



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: August 22, 2018

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 4876-2016):**

A request for a Conditional Use Permit to permit the sale of beer and wine (Type 41-On Sale Beer & Wine-Eating Place-Restaurant) in conjunction with a new restaurant (PokeCeviche) located at 3530 West Temple Avenue, Suites D & E in the C-4 Highway Commercial District.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached draft PC Resolution (Attachment 1) approving Conditional Use Permit (CUP 4876-2016), subject to findings and conditions of approval.

PROJECT/APPLICANT INFORMATION

Project Location: 3530 West Temple Avenue, Suites D & E (Attachment 2)

APN Information: 8710-012-034

Project Applicant: Raymon Bagio

Property Owners: Preston Cole, LLC

City Council District: District #1

Historic District: N/A

Specific Plan: N/A

BUILDING PERMIT HISTORY

3/31/1989 Finalized Building Permit for construction of a 37,000 square foot retail building at 3560 and 3580 Temple Avenue.

ENTITLEMENT HISTORY

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| 11/1/17 | Wireless Communication Facility Permit to allow a new wireless facility on a roof of an existing building, consisting of 9 antennas, 6 RRUS, and 1 MW Dish and 2 radio cabinets installed within a newly extended cupola. Approved. |
| 5/17/17 | Minor Deviation Variance 182 parking spaces instead of the required 204 parking spaces for the change of use of a 1,628 square foot tenant space from retail to restaurant. Approved. |
| 6/27/07 | Conditional Use Permit to allow for on-sale alcohol sales for an existing restaurant. Planning Commission Resolution No. 07-053; approved |
| 3/22/00 | Revocation of Conditional Use Permit CUP 91-176 to allow a billiard establishment. Planning Commission Resolution No. 8761; approved |
| 7/14/99 | Modified Conditional Use Permit to allow off-sale general alcohol in an existing mini-mart and deli. Planning Commission Resolution No. 8702; approved |
| 10/28/98 | Conditional Use Permit to allow on-sale beer and wine in conjunction with a bonafide restaurant. Planning Commission Resolution No. 8634; approved |
| 5/22/96 | Revocation of Conditional Use Permit CUP 93-034 to allow an on-sale beer and wine license and live entertainment. Planning Commission Resolution No. 8454; approved |
| 1/12/94 | General Plan Amendment to modify the General Plan land use designation from "Convenience Commercial" to "General Commercial". Planning Commission Resolution No. 8204; City Council Resolution No. 94-75; approved |
| 12/08/93 | Conditional Use Permit to allow on-sale beer and wine/live entertainment and variance to allow 5 off-street parking spaces instead of 11 spaces. Planning Commission Resolution No. 8177 and 8178; approved |
| 11/10/93 | Variance to allow six off-street parking spaces instead of 15 spaces. Planning Commission Resolution No. 8193; approved |
| 05-27-92 | Conditional Use Permit to allow a family skill game center; Planning Commission Resolution No. 7898; approved |
| 01-08-92 | Conditional Use Permit to allow restaurant with on-sale beer and wine at 3580 Temple Avenue, #I, Unit D-9 and Variance to allow less than the required parking; Planning Commission Resolution Nos. 7803 and 7805; approved |

- 11-13-91 Conditional use Permit to allow a family billiard center and Variance to allow less than the required parking at 3580 Temple Avenue, Units C-G; Planning Commission Resolution No. 7754; approved
- 07-10-91 Conditional Use Permit to allow on-sale beer and wine at 3580 Temple Avenue; Planning Commission Resolution No. 7675, approved
- 02-27-91 Variance to exceed allowable sign height and area requirements at 3580 Temple Avenue; Planning Commission No. 7564; approved
- 07-25-90 Conditional Use Permit to allow on-sale beer and wine in restaurant at 3570 Temple Avenue; Planning Commission Resolution No. 7436; approved
- 07-25-90 Conditional Use Permit to allow mini-market with off-sale beer and wine at 3580 Temple Avenue; Planning Commission Resolution No. 7437; approved
- 02-14-90 Conditional Use Permit to allow on-sale beer and wine in conjunction with restaurant at 3

PROJECT DESCRIPTION & BACKGROUND

The applicant, Raymon Bagio, is requesting a Conditional Use Permit to permit the sale of beer and wine (Type 41-On Sale Beer & Wine-Eating Place-Restaurant) in conjunction with a new restaurant located within the University Plaza shopping center (Attachment 3). The University Plaza shopping center was originally constructed in 1989 and includes three multi-tenant structures totaling 34,007 square feet as well as a Carl's Jr. stand-alone drive-through restaurant totaling 2,850 square feet. The proposed restaurant will occupy a tenant space totaling 1,628 square feet within one of the multi-tenant structures. All improvements will be within the interior of the structure. There are no exterior improvements proposed except for new wall signage.

The proposed restaurant dba (doing business as) is PokeCeviche and is a fast-casual, poke concept. Poke is a Hawaiian seafood cuisine in which the word "poke" means to cut and slice. A poke bowl consists of raw and cooked seafood served with salad or rice and a choice of various toppings. There are three other PokeCeviche restaurants located throughout California including Isla Vista, Oxnard, and Santa Barbara. The proposed hours of operation are 10:00 a.m. to 11:00 p.m. daily. There will be two shifts of employees daily with three employees per shift.

Applicable Code Sections

Pursuant to Pomona Zoning Ordinance (PZO) Section .580(J), a Conditional Use Permit is required for alcohol on-sale establishments in conjunction with bona fide restaurants in the C-4 Highway Commercial District. Additionally, PZO Section .5809.4 establishes the following development standards for off-sale and on-sale alcoholic establishments:

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 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	Shopping Center	C-4	Activity Center / Workplace District
North	Industrial / Office	M-2	Activity Center / Workplace District
South	Multi-tenant commercial uses	C-IND / C-4	Transit Oriented District Neighborhood
East	Manufacturing	M-2	Transit Oriented District Core
West	Southern Pacific R.O.W.	C-4	Workplace District Edge

ANALYSIS

Site Plan and Floor Plan

The scope of the proposed tenant improvements include a complete interior renovation which will accommodate a new customer area, kitchen area, storage, new restrooms, new plumbing fixtures, and new electrical fixtures and outlets (Attachment 8 & 9). Except for new wall signage, no exterior façade improvements or on-site improvements are proposed as part of the project. The project will utilize the existing shared parking for the shopping center.

Undue Concentration

The California Department of Alcoholic Beverage Control (ABC) identifies an undue concentration if either the threshold of licenses in a given census tract is exceeded or the crime reporting district is defined as “high crime.” The following table summarizes the concentration of active ABC licenses in Census Tract No. 4024.02.

ABC Data on Active Alcohol Licenses in Census Tract No. 4024.002

	Existing Licenses		Undue Concentration Threshold	
	On-sale	Off-sale	On-sale	Off-sale
Subject Census Tract 4024.02	3	3	7	4

According to the guidelines established by the State Department of ABC regarding the over-concentration of licenses in a census tract, a total of seven on-sale licenses are allowed in Census Tract No. 4024.02 without the census tract being classified as over-concentrated. Based upon the statistics provided by ABC, there are currently 3 active on-sale alcohol licenses present within Census Tract No. 4024.02 (Attachment 4). Therefore, a new alcohol license for the proposed use will not create an undue concentration of alcohol licenses in Census Tract No. 4024.02.

The proposed project is located in Police Reporting District No. 61. The reported number of Part I and Part II arrests in the district is 14 (Attachment 5). The threshold for designating a district high crime is 156 arrests. Therefore, the Police Reporting District No. 61 is not classified as a high crime district.

Based on both the high crime threshold and alcohol license threshold, there is no undue concentration for the area. Therefore, a finding of public convenience or necessity will not be required before the applicant submitting for a license to ABC at this property.

Sensitive Uses

Pursuant to Pomona Zoning Ordinance (PZO) Section .5809.4.f., the subject site should be “*sufficiently removed*” from sensitive uses so that the proposed alcohol sales will not be detrimental to surrounding uses. Sensitive uses include residential developments, churches, schools, and parks. The following table summarizes the types of sensitive uses near the proposed use and the distance from the sensitive uses to the proposed use.

Sensitive Use Summary Table

Type	Sensitive Use	Distance PL to PL	Distance Bldg. to Bldg.
Residential	University Village	247 ft.	713 ft.
Residential	Pomona Islander	902 ft.	1,098 ft.
Church	Victorious Living Christian	110 ft.	578 ft.
School	None	None within 1,000 ft.	None within 1,000 ft.
Park	None	None within 1,000 ft.	None within 1,000 ft.

There are no schools or parks within 1,000 feet of the subject site. There is one church (Victorious Living Christian) located within 1,000 feet to the south of the subject site and two residential developments (University Village and Pomona Islander) within 1,000 feet to the south west of the subject site (Attachment 6).

The impact of the proposed project on the sensitive uses will be minimal, because the beer and wine will be served in a controlled environment, with conditions that address site security.

General Plan Conformity

The General Plan land use map designates the subject site as Activity Center-Neighborhood Center. The proposed use is in conformance with the General Plan and Activity Center land use designation. In particular, the proposal addresses Goal 6A.G2, which is to "...concentrate retail investment in "activity centers" that provide a variety of shopping environments that conveniently serve the regional and local community." The proposed restaurant use with on-sale alcohol will contribute to a shopping environment that conveniently serves the regional and local community. As such, the granting of such conditional use permit will not adversely affect the General Plan.

Zoning Ordinance Compliance

The proposed on-sale alcohol (Type 41-On Sale Beer & Wine-Eating Place-Restaurant) in conjunction with a new bona-fide restaurant is a conditionally permitted use within the C-4 Highway Commercial District. The proposed project complies with applicable standards of the PZO as noted below. As such, the proposed project is in conformance with the PZO.

Per PZO Section .5809.4, off-sale and on-sale alcoholic establishments must comply with the following development standards:

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

- a. On May 4, 2017, a Minor Deviation Variance (MINDV 6602-2017) was approved for a reduction in parking to allow 182 parking spaces instead of the required 204 parking spaces for the change of use of a 1,628 square foot tenant space from retail to restaurant on a property located 3560 West Temple Avenue. With the approved Minor Deviation Variance, the proposed restaurant meets the off street parking requirements.
2. **Parking Lot:** Parking lots, including landscaping and lighting, shall be installed and maintained per city standards.
 - a. The proposed use will occupy an existing tenant space within the University Plaza shopping center. All on-site improvements are existing, and include parking lots, landscaping, and lighting. These improvements were installed to meet all applicable standards at the time the shopping center was originally constructed in 1989. There are no modifications or improvements proposed to the parking lots, landscaping, or lighting. All on-site improvements will be maintained by property management for the shopping center.
3. **Area Compatibility:** The proposed on-sale liquor establishment shall be compatible with existing development in the area.
 - a. The proposed restaurant with on-sale alcohol will occupy a tenant space in an existing shopping center. The shopping center includes a mix of uses including retail, medical office, personal services and restaurants. The shopping center services other uses in the immediate area including industrial, office, residential and CalPoly Pomona University. As such, the proposed restaurant with on-sale alcohol is compatible with the 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.
 - a. The impact of the proposed project on these uses will be minimal, because alcohol will be served in a controlled environment, with conditions that address site security.

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) in that the action involves licensing and the minor alteration of an existing building for the proposed use.

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 August 9, 2018 (Attachment 7). As of the date of this staff report, staff has not received any correspondence either for or against the proposed project.

CONCLUSION

The proposed use is consistent with the allowed uses and development standards of the C-4 Highway Commercial District. Based on staff's analysis of the issues, the proposed use, as conditioned, will be compatible with the adjacent land uses and will not result in any negative impacts to the surrounding area with the recommended operating conditions and findings of the project.

Respectfully Submitted:

Prepared By:

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ATTACHMENTS:

- 1) Draft PC Resolution for CUP 4876-2016
- 2) Location Map & Aerial Photograph
- 3) ABC Census Tract License Data
- 4) Pomona Police Department Crime Statistics
- 5) Sensitive Use Map
- 6) Public Hearing Notice and Radius Map
- 7) Project Plans, Reduced
- 8) Project Plans, Full Size (Under Separate Cover)