

RESOLUTION NO. 8326

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA
APPROVING, WITH CONDITIONS, CONDITIONAL USE PERMIT CUP 95-001
TO ALLOW ON-SALE BEER AND WINE WITHIN A BONA FIDE RESTAURANT
LOCATED IN THE C-4 (HIGHWAY COMMERCIAL) ZONE ON PROPERTY
KNOWN AS **1087 EAST HOLT AVENUE****

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES
RESOLVE AS FOLLOWS:

WHEREAS, there has been heretofore been submitted by Hue Thi Kim Dang, proposed Conditional Use Permit CUP 95-001, pursuant to Section .580 of the Zoning Ordinance to allow on-sale beer and wine within a bonafide restaurant on property known as 1087 East Holt Avenue located in the C-4 (Highway Commercial) and C-4-S (Highway Commercial Supplemental Overlay) zone in an area designated "General Commercial" on the General Plan Land Use Map;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing concerning requested Conditional Use Permit CUP 95-001;

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration has been prepared and reviewed, finding that the proposed project will not have a significant effect on the environment. The Planning Commission hereby approves said Negative Declaration.

SECTION 2. The Planning Commission hereby finds and determines as follows:

1. That the proposed use at the particular location will contribute to the general well-being of the neighborhood or community, in that the proposed project will upgrade an existing building and refurbish the structure to become a viable asset to the community as well as a productive business generating tax revenues. The upgrade of the proposed building will contribute to the urban fabric of the surrounding area.
2. That such use will not, under the circumstances of the particular case, 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, in that a restaurant will be the primary use, while the serving of alcohol on-site will be a secondary use, thus minimizing any detrimental impacts to the surrounding area. Implementation of the conditions of approval contained in Section 3 herein will ensure compatibility.

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 with the land uses in the neighborhood and make it compatible thereto, in that the project site, with the approval of a Variance to allow less than required parking for the proposed use, meets all applicable Zoning Ordinance requirements.
4. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use, in that Holt Avenue, an arterial street, is adequate in capacity to accommodate any additional traffic generated by the proposed use.
5. The granting of such Conditional Use Permit will not adversely affect the General Plan of the City, or any other adopted plan of the City, in that the proposed use meets the objective of the Economic Development Element of the General Plan, which promotes a variety and convenience of all types of development.

SECTION 3. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit, CUP 95-001 subject to the following conditions:

1. The subject property shall be developed and/or used in the manner requested and shall be in substantial conformity with the submitted plans date-stamped February 6, 1994, unless revisions and/or additional conditions are specifically required in the resolution of approval.
2. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval.
3. The project shall be subject to an appeal period of twenty (20) days. A written appeal may be filed by the

applicant, any person owning property within four hundred (400) feet of exterior boundaries of the applicant's property, or the City Council on its own initiative by a majority vote may appeal a decision of the Planning Commission for City Council review.

4. A total of 6 handicapped parking spaces, at least one of which shall be van-sized (8 ft. wide loading/unloading area), shall be provided within the parking lot area, per approval of the Planning and Building Divisions.
5. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food, meals, and other commodities during the same period.
6. Any violation of the foregoing conditions shall be grounds for the suspension or revocation of this Conditional Use Permit.
7. The gate between buildings 2B and 3 shall remain open from 10 a.m. to 8 p.m or during normal business hours.
8. The trash bins shall be kept within their enclosures at all times except during designated pick-up times. The property shall be maintained free of trash and debris.

POLICE DEPARTMENT COMMENTS

9. The sale or consumption of alcohol shall only be permitted between the hours of 10 a.m. and midnight daily.
10. There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sale, service or consumption of alcoholic beverages directly to patrons for consumption.
11. During business hours, the sale of alcoholic beverages shall be incidental to the sale of food.
12. The subject alcoholic beverage license shall not be exchanged for a public premises type license.
13. The premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.
14. Alcohol-related exterior advertising, including advertising from within the building promoting or

15. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
16. The parking lot area adjacent to the subject unit shall be equipped with a minimum lighting standard of one-foot-candle power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
17. Lighting in the parking lot area shall be directed onto the subject lot and away from adjacent residential areas.
18. The property shall be maintained free of trash and debris.
19. The playing of music or other forms of entertainment shall not exceed a dba of 60 from the outside of the subject building.
20. Alcoholic beverages may be sold to and consumed by patrons while they are seated at tables in conjunction with the serving of meals only.
21. The applicant shall retain a copy of this resolution on the premises at all times.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk, if appealed.

PASSED, APPROVED, AND ADOPTED this 22nd day of March, 1995.



SAMUEL THARPE
PLANNING COMMISSION CHAIRPERSON

ATTEST:



DENNIS R. MACKAY
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



RICHARD L. ADAMS II
DEPUTY CITY ATTORNEY

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

AYES: Warren, Jimenez, Tharpe, Bruyn, Tessier

NOES:

ABSTAIN:

ABSENT: Russo, Lustro

"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."

CUP1087.wp/gs