



CITY OF POMONA

PLANNING COMMISSION

REPORT

DATE: October 26, 2016

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 5251-2016):**

A request for a Conditional Use Permit (CUP 5251-2016) to allow the sale of alcoholic beverages (on-sale beer and wine – Type 41 ABC license) for on-site consumption in conjunction with an existing restaurant (Wingstop) located at 2063 Rancho Valley Drive, Suite 300 in the C-4 (Highway Commercial) zone.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolution ([Attachment 1](#)) approving Conditional Use Permit (CUP 5251-2016), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location: 2063 Rancho Valley Drive, Suite 300
APN Information: 8344-024-042
Project Applicant: Lil Mama Enterprises, Inc.
Property Owners: LCD Rio Rancho Towne Center, LLC
CC District: District # 2
Historic/CBD: Not Applicable
Specific Plan: Not Applicable

PROJECT DESCRIPTION

The applicant, Lil Mama Enterprises, Inc. (Wingstop), is requesting a Conditional Use Permit (CUP 5251-2016) to allow the sale of alcoholic beverages (on-sale beer and wine – Type 41 ABC license) for on-site consumption in conjunction with an existing restaurant. The restaurant occupies an approximately 1,512 square foot tenant space within a 8,115 square foot multi-tenant building on a 147,299 square foot (3.38 acres)

parcel within the Rio Rancho Towne Center Phase II in the C-4 (Highway Commercial) zone ([Attachment 2](#)).

Wingstop is a national chain of restaurants that are franchised to individual owners. There are currently more than 350 Wingstop locations nationwide. Most locations serve beer and wine. The applicant anticipates having a total of 10-15 employees, with three to eight employees working each shift. The restaurant will be open 10:00 am to midnight, seven days per week. Alcohol service will take place during all hours of operation as allowed by the Alcohol Beverage Control (ABC).

The restaurant has an interior floor area of 1,512 square feet and is comprised of a main dining area, kitchen and utility areas ([Attachment 3](#)). Wingstop is a bona-fide restaurant where patrons place orders for food and drinks at a counter and are served at their table. There will be no bar (for alcohol service) provided, dancing or entertainment of any kind within the establishment.

The main dining area is characterized by an open floor plan with tables and chairs for dining. The applicant is proposing to store the alcohol within a walk-in cooler area within the food preparation area. All orders of alcoholic beverages will be served by restaurant employees (waiters/waitresses), with no direct access by patrons. The restaurant's point-of-sale register system will automatically prompt staff to check for identification for all alcohol sales.

Pomona's other Wingstop restaurant is located at 756 E. Arrow Highway. This location received approval for a Conditional Use Permit to serve beer and wine in 2009. It operates as a bona-fide restaurant and beer and wine service is ancillary. Based on discussions with the Pomona Police Department, this location does not pose any policing or neighborhood compatibility problems.

Applicable Code Sections

Section .580.J and .5809.4 of the Zoning Ordinance establishes criteria for approval of a Conditional Use Permit for the on-sale of alcoholic beverages in conjunction with a bona-fide restaurant. The requirements for approval of on-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 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 properties to the northeast, northwest, southeast and southwest of the subject site are within the C-4 (Highway Commercial) zone. 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	Retail	C-4	Transit Oriented District: Neighborhood
East	Retail	C-4	Transit Oriented District: Neighborhood
North	Retail	C-4	Transit Oriented District: Neighborhood
South	Future Gas Station	C-4	Transit Oriented District: Neighborhood
West	71 Freeway	C-4	Transit Oriented District: Core

ZONING COMPLIANCE ANALYSIS

ABC Census Tract Information

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), a total of six on-sale licenses are allowed in the subject Census Tract No. 4030.00 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 on-sale alcohol licenses in the subject Census Tract. Thus, the existing number of on-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 on-sale alcohol license would add a third license, which is below the number of allowed on-sale licenses in the census tract. The following table summarizes the concentration of on-sale ABC licenses in Census Tract No. 4030.00 and the adjoining Census Tract No. 4033.18 to the west. A map showing the number and location of all active on-sale ABC licenses within the two Census Tracts is provided for Commission consideration ([Attachment 4](#)).

ABC Data on Alcohol Licenses in Census Tracts

	Existing Licenses	Allowed Licenses
	On-sale	On-sale
Subject Census Tract 4030.00	2	6
Adjacent Census Tract (East) 4033.18	2	6

Police Department Review

The Pomona Police Department has reviewed the proposed application for the sale of alcohol (on-sale beer and wine) at the existing restaurant. As part of the Police Department's review, they considered both the concentration of alcohol licenses and crime data.

The subject site is located in Police Reporting District No. 83, which is classified as a high crime district according to figures provided by the Police Department. In 2015, the District experienced a total of 319 Part I Offenses and Part II Arrests. The threshold for designating a district high crime is 163 crimes. Crime statistics for the subject reporting district, and adjacent reporting districts are provided in the following table, as received on February 5, 2016 by staff. A map showing location of Police Reporting District No. 83 and adjacent districts is provided for Commission consideration ([Attachment 5](#)).

Police Reporting District Data

	Police Reporting District	Part I Offenses and II Arrests (2015)
Census Tract 4033.18	83	319*
Census Tract (West) 4030	73	281*

* 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 considered "high crime". However, the number of existing on-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 Transit Oriented District: Neighborhood. Furthermore, the design of the project will create an aesthetically

pleasing development, which is consistent with the following planning approach for the “Activity Centers” Strategic Action Area of the General Plan:

“Retain existing neighborhood centers and the Downtown retail core and support their intensification and mix; encourage the eventual transition of properties to greater land use efficiency and mixture of complementary uses; restructure areas in strategic locations to accommodate new or renovated regional retail centers.”

Furthermore, 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 on-sale of alcoholic beverages in conjunction with a restaurant 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-4 (Highway Commercial) zone. The proposed on-sale alcohol (beer and wine – Type 41 ABC license) in conjunction with an existing bona fide restaurant is a conditionally permitted use within the C-4 zone. 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 be detrimental to these uses. Sensitive uses including, residential neighborhoods, schools, churches and parks, have been evaluated in the area. The following tables (next page) delineate the distance between the restaurant and neighboring sensitive uses:

Residential	Distance from restaurant
Single family	1,082’ (southeast) 737’ (west) 1,040’ (north)
Multi family	1,411’ (east)

Schools	Distance from restaurant
Lexington Elementary	.22 miles (north)
Garey High School	.38 miles (northeast)
Fremont Middle School	.49 miles (north)
Philadelphia Elementary	.72 miles (east)
Decker Elementary	.76 miles (northwest)

Parks	Distance from restaurant
MLK Jr. Memorial Park	.14 miles (north)
Powers Park	.31 miles (south)
Phillips Ranch Park	.76 miles (west)
Philadelphia Park	.81 miles (east)

Churches	Distance from restaurant
South Hills Presbyterian Church	.75 miles (northwest)
Mt. Zion Baptist Church	.76 miles (northwest)
Primm African Methodist Church	.96 miles (northeast)
Pomona Tongan Methodist Church	1.13 miles (east)

The proposed use is sufficiently removed from sensitive uses so that the proposed alcohol sales will not be detrimental to these uses. In addition, the potential for detrimental impacts will be further reduced because alcohol will be served in a controlled environment. Furthermore, the on-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 6](#)).

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 on October 13, 2016 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 October 10, 2016 ([Attachment 7](#)). 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-4 (Highway Commercial) zone. Based on staff's analysis of the issues, the on-sale alcohol, 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 5251-2016), subject to conditions.

Respectfully Submitted By:

Prepared By:

Brad Johnson
Development Services Manager

Cecily Session-Goins
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ATTACHMENTS:

- 1) [Draft PC Resolution](#)
- 2) [Location Map & Aerial Photograph](#)
- 3) [Project Plans Reductions \(8-1/2" x 11"\)](#)
- 4) [Exhibit of On-sale ABC licenses in Census Tracts 4030.00 & 4033.18](#)
- 5) [Exhibit of Police Reporting Districts](#)
- 6) [Exhibit of Sensitive Uses](#)
- 7) [400-foot Radius Map & Public Hearing Notice](#)
- 8) [Operations and Security Plan Provided By Applicant](#)
- 9) [Full Size Project Plans \(Separate Cover\)](#)

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