



CITY OF POMONA

PLANNING COMMISSION REPORT

PC DATE: March 8, 2006

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: CONDITIONAL USE PERMIT (CUP 06-005):

A request to allow a Type 47 General License allowing for a full service bar and live music in a new restaurant at the Mission Promenade on property located at 101 West Mission Boulevard.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution approving Conditional Use Permit (CUP 06-005), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location: 101 West Mission Blvd.
APN Information: 8341-008-033
Project Applicant: Yao Chi Yang
Property Owner: Mission Promenade LLC.
City Council District: CC District # 2
Redevelopment Area: Downtown I Project Area
Historic/CBD: N/A
Specific Plan: Downtown Pomona Specific Plan

PROJECT DESCRIPTION & BACKGROUND

The subject site is 16,721 square feet in size and is located on the northwest corner of Mission Boulevard and Garey Avenue. The site is part of a mixed-use project known as Mission Promenade, which contains uses such as restaurants, retail, residential lofts, and offices. The building on the subject site was recently built in 2004. The applicant is requesting a Type 47 general on-sale alcohol license for the restaurant and adjoining outdoor patio area. The applicant is also requesting live music that would consist of a solo singer to provide background music to patrons of the restaurant.

The subject restaurant has one entrance and four exits; two are located on the north side, one is located on the south side, the entrance and one exit are located on the west side, facing the outdoor patio. The patio area is located immediately east of the restaurant and consists of an open seating area.

The restaurant patio area is separated by a retaining wall and is enclosed by a two-foot high rod iron fence. The opening into the patio is accessed across a walkway from the restaurant. It is shaded by a Camphor tree that extends past the patio area.

The proposed floor plan indicates that the alcohol will be displayed behind the bar area, which establishes supervision and access only to restaurant employees. The applicant also provides additional storage for the alcohol in two other locations within the restaurant that will only be accessed by the employees.

The restaurant will have approximately 30 employees, and the proposed hours of operation are as follows:

Monday through Sunday 10:00A.M. to 10:30 P.M.

Applicable Code Sections

Pursuant to Zoning Ordinance Sections .580 and .5809, a conditional use permit is required to allow the on-sale of general alcohol and/or live entertainment within the Downtown Pomona Specific Plan MU-CBD (Mixed Use- Central Business District) zone.

ANALYSIS

Surrounding Land Use Information

Land Use Information

	Existing Land Use	General Plan	Zoning
Site	Commercial Center	Specific Plan	DPSP; MU-CBD (Mixed Use-Central Business District)
North	Commercial/Retail	Specific Plan	DPSP; MU-CBD (Mixed Use-Central Business District)
South	Civic Center	Specific Plan	DPSP; MU-I (Mixed Use – Institutional)
East	Bank	Specific Plan	DPSP; MU-I (Mixed Use – Institutional)
West	Bank	Specific Plan	DPSP; MU-I (Mixed Use – Institutional)

Census Tract Information

Alcohol Licenses in Census Tract No. 4088.00 and Adjacent Census Tracts

	Existing Licenses		Allowed Licenses	
	On-sale	Off-sale	On-sale	Off-sale
Census Tract 4088 (Subject tract)	18 existing and 3 pending	6 existing and 1 pending	3 allowed	3 allowed
Census Tract 4028	7 existing and 7 pending	3 existing and 5 pending	12 allowed	9 allowed
Census Tract 4025	0 existing and 0 pending	13 existing and 3 pending	11 allowed	9 allowed

According to the guidelines established by the State Department of Alcoholic Beverage Control (ABC), a total of 3 on-sale licenses are allowed in Census Tract No. 4088. Currently, there are eighteen on-sale establishments in the subject census tract. Thus, the number of on-sale licenses permitted is well above the maximum permitted in the census tract. Approval of the subject license will increase the number of on-sale licenses in Census Tract No. 4088 to nineteen.

Crime Statistics

The restaurant is located in Police Reporting District No. 73, which is classified as a high crime district according to figures provided by the Police Department. The number of Part I and Part II arrests in the district was 291 in 2004. The threshold for designating a district high crime is 188 arrests.

Police Reporting District	Year			Location
	2004			
No. 4 (Subject District)		259*		Borders Second St. on the north, Mission Blvd. on the south, Garey Ave on the east, and White Ave. on the west.
No. 3		127		Borders Mission Blvd. on the north, 11 th St. on the south, Palomares St. on the east, Garey Ave. on the west.
No. 5		221*		Borders 2 nd St. on the north, Mission Blvd. on the south, Towne Ave. to the east, and Garey Ave. to the west.
No. 2		315*		Borders Mission Blvd. on the north, Ninth St. on the south, Garey Ave. on the east, and White on the west.
No. 6		208*		Borders Holt Ave. on the north, Monterey Ave. on the south, Garey Ave. on the east, and White Ave. on the west.
No. 51		238*		Borders Monterey Ave. on the north, Mission Blvd. on the south, White Ave. on the east, and Hamilton on the west.

* Indicates high crime area
 Criteria for High Crime 2004 – 175. Part I Offenses and Part II Arrest

Although the proposed restaurant is located in a high crime district with an over-concentration of on-sale licenses, the Planning Division and the Police Department support the request because the business will be operated as a bonafide restaurant with limited live entertainment in the form of background music performed by a solo entertainer. The proposed full-service restaurant will also support the goals and objectives of the Downtown Pomona Specific Plan.

Outdoor Patio

The outdoor patio area is physically separated from adjacent uses and parking areas and is accessed from the walkway area adjacent to proposed restaurant space. The Department of Alcoholic Beverage Control (ABC) typically requires an enclosure for outdoor patios where alcohol will be served. The type of enclosure material varies between fences and walls, to

planters, and rope. In this case, there is an existing three-foot high retaining wall and a two-foot high rod iron fence. This is intended to prevent people from simply walking over this barrier, and to guide all customer traffic through a controlled entry and exit point from the proposed restaurant.

Patio visibility from the interior is an important issue. It is common practice to design such outdoor spaces in a way that restaurant employees can easily observe them. The plans show that one of the restaurant exits provides direct access to the walkway and patio area. The entry doors are constructed primarily of glass allowing staff to easily view the patio area from the interior. Furthermore, there is a condition that no signs or objects shall be placed on the doors to obstruct visibility of the patio area.

Development Standards

The restaurant is part of a multi-tenant mixed-use complex and as such shares the parking lot with the other uses. Additionally, the proposed property of the restaurant is located in the Downtown Pomona Specific Plan and is served by public parking provided by Vehicle Parking District 3. Therefore, the restaurant will have ample amount of parking spaces.

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 the uses. Sensitive uses include residential developments, schools, and parks.

Regarding residential uses, this project is a mixed-use development, which contains residential lofts located on the third floor of the structure. The business will be operated as a bonafide restaurant, which will provide limited live entertainment within the interior of the restaurant. As conditioned, the use will not have a detrimental effect on the project's residences.

In regards to the proximity of the subject property to schools and parks:

Schools	Distance from market
Pomona School District	737 ft. (.15 mile)
Madison Elem.	2,798 ft. (.53 mile)
Washington Elem.	3,668 ft. (.7 mile)

Parks	Distance from market
Civic Center	110 ft. (.1mile)
Centennial Park	1,220 ft. (.23 mile)
Memorial Park	1,600 ft. (.31 mile)
Washington Park	3,585 ft. (.68 mile)

The impact of the restaurant on these uses will be minimal, because the restaurant will serve alcohol in a controlled environment. Furthermore, the addition of this on-sale license will not have a detrimental effect on the existing or proposed uses in the area.

PUBLIC COMMUNICATIONS

As of the date of this staff report, staff has not received any public correspondence either for or against the proposed project.

GENERAL PLAN CONSISTENCY

The proposed project is consistent with the General Plan land use designation, in that it complies with policies related to the safety and general welfare of the surrounding communities.

ZONING ORDINANCE COMPLIANCE

The proposed project conforms to the Zoning Ordinance for a Conditional Use Permit, in that the proposal meets the required five (5) findings. The on-sale of beer, wine, and distilled spirits from the establishment will provide a convenience to patrons of the restaurant. As a result, the granting of this Conditional Use Permit will not adversely affect the General Plan or the Zoning Ordinance.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt PC Resolution approving Conditional Use Permit (CUP 06-005), subject to conditions.

Respectfully Submitted:

Reviewed By:

Matthew C. Bassi
Planning Manager

Glen Krieger
Principal Planner

Prepared By:

Kristi Grabow
Planning Intern

PC ATTACHMENTS:

- 1) Draft PC Resolution
- 2) Aerial Photograph
- 3) Reduced Plans
- 4) Patio Photographs
- 5) Full Size Plans (separate cover)

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CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: May 27, 2009 (Continued from April 22 and May 13, 2009)

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: CONDITIONAL USE PERMIT MODIFICATION (CUPM 06-005):
Conditional Use Permit Modification request to allow an extension of closing hours from 10:30 p.m. to 2:00 a.m., Friday and Saturday for an existing restaurant (Sakura Ichi), located at 101 W. Mission Blvd., #101.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution (Attachment 1) approving Conditional Use Permit Modification (CUPM 06-005), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location: 101 West Mission Blvd., #101
APN Information: 8341-008-033
Project Applicant: Yao Chi Yang
Property Owner: City of Pomona
City Council District: CC District # 2
Redevelopment Area: Downtown I Project Area
Historic/CBD: N/A
Specific Plan: Downtown Pomona Specific Plan

PROJECT DESCRIPTION & BACKGROUND

On April 22, 2009, the Planning Commission conducted a public hearing and received public testimony on the proposed modification. The Planning Commission subsequently continued the public hearing to allow the applicant an opportunity to address concerns regarding the existing restaurant and proposed modification of hours for Conditional Use Permit Modification (CUPM 06-005). On May 13, 2009, the Planning Commission continued the public hearing on the item to May 27, 2009 due to a lack of quorum.

On March 8, 2006, the Planning Commission approved Conditional Use Permit (CUP 06-005) to allow general alcohol (Type 47 ABC license) and live music (solo performer) in conjunction with a bona fide restaurant (Sakura Ichi).

The existing restaurant currently operates between the hours of 10:00 a.m. to 10:30 p.m., Sunday to Saturday. The applicant is proposing to modify the previously approved conditional use permit by requesting an extension of closing hours from 10:30 p.m. to 2:00 a.m., for Friday and Saturday only (Attachment 2). The current hours of operation for the restaurant from Sunday through Thursday will remain unchanged. Further, the restaurant proposes to continue to operate under all conditions imposed with the previously approved Conditional Use Permit (CUP 06-005).

The applicant intends to continue the live music entertainment provided as background music for customers. Two (2) designated areas, one (1) adjacent to the first exit door on the north side of the restaurant, and one (1) adjacent to the exit doors that lead to the outdoor patio area are available to accommodate live music, as shown on Attachment 3.

Applicable Code Sections

Pursuant to Section .580 of the Pomona Zoning Ordinance, which establishes criteria for a Conditional Use Permit, approval by the Planning Commission is required for modifications to a previously approved Conditional Use Permit (CUP 06-005).

ZONING COMPLIANCE ANALYSIS

Surrounding Land Use Information

The properties that surround the project site (Attachment 3) to the north, east, and west are all designated as Mixed Use – Central Business District (MU-CBD) within the Downtown Pomona Specific Plan (DPSP). The property to the south is designated as Mixed Use – Institutional (MU-I) within the DPSP. The following table summarizes the surrounding land uses, zoning and general plan designations for Planning Commission consideration.

Land Use Summary Table

	Existing Land Use	General Plan and Zoning	District within DPSP
Site	Restaurant	Specific Plan (DPSP)	MU-CBD
North	Commercial/Retail	Specific Plan (DPSP)	MU-CBD
South	Civic Center	Specific Plan (DPSP)	MU-I (Mixed Use – Institutional)
East	Bank	Specific Plan (DPSP)	MU-CBD
West	Bank	Specific Plan (DPSP)	MU-CBD

Site Development Standards

Since the project site is within the MU-CBD of the DPSP, the proposed project is subject to specific development standards of the zoning district. Staff has evaluated the proposed project and determined that it is in compliance with the minimum development standards of the MU-CBD designation within the DPSP.

The restaurant is part of a multi-tenant mixed-use complex (Mission Promenade) and as such shares the adjacent parking lot to the west with the other uses. Additionally, the restaurant is located in the Downtown Pomona Specific Plan area and is served by public parking provided by the Vehicle Parking District. Therefore, the restaurant has ample amount of parking spaces.

ISSUES ANALYSIS

Business Hours and Operations

The existing restaurant operates between the hours of 10:00 a.m. to 10:30 p.m., Sunday through Monday. As mentioned, the applicant is requesting an extension of closing hours from 10:30 p.m. to 2:00 a.m., for Friday and Saturday only. The current hours of operation for the restaurant from Sunday through Thursday will remain unchanged. The applicant has agreed to cease live music at 10:30 p.m., Sunday through Saturday, in conjunction with the on-sale general alcohol use (Type 47 ABC license) and full service of food associated with the bona fide restaurant. A condition of approval is added to the resolution to ensure that is the case.

Noise Concerns

Police records indicate that a total of three (3) calls for service associated with the restaurant have occurred within the last twelve (12) months of operation since April 1, 2009. An incident occurred in late January 2009 regarding an after hours private party with amplified DJ music and noise levels being a nuisance to residents residing on the third floor of the building. In response, staff has added conditions of approval to prohibit dancing and amplified DJ music, and limit indoor live music to no later than 10:30 p.m., Sunday through Saturday.

Issue 1: General Plan Conformity

The proposed project is consistent with the Mixed Use – Central Business District (MU-CBD) of the Downtown Pomona Specific Plan, and the General Plan land use designation of Specific Plan. A Conditional Use Permit Modification is required for modifications to conditions of an approved conditional use permit. Conditional Use Permit Modification (CUPM 06-005) will be conditioned to assure that the proposed extension of closing hours, as mentioned, will not create adverse impacts to the surrounding area. Further, the proposed use is consistent with the following objective from the Economic Development Element of the General Plan:

“It is the policy of the City of Pomona to encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector.”

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the existing site design and has determined that the existing development complies with the development standards of the Mixed Use – Central Business District (MU-CBD). Development standards such as parking, setbacks, building height, fencing, trash enclosure and landscaping are all in compliance with the Zoning Ordinance. The proposed project conforms to the Zoning Ordinance and, as a result, the granting of this Conditional Use Permit Modification will not adversely affect the General Plan or the Zoning Ordinance.

Issue 3: Land Use Compatibility/Neighborhood Context

The existing restaurant is located in the Downtown Pomona Specific Plan area. The request for a Conditional Use Permit Modification (CUPM 06-005) for the extension of closing hours of the restaurant, as mentioned, will be compatible to similar hours of operation currently allowed for other similar uses within the Mixed Use – Central Business District of the Downtown Pomona Specific Plan area. Therefore, the use and hours allowed will not have an adverse impact on the neighborhood, as conditioned.

Issue 4: 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 the uses. Sensitive uses include residential developments, religious facilities, schools, and parks.

Regarding residential uses, the restaurant is located on the ground floor of a three (3)-story mixed-use development, which contains residential lofts located on the third floor of the structure. The business will be operated as a bona fide restaurant, which will provide limited live music within the interior of the restaurant. The modification of closing hours for the restaurant use will not have a detrimental effect on residential uses. In regards to the proximity of the subject property to religious facilities, schools, and parks:

Religious Facilities	Proximity Distance
Victory Outreach	686 ft. (.13 mile)
Seventh-Day Adventist	769 ft. (.15 mile)
Masonic Temple	300 ft. (.06 mile)
JRES	634 ft. (.12 mile)

Schools	Proximity Distance
Pomona School District	737 ft. (.15 mile)
Madison Elem.	2,798 ft. (.53 mile)
Washington Elem.	3,668 ft. (.7 mile)
SAE/Cal Poly Learning Center	869 ft. (.16 mile)

Parks	Proximity Distance
Civic Center	110 ft. (.1mile)
Centennial Park	1,220 ft. (.23 mile)
Memorial Park	1,600 ft. (.31 mile)
Washington Park	3,585 ft. (.68 mile)

The impact of the restaurant on these uses will be minimal, because the restaurant will serve alcohol in a controlled environment. Furthermore, the modification of closing hours, as conditioned, will not have a detrimental effect on the existing uses in the area.

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 is Categorically Exempt under Section 15301, Class 1 (Existing Facilities) of CEQA, because the proposed project will utilize an existing structure where all public services and facilities are available to serve the project.

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 April 7, 2009 (Attachment 4). As of the date of this staff report, staff has received two (2) phone calls from residents on the third floor of the building in opposition to the proposed project.

CONCLUSION

The proposed project is consistent with the Specific Plan (DPSP) land use designation in the City's General Plan and meets the development standards of the Mixed Use – Central Business District (MU-CBD). Based on staff's analysis of the issues, the proposed extension of closing hours, as described and in conjunction with the imposed conditions, will not result in any adverse impacts to the surrounding area.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution approving Conditional Use Permit Modification (CUPM 06-005), subject to conditions.

Respectfully Submitted:

Reviewed By:

Brad Johnson
Planning Manager

Glen Krieger
Principal Planner

Prepared by:

Josue Espino
Associate Planner

PC ATTACHMENTS:

- 1) Draft PC Resolution for CUPM 06-005
- 2) Applicant's Statement
- 3) Vicinity Map/Aerial Photograph and Site Photographs
- 4) Public Hearing Notice and 400-foot radius map
- 5) Plans – Reduced Size (8-1/2" x 11")
- 6) Plans – Full Size (Previously Provided)

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