



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 7445-2017):**

A request for a Conditional Use Permit (CUP 7445-2017) to allow the sale of beer and wine for off-site consumption (Type 20) within a convenience store located in the C-4 (Highway Commercial) zoning district.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution (Attachment 1) approving Conditional Use Permit (CUP 7445-2017), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location:	805 Rio Rancho Road
APN Information:	8344-024-045
Project Applicant:	Navid Nasser
Property Owner:	Sater Hijazi Group, Inc.
CC District:	District # 2
Historic/CBD:	Not Applicable
Specific Plan:	Not Applicable

PROJECT DESCRIPTION & BACKGROUND

The subject property is located at 805 Rio Rancho Road, in a proposed shopping center at the northwest corner of Rio Rancho Road and Rancho Valley Road. The site is one of the final pad developments located in the second phase of the Rio Rancho Towne Center commercial shopping center. Phase II of The Rio Rancho Towne Center project includes 82,320 square feet of retail commercial space over a 10.6 acre site. The subject property was recently developed as a gas station and convenience store with car wash. The convenience store is approximately 4,150 square feet and is incorporated into the overall shopping center design. It is accessed via a

driveway on the north side of Rio Rancho Road and through the internal driveway system of the center with access off of Rancho Camino.

Previous Actions

A prior owner/applicant requested a CUP for the sale of beer and wine for off-site consumption within the proposed AM/PM branded convenience store in 2014 before construction of the service station. On November 12, 2014 the Pomona Planning Commission considered the request however there was no action taken based on a 3-1 vote on the approval resolution with two commissioners absent and one vacancy on the Commission. Four affirmative votes are required to pass a Resolution. The applicant subsequently appealed the lack of decision to the City Council. At a public hearing on February 2, 2015 the City Council approved the request on a vote of 4-3-0-0.

Proposal

The applicant is requesting the sale of beer and wine for off-site consumption within the proposed AM/PM branded convenience store. Examples of the types of products to be sold at the market include food/grocery, household products, and other convenience items.

Approximately 90 square feet of the floor area is proposed for the display of beer. The proposal requests display of alcohol at a location toward the rear of the store, primarily in eight refrigerated cases. The applicant is also proposing two non-refrigerated endcaps for display of beer as well.

In 2014 staff requested and the applicant proposed enhanced building elevations and landscaping in conjunction with this CUP request. The applicant proposed additional stone veneer, corbel treatments, iron work, decorative cornice treatments and provided enhanced landscaping for the gas station, convenience store, and car wash site. However, in mid-May during a final inspection of the building, it was identified that many of the enhanced architectural details were not provided on the exterior elevations of the structures. A planned opening date was allowed by the City to occur, after a substantial cash deposit was placed with the City to ensure the façade treatments would be completed. The applicant's contractor is currently installing the treatments that were not installed as designed by the project architect. A completion date to correct the exterior treatments is anticipated in mid-June.

During the construction of Phase II of the Target shopping center it was also recognized that four large date palm trees were removed near the onramp to the northbound 71 Expressway. A condition of approval for this CUP also stipulated that four new 14-foot brown trunk height trees shall be replaced at this corner intersection within the property boundaries of the service station. To date, those also have not been incorporated and will remain an outstanding correction until completed.

Applicable Code Sections

Section .5809.4 of the Zoning Ordinance establishes criteria for approval of a Conditional Use Permit for off-sale alcoholic establishments. 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 display)
- 2) **Parking Lot:** parking lots, including landscaping and lighting, shall be installed and maintained per city standards.
- 3) **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 subject site is located within an existing shopping center, where the existing land uses are restaurant, retail and offices. Surrounding land uses include warehouses, a gas station, and a single family residential neighborhood. The nature of the surrounding uses, zoning and General Plan land use designations are delineated in the following table for Planning Commission consideration.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Commercial Shopping Center	C-4 (General Commercial)	Transit Oriented District: Core
North	Vacant Land	C-4 (General Commercial)	Transit Oriented District:Neighborhood
South	Kia Car Dealership	C-4 (General Commercial)	Transit Oriented District:Neighborhood
East	Commercial Shopping Center (Rio Rancho Towne Center Phase I)	C-4 (General Commercial)	Transit Oriented District:Neighborhood
West	Highway 71	N/A	N/A

ZONING COMPLIANCE ANALYSIS

Census Tract Information

Concentration of Licenses:

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), the threshold for “undue concentration” in the subject Census Tract No. 4030 is four off-sale licenses. This threshold is based on a ratio of the number of alcohol licenses to population within the Census Tract, in relation to the Los Angeles County average. As is shown in the table below, there are currently four establishments with off-sale alcohol licenses in the subject Census Tract.

The addition of the requested off-sale alcohol license will create an undue concentration of licenses. Accordingly, if approved by the Planning Commission, the City Council would be required to make an additional finding of “public convenience and necessity” before ABC could issue any license due to the undue concentration. The following table (next page) summarizes the concentration of (ABC) licenses in Census Tract No. 4030 in addition to the adjoining Census Tract No. 4033.18 to the west and Census Tract No. 4029.02 to the east. A map showing the number and location of all active off-sale ABC licenses within both Census Tracts is provided for Commission consideration (Attachment 4).

Table 1: Off-sale Alcohol Licenses in Census Tracts

	Existing Licenses	Allowed Licenses
Subject Census Tract 4030	4	4
Adjoining Census Tract (West) 4033.18	3	4
Adjoining Census Tract (East) 4029.02	2	4

Crime Statistics:

ABC guidelines state that undue concentration also applies when the subject crime reporting district is defined as “high crime.” High crime is defined as exceeding 120% of the average amount of crimes per district for the entire City. Crimes (Part I and II included in these statistics are: homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations).

The project site is located in Police Reporting District No. 83, which is currently classified as a high crime district according to figures provided by the Pomona Police Department. The number of Part I Offenses and Part II Arrests in the district was 502 last year (2016). The threshold for designating a district high crime is twenty percent higher than average number of arrests per reporting district ($133 \times 120\%$) equals 160 arrests.

Crime Statistics - Police Reporting District (RD) Data

	Police RD	Part I Offenses and II Arrests (2016)
Census Tract 4030	83*	502

	82	91
	81	89
Census Tract (West) 4033.18	75	32
	74	47
	73*	278
Census Tract (East) 4029.02	85	150
	84*	427

* High Crime District

Site Development Standards

The site is currently under construction and is designed to meet all development standards of the C-4 (Highway Commercial) zoning district.

Project Summary Table

Development Standards	Zoning/Code Requirements	Rio Rancho Towne Center Phase II	Compliance Determination (Current Proposal)
Site area	No Requirement	10.6 acres	Yes
Lot Coverage	50%	17.8%	Yes
Minimum Bldg. Size	No Requirement	82,320 sq. ft.	Yes
Building Height	6 stories (75 ft.)	1 Story (31')	Yes
Off-street parking	381 spaces	429 spaces	Yes

ISSUES ANALYSIS

Issue 1: General Plan Conformity

The General Plan land use map designates the subject project as Convenience Commercial. The proposed off-sale of alcohol within the retail market is consistent with the uses intended for the area under the Transit Oriented District: Core place type. The Census Tract has been identified as having “undue concentration” by ABC; however ABC has not identified the site as a “high crime” district. The proposed use is consistent with the following General Plan goal (7A.G2):

“Promote a balanced mix of uses throughout the city than can be part of an integrated and sustainable local economy that supports harmonious diversity and prosperity.”

Therefore, approval of the proposed Conditional Use Permit to allow the sale of beer and wine would not be detrimental to the City and would promote the economic development of the City.

Issue 2: Zoning Ordinance Compliance

The proposed project conforms to the Zoning Ordinance for a Conditional Use Permit in that the proposal to sell beer and wine for off-site consumption meets the required findings. As a result, staff has not been presented any evidence that the granting of this Conditional Use Permit will adversely affect the General Plan and the Zoning Ordinance.

Issue 3: Land Use Compatibility/Sensitive Uses

Pursuant to Zoning Ordinance Section .5809, the subject site should be “sufficiently removed” from sensitive uses so that the proposed beer and wine sales will not be detrimental to these uses. Sensitive uses include residential neighborhoods, schools, churches (religious facilities) and parks. A map showing the distance and location of adjacent sensitive uses to the subject site is provided for Commission consideration (Attachment 6).

The project is located within a commercially zoned shopping center at Rancho Valley Road and Rio Rancho Road. In general, the immediate area is predominantly zoned for commercial purposes. There are single family residential properties located beyond the commercially zoned intersections of White and Lexington Avenues, to the northwest. The following table delineates the distance between the single-family residential neighborhood uses to the project site.

Residential	Distance from store
Single family	620 feet (west)
Single family	760 feet (southeast)
Multi family	.26 miles (east)

There are four religious facilities located to the north and east of the subject property. The following table delineates the distance between the religious facility uses to the project site.

Religious Facilities	Distance from store
South Hills Presbyterian Church	.73 miles (north)
Primm African Methodist Church	1.00 miles (east)
Sacred Heart Catholic Church	1.11 miles (north)
Pomona Tongan Methodist Church	1.18 miles (east)

There are three public schools near the vicinity of the project site. Lexington Elementary is located approximately .23 miles to the north of the Project site. Additionally, Garey High School is located approximately .39 miles to the northeast and Fremont Middle School is located .51 miles to the north. The following table delineates the distance between the schools to the project site.

Schools	Distance from store
Lexington Elementary	.23 miles (north)
Garey High School	.39 miles (northeast)
Fremont Middle School	.51 miles (north)

There are two public parks located near the surrounding area of the subject site. Martin Luther King Jr. Memorial Park is approximately .19 miles site to the north of the project site. Additionally Phillips Ranch Park is .67 miles to the west and Philadelphia Park is located approximately .83 miles to the east. The following table delineates the distance between the schools to the project site.

Parks	Distance from store
MLK Jr. Memorial Park	.19 miles (north)
Phillips Ranch Park	.67 miles (west)
Philadelphia Park	.83 miles (east)

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 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 June 1, 2017 (Attachment 7). As of the date of this staff report, staff has not received any correspondence in favor of or in opposition to the proposed project.

CONCLUSION

The State Department of Alcohol and Beverage Control (ABC) statistics show that the property is now located in an area over concentrated with off-sale licenses, and the Pomona Police Department statistics now identify this police crime reporting district classified as a high crime district. This was not the case in 2014 when this application was approved by the City Council. Due to a new shopping center being developed one issue is that crime opportunities are increased and therefore the statistics have dramatically changed since the original approval of the request.

However, staff felt that the building enhancements and the fact that a majority of the Planning Commissioners present and the City Council at the time supported the request for an ABC license our position should remain the same at this time. The building in which alcohol sales is proposed, is buffered from sensitive uses and staff has proposed conditions of approval to minimize any conflict with sensitive uses. Consequently, the proposed project is not likely to have a negative impact to the existing neighborhood and has little potential to result in adverse impacts to the City.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution approving Conditional Use Permit (CUP 7445-2017), subject to conditions.

Respectfully Submitted and Prepared by:



Brad Johnson
Development Services Manager

PC ATTACHMENTS:

- 1) Draft PC Approval Resolution for CUP 7445-2017
- 2) Draft PC Denial Resolution for CUP 7445-2017
- 3) Planning Commission Staff Report, November 12, 2014
- 4) 400' Radius Map and Public Hearing Notice
- 5) Planning Commission Minutes, November 12, 2014
- 6) City Council Minutes, February 3, 2015
- 7) Full Size Plans (Separate Cover)
- 8) Site Photos

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