

**PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA DENYING CONDITIONAL USE PERMIT (CUP 9509-2018) TO ALLOW FOR A TYPE 20 OFF-SALE BEER AND WINE LICENSE IN CONJUNCTION WITH A CONVENIENCE STORE LOCATED AT 888 W. MISSION BOULEVARD IN THE NEIGHBORHOOD CENTER SEGMENT OF THE POMONA CORRIDOR SPECIFIC PLAN AND THE MIXED-USE ARTERIAL RETAIL ZONE IN THE DOWNTOWN POMONA SPECIFIC PLAN (APN 8342-013-020).**

**WHEREAS**, the applicant, Fielder Group and 7-Eleven, Inc, has filed an application for a Conditional Use Permit (CUP 9509-2018) to permit a Type 20 Off-Sale Beer and Wine license in conjunction with convenience store located at 888 West Mission Boulevard; Assessor's Parcel Number 8342-013-020;

**WHEREAS**, the subject site is currently located within the Midtown Segment of the Pomona Corridor Specific Plan and the Mixed-Use Arterial zone of the Downtown Pomona Specific Plan;

**WHEREAS**, the subject site is currently designated "Neighborhood Edge" by the City's General Plan;

**WHEREAS**, pursuant to the Pomona Corridor Specific Plan (PCSP), the approval of a Conditional Use Permit is required for the sale of alcohol for off-site consumption;

**WHEREAS**, the approval of a conditional use permit by the Planning Commission is required for the on-sale of alcoholic beverages, pursuant to Section .580 of the Pomona Zoning Ordinance;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on October 10, 2018, concerning the requested Conditional Use Permit (CUP 9509-2018); and,

**WHEREAS**, the Planning Commission has carefully considered pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed public hearing.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the City of Pomona, California:

**SECTION 1.** The Planning Commission exercising their independent judgement has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15332, Class 32 (Existing Facilities) in that the action involves the licensing and minor alteration of an existing building for the proposed use.

**SECTION 2.** If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

**SECTION 3.** In accordance with Section .580.B of the Pomona Zoning Ordinance (PZO) and the Pomona Corridor Specific Plan (PCSP), as the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 9509-2018). Based on consideration of the whole record before it, including, but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *That the proposed use at the particular location will contribute to the general well being of the neighborhood or community.*

The proposed use will not contribute to the general well being of the neighborhood and community in that the use will increase an existing undue concentration of alcohol licenses in the subject property census tract and will exacerbate safety conditions in a police reporting district already identified as “high crime.”

2. *That such use will, under the circumstances of the particular use, not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.*

The proposed use will be detrimental to the health, safety, peace, or general welfare or persons residing or working in the immediate vicinity. The project will be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is located near sensitive uses that are incompatible with the proposed use, including Lopez Elementary School.

3. *That the site for the proposed use is of adequate topography, size, and shape to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use in the neighborhood.*

The proposed use will occupy a 3,500 square foot convenience market that is part of a larger commercial shopping center, which has been designed for adequate parking, grading, drainage, and site improvements, such as landscaping and lighting.

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations by the proposed use.*

The site is located at the intersection of White Avenue and Mission Boulevard, which are two major thoroughfares in the City of Pomona. A Traffic Impact Study conducted for the convenience market and shopping center found that the proposed uses can accommodate additional traffic generated by the proposed use. The proposed project will not generate significant amounts of traffic warranting further departmental review.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.*

Approval of the CUP to allow for alcohol will adversely affect the General Plan of the City and will not be consistent with the site place type designation (Neighborhood Edge). In addition, the project will not be consistent with General Plan Goal GD.61 which is to “improve the physical character, economic vitality, and mobility function of the City’s most visible and well-traveled corridors.” The proposed alcohol use in conjunction with a convenience market, as part of a larger commercial shopping center, will not contribute towards strengthening economic vitality of the Mission and White corridor in the City of Pomona.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 9509-2018).

**APPROVED AND PASSED THIS 10<sup>th</sup> DAY OF OCTOBER, 2018.**

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KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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MARIO SUAREZ, AICP  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES   ) ss.  
CITY OF POMONA            )

AYES:

NOES:           Brown, Grajeda, Arias, Heming, Juarez, Kercheval

ABSTAIN:

ABSENT: Ursua

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."