4764-2016 on vote of 4-3-0-0.

EXECUTIVE SUMMARY

Councilmember Rubio Gonzales is appealing the July 26, 2017 decision of the Planning Commission on Conditional Use Permit (CUP 4764-2016).

Submitted to City Council: _____
Approved: _____
Continued to: _____
Denied: _____

Agenda Item # _____
Resolution No(s): _____
Ordinance No. _____

DISCUSSION

On January 10, 2018, the Planning Commission considered an entitlement request for a project located at 778 Arrow Highway. The Commission considered the required findings for conditional use permits related to alcohol sales, including proximity to sensitive uses. The Commission determined that of the two requested alcohol licenses, an instructional tasting license would not be favorable to surrounding sensitive uses. The Commission approved Conditional Use Permit (CUP 4574-2016) with a modification to the resolution, so to make it clear that the approval was only to allow a Type 21—Off Sale General license, and to prohibit the requested Type 86—Instructional Tasting License.

On January 16, 2018, Councilmember Rubio Gonzalez appealed the Planning Commission's approval of Conditional Use Permit (CUP 4764-2016), based on the following reasons (Attachment C):

1. This market is located in a shopping center within a socioeconomically challenged community which is frequented by historically disenfranchised populations. This store is also located adjacent to a high school with nearby feeder schools, as many negative influences on them must be mitigated.

CITY COUNCIL OPTIONS

In accordance with Section .580.F. of the Pomona Zoning Ordinance, the City Council, at its discretion, has the following options:

- 1) Based upon the facts and public testimony presented at the previous public hearing of the Planning Commission, uphold the decision of the Planning Commission and not set this item for a City Council public hearing; or
- 2) Alternatively the City Council may schedule the appeal for a public hearing. If the City Council decides to schedule a formal public hearing, staff recommends that the item be placed on the February 26, 2018 agenda.

Attachments:

- A. Planning Commission Staff Report Dated January 10, 2018
- B. Councilmember Gonzalez's Appeal Application, Dated January 16, 2018
- C. Draft Planning Commission Resolution approving CUP 4764-2016