

RESOLUTION NO. 2026-45

RESOLUTION NO. 2026-45 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO ALLOW FOR A CALIFORNIA ALCOHOLIC BEVERAGE CONTROL TYPE-21 (OFF-SALE, GENERAL) LICENSE IN CONJUNCTION WITH AN EXISTING CONVENIENCE MARKET AND DELI LOCATED AT 3024 W. TEMPLE AVENUE (APN: 8707-022-147)

WHEREAS, pursuant to Section 23958.4 (2) of the Business and Professions Code of the State of California, the local governing body (City Council) has the discretion to determine when public convenience or necessity would be served by allowing an alcohol license in an area where there is an over concentration of licenses and/or where there is high crime;

WHEREAS, the project is located in Census Tract 40900.00, and the State Department of Alcoholic Beverage Control (ABC) allows four (4) off-sale licenses in this census tract;

WHEREAS, there are currently six (6) active off-sale licenses in Census Tract 40900.00 and therefore the area is designated as having undue concentration under the definitions of the ABC;

WHEREAS, the subject property is located in Pomona Police Reporting District No. 58, which experienced 160 Part A Crimes and Part B Crimes, where the threshold to determine a high crime District is 122 Part A and Part B Crimes as currently reported by the Police Department. Therefore, it is classified as a high crime District;

WHEREAS, the sale of alcohol will be an incidental use at the existing convenience market with a full-service deli;

WHEREAS, the existing Type-20 (Off-Sale, Beer & Wine) ABC License will be forfeited in exchange for the approved Type-21 (Off-Sale, General) ABC License, maintaining the six (6) active off-sale licenses allowed in Census Tract 40900.00 by ABC;

WHEREAS, the City Council has carefully considered all pertinent testimony offered in the case as presented.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That the Pomona City Council hereby finds and determines that the requested Type-21 (Off-Sale, General) ABC license is necessary to provide for the public convenience or necessity for area residents.

SECTION 2. The City Council finds that the activation of this license in this area would not be detrimental to health, safety, and general welfare within the vicinity of the project site and supports the finding of public convenience for the following reasons:

a. **Activation of a Type-21 License Poses Limited New Public Safety Risks.** This project site is located at the intersection of W. Temple Avenue and W. Mission Blvd, bordering the neighboring City of Diamond Bar. The site is largely surrounded by open space, the single-family and multi-family neighborhoods of Phillip's Ranch, a house of worship, neighboring residential areas in Diamond Bar, and industrial-oriented complexes. The subject site has not experienced code enforcement violations nor was there any objections from the PD Area Commander. Lastly, the site was operating without a Conditional Use Permit. Utilizing the conditions set forth in the CUP will bring the business operations into compliance with the Pomona Zoning and Development Code operation standards, including revocation should the operator act outside of the conditions of approval. Therefore, the activation of a Type-21 license poses limited new public safety risks. The Type-21 license would provide convenience for the public and customers by allowing patrons to purchase beer, wine, and/or distilled spirits as they are shopping for other market items, which is a typical use for convenience markets.

b. **Economic & Public Health Benefits Outweigh Public Safety Risks.** The site is identified as part of a healthy distribution of retail activity that has a unique market focus and role that does not adversely compete with other designated Activity Centers in the City as it located at the edge of the city closest near the CA State Route 57. The convenience market with a full-service deli has been operating since 1988 and is a part of the diverse commercial uses at the shopping center in which it is located. Therefore, the economic and public health benefits to the community outweigh public safety risks. The Type-21 license would provide convenience for the public and customers by allowing patrons to purchase beer, wine, and/or distilled spirits as they are shopping for other market items, which is a typical use for convenience markets and would be an economic benefit for the shopping center.

c. **Inherent Concentration of Licenses at a Key Commercial Intersection.** The Census Tract is located across three jurisdictions, with Pomona, City of Diamond Bar, and City of San Dimas. Because of its location near neighboring cities and it being near two major thoroughfares in the area, a literal Census Tract concentration interpretation of this area does not prove helpful, as the concentration is a byproduct of previous Planning Commission actions, or lack thereof of, regarding the allowance of existing alcohol outlets and the increased concentration of mixed-use retail and commercial zoning in the area, and not the boundaries of the census tract itself.

SECTION 3. That based upon the above findings, the City Council of the City of Pomona hereby approves the Finding of Public Convenience or Necessity for an existing convenience market with a full-service deli located at 3024 W. Temple Avenue.

SECTION 4. 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 5. That the City Clerk shall attest and certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 4th day of May 2026

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on May 4, 2026, by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rosalia A. Butler, MMC
City Clerk