



# CITY OF POMONA COUNCIL REPORT

---

November 19, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mario Suarez, AICP, Development Services Director

Subject: **Request for Public Hearing on the Planning Commission's Denial of Conditional Use Permit (CUP 9508-2018) to Allow 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); Appellant: Councilmember Rubio Gonzalez**

## OVERVIEW

**Recommendation** – That the City Council set the appeal of Conditional Use Permit (CUP 4764-2016) for public hearing on December 17, 2018.

**Fiscal Impact** – The proposed CUP would generate additional future sales tax from a proposed convenience store and building permit fees. Property tax revenue would also be generated from tenant improvements and other construction associated with the overall project.

**Public Noticing Requirements** – None required. Public noticing will be mailed if set to public hearing.

**Previous Related Action** – On October 10, 2018, the Planning Commission held a public hearing and denied, on vote of 0-6-0-0, an application for a Conditional Use Permit (CUP 9508-2018) to allow 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.

## EXECUTIVE SUMMARY

Councilmember Rubio Gonzales has filed a timely request for the City Council to hear an appeal of the October 10, 2018 decision of the Planning Commission which denied Conditional Use Permit (CUP 9508-2018) to allow the sale of beer and wine for off-site consumption at a proposed and previously entitled convenience market at 888 W. Mission Blvd.

## **DISCUSSION**

On October 30, 2018, Councilmember Rubio Gonzalez filed an appeal of the Planning Commission's denial of Conditional Use Permit (CUP 9508-2018) (Attachment B). The project applicant is in support of the appeal request and the recommendation to schedule a public hearing. Staff had recommended approval at the Planning Commission (Attachment A- Planning Commission staff report).

The primary reason for the Planning Commission's denial is related to the uncertainty of the specific convenience store operator. In addition, the Commission indicated that the property owner's lack of maintenance of the current property and the site's proximity to a house of worship (White Avenue Baptist Church is located approximately 110 feet southwest of the subject property) and to Lopez Elementary School (approximately 380 feet southwest of the subject property) were conditions which the current and previous Planning Commissions had found in other applications to be incompatible with the sale of liquor (Attachments C and D).

## **CITY COUNCIL OPTIONS**

In accordance with Section .580.F. of the Pomona Zoning Ordinance, the City Council, at its discretion, has the following options:

- 1) Based upon the facts and public testimony presented at the previous public hearing of the Planning Commission, uphold the decision of the Planning Commission and not set this item for a City Council public hearing; or
- 2) Alternatively the City Council may schedule the appeal for a public hearing. If the City Council decides to schedule a formal public hearing, staff recommends that the item be placed on the December 17, 2018 agenda.

## **Attachments:**

- A. Planning Commission Staff Report w/ Attachments Dated October 10, 2018
- B. Councilmember Gonzalez's Appeal Application, Dated October 30, 2018
- C. Draft Planning Commission Resolution denying CUP 9508-2018
- D. Draft Excerpted Minutes of October 10, 2018 Planning Commission Meeting