



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** October 10, 2018

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

**FROM:** Development Services Department, Planning Division

**SUBJECT:** **CONDITIONAL USE PERMIT (CUP 9509-2018):** Request for a Conditional Use Permit to permit the sale of beer and wine for off-site consumption (Type 20 Off-Sale) at a proposed convenience market located at 888 West Mission Boulevard in the Midtown segment of the Pomona Corridors Specific Plan and Mixed-Use Arterial segment of the Downtown Pomona Specific Plan. (APN 8342-013-020)

### STAFF RECOMMENDATION

That the Planning Commission approve the attached Resolution approving Conditional Use Permit (CUP 9509-2018) to permit the sale of beer and wine for off-site consumption (Type 20 Off-Sale) at a proposed convenience market located at 888 West Mission Boulevard.

### PROJECT/APPLICANT INFORMATION

Project Location:	888 W. Mission Blvd.
AIN Information:	8342-013-020
Project Applicant:	FiedlerGroup and 7-Eleven, Inc.
Property Owner:	Golcheh Development & Investments, LLC
City Council District:	District # 2
Historic/CBD:	Not Applicable
Specific Plan:	Pomona Corridors Specific Plan-Neighborhood Center Segment Downtown Pomona Specific Plan
General Plan:	Neighborhood Edge

### PROJECT DESCRIPTION AND BACKGROUND

The applicant is seeking a Type 20-Off-Sale ABC license to permit the sale of beer and wine for off-site consumption at a proposed 7-Eleven convenience store to be located at the northwest corner of a shopping center pad at 888 West Mission Boulevard. The site is within the Midtown segment of the Pomona Corridors Specific Plan (northern half), Mixed Use Arterial segment of the Downtown Pomona Specific Plan (southern half), and Neighborhood Edge General Plan Land Use designation of the Pomona General Plan.

**Applicable Code Sections**

Pursuant to the Pomona Corridors Specific Plan, off-sale alcohol establishments must seek a Conditional Use Permit per Pomona Zoning Ordinance (PZO) Section .580(J). 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 proposed alcohol sales will be located within a proposed 7-Eleven convenience store that is part of a larger proposed commercial shopping center at the southeast intersection of White Avenue and Mission Boulevard. The site is bordered by commercial uses to the immediate north and west and residential uses to the immediate south and east (Table 1).

**Table 1. Surrounding Land Uses**

	<b>Existing Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
<b>Project Site</b>	Proposed Commercial Shopping Center	PCSP Midtown Segment (northern half including 7-Eleven) / DTPSP (southern half)	Neighborhood Edge
<b>North</b>	Commercial	PCSP Midtown Segment	Urban Neighborhood
<b>South</b>	Residential	R-3	Residential Neighborhood
<b>East</b>	Residential	PCSP Midtown Segment (northern) / DTPSP MU-AR (southern)	Residential Neighborhood
<b>West</b>	Commercial	PCSP Midtown Segment (northern) / C-4 (southern)	Neighborhood Edge

## Site Plan and Floor Plan

Floor Plan showing location of alcohol sales -



### **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.” Table 2 summarizes the concentration of active ABC licenses in Census Tract No. 4088 and adjacent census tracts.

**Table 2.** *Active ABC Licenses by Census Tract*

	Existing Licenses		Undue Concentration Threshold	
	On-sale	Off-sale	On-sale	Off-sale
<b>Subject Census Tract 4088</b>	19	4	3	2
<b>4023.03 (North)</b>	0	5	4	2
<b>4026 (North)</b>	0	4	7	4
<b>4023.04 (West)</b>	3	3	3	2
<b>4025.01 (West)</b>	2	6	5	3
<b>4025.02 (South)</b>	0	4	7	4
<b>4028.03 (South)</b>	1	1	3	2
<b>4028.01</b>	5	7	5	3

According to the guidelines established by ABC regarding the overconcentration of licenses in a census tract, a total of two off-sale licenses are allowed in Census Tract No. 4088 without the census tract being classified as overconcentrated. Based upon statistics provided by ABC, there are four active off-sale alcohol licenses within this census tract. Therefore, a new on-sale license for the proposed use will create an undue concentration of alcohol licenses in Census Tract No. 4088.

The proposed project is located in Police Reporting District No. 2. The reported number of Part I and Part II arrests in the district is 249. The threshold for designating a district “high crime” is 156 arrests. Therefore, the Police Reporting District No. 2 is classified as a high crime district.

Based upon both the high crime threshold and alcohol license threshold, there is undue concentration in the area, and a public convenience or necessity finding will be required to be

made by Pomona City Council prior to the applicant submitting for a license to ABC at this property.

The applicant has indicated that it anticipates using an existing license within the City of Pomona to transfer over to this location, which would result in a net neutral change in the total number of off-sale licenses in the city.

### **Sensitive Uses**

Pursuant to PZO Section .5809, 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, houses of worship, schools, and parks. Table 3 summarizes the types of sensitive uses and their distance from the proposed use.

**Table 3.** *Proximity to Sensitive Uses*

<b>Type</b>	<b>Sensitive Use</b>	<b>Distance Parcel to Parcel</b>
<b>Residential</b>	Single Family	60 feet E 70 feet S 173 NE 242 NW 225 feet N
<b>School</b>	Lopez Elementary	380 feet SW
<b>Houses of Worship</b>	White Avenue Baptist Church	110 feet SW

The site is adequately buffered from surrounding sensitive uses and will not create a significant impact. Specifically, the 7-Eleven will be located within a commercial shopping center. Furthermore, alcohol will be sold in a controlled, regulated environment with conditions for sales, promotion, security, and operations. The applicant has proposed additional conditions to address proximity to Lopez Elementary School, including automatically locking beer and wine coolers during and one hour before and after regular school hours. This locking mechanism can be controlled remotely by an employee from the sales register.

### **General Plan Conformity**

The proposed site is designated “Neighborhood Edge,” which is defined in the Pomona General Plan as major vehicular corridors that “*connect employment and mixed-used activity centers with each other, freeway interchanges, transit stations, and Downtown.*” The proposed use is consistent with the designation as the applicant proposes to sell alcohol at a commercial store in

a larger commercial shopping center that is more suitable to wider, more traveled corridors. The proposed use addresses Goal GD.61 of the General Plan, in that the use will “*improve the physical character, economic vitality, and mobility function of the City’s most visible and well-traveled corridors.*”

### **Zoning Ordinance Compliance**

The proposed off-sale alcohol (Type 20) in conjunction with a new 7-Eleven convenience store is a conditionally permitted use within the Midtown segment of the PCSP. The proposed project complies with applicable standards as noted below. As such, the proposed project is in conformance with zoning standards.

Per PZO Section .5809-4, on-sale alcohol 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. The proposed 7-Eleven requires a minimum of 14 parking spaces (ratio of 1 space per 250 square feet of gross floor area). The shopping center requires 49 spaces in total. As identified in the proposed project plans, the site will have 64 parking spaces and will be consistent with the parking requirement.
2. **Parking Lot:** Parking lots, including landscaping and lighting, shall be installed and maintained per city standards.
  - a. The proposed use will take place in a proposed 7-Eleven convenience store that is part of a larger proposed commercial development that will include a new parking lot, landscaping, and sidewalk improvements.
3. **Area Compatibility:** The proposed off-sale liquor establishment shall be compatible with existing development in the area.
  - a. The proposed use will occupy a tenant space in a proposed shopping center. The shopping center will include a variety of commercial uses. The shopping center will service other uses in the immediate area. The site was previously developed for commercial use. As such, the proposed off-sale alcohol in conjunction with a 7-Eleven convenience store 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, regulated environment with conditions for security and operations. Furthermore, special operational conditions will be put in place to address proximity to Lopez Elementary School, including locking beer and wine coolers during regular school hours.

## **ENVIRONMENTAL ANALYSIS/DETERMINATION**

The project has been reviewed in conformance with the guidelines of the California Environmental Quality Act (CEQA). Staff has determined that the Project complies with the criteria for a Class 32-In-Fill Development (Section 15332) CEQA Exemption. The proposed Project is consistent with the categorical exemption and in result, no further environmental review is required.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on September 15, 2018 and was sent to the owners of properties within a 400-foot radius of the subject site on September 11, 2018 (Attachment 3). The applicant met with the Superintendent of Pomona Unified School District on Thursday, August 13, 2018 to discuss its operations and security measures, and again with school district representatives on Monday, August 24, 2018. The applicant has also reached out to other local sensitive uses and residential neighbors in the vicinity. On September 26 and October 4, 2018, multiple letters of support and opposition were received (Attachments 6-7). Letters of support reference a gas station, which is not proposed at this location. Letters of opposition reference “less than 200 feet there are three stores and a night club selling the same merchandise.” Staff field verified this statement and determined that within 200 feet of the proposed development, there are no convenience markets or a night club. The uses within 200 feet include Angelo’s Burgers, Servifiesta Party Supplies, Brown Motor Works, and B&H Auto Repair.

## **CONCLUSION**

The proposed project is consistent with the requirements of the Midtown segment of the Pomona Corridor Specific Plan and Pomona Zoning Ordinance. It will be part of a proposed commercial shopping center. The proposed alcohol sales would not affect sensitive uses as the operation will take place in a controlled, regulated environment with conditions of approval for sales, security, hours, and promotion.

Respectfully Submitted By:

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## **ATTACHMENTS:**

- 1) Draft Resolution for Conditional Use Permit (CUP 9509-2018)
- 2) Location Map and Aerial Photograph
- 3) Public Hearing Notice and Radius Map
- 4) Project Plan Reductions
- 5) 7-Eleven Operations Overview

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- 6) Letters of Support
- 7) Letters of Opposition