



City of Pomona

PLANNING COMMISSION STAFF REPORT

DEVELOPMENT SERVICES | PLANNING DIVISION

March 26, 2025

FILE NO: CONDITIONAL USE PERMIT – CUP-001494-2024
 A request for a Conditional Use Permit to allow an existing eating establishment, known as Mito’s Döner Kebap, to obtain a California Department of Alcoholic Beverage Control Type-41 (On-Sale Beer and Wine – Eating Place) alcohol license.

ADDRESS: 168 W. Willow Street, APN: 8359-014-023

APPLICANT: Mithat Yenice

PROJECT PLANNER: Alan Fortune, Associate Planner

ENVIRONMENTAL REVIEW: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Existing Facilities) in that the project consists of an existing restaurant.

STAFF RECOMMENDATION: Approve File No. CUP-001494-2024 and adopt Draft Planning Commission Resolution No. 25-003 (Attachment 1)

Project Information:

GENERAL PLAN DISTRICT:	Transit Oriented District: Neighborhood	ZONING:	Pomona Corridors Specific Plan (PCSP): Neighborhood Center
TRANSECT:	T4-A	OVERLAY(S):	N/A
GENERAL PLAN DENSITY:	70 dwelling units/acre max., 4 floors max.	CURRENT LAND USES:	Retail; Eating and Drinking Establishment

Project Summary:

The applicant, Mithat Yenice, is requesting to obtain a California Department of Alcohol Beverage Control (ABC) license, a Type-41 (On-Sale Beer & Wine – Eating Place) at an existing eating establishment and outdoor patio area. A Conditional Use Permit is required to approve requests for the sale of alcohol within the Pomona Corridors Specific Plan. The project does not propose to conduct any exterior work or modifications to the existing structure.

Site History:

General Location

The subject site consists of one parcel at approximately 111,832 square feet (2.67 acres) in area. It is developed with a one-story commercial building constructed in 1964. It is located at the intersection of West Willow Street and North Garey Avenue.

The subject site is developed with a commercial building approximately 24,050 square feet in size. The building consists of an anchor tenant space, occupied by a Smart and Final grocery store, and a smaller tenant space, occupied by the Applicant, Mito's Döner Kebap.

Adjacent Land Uses and Current Zoning Designations

The subject site is located within the Neighborhood Center Segment of the Pomona Corridors Specific Plan (PCSP). Properties to the north, west, and south are all within the Workplace Gateway Segment of the PCSP; existing land uses include commercial to the north and single family homes and houses of worship to the west and south. The property to the east is within the same commercial center as the subject site and is similarly within the Neighborhood Center Segment of the PCSP and is developed with a CVS Pharmacy. The property to the northwest was developed with a wireless communication facility mono-pine tower in 2022.

Land Use History and Existing Entitlements:

In 1963, the Planning Commission approved of a change of Zone from the C-2 zoning district to the C-3 zoning district and shortly after, 1964, the site was developed with the existing commercial buildings. City of Pomona business license records indicate that the site has continuously operated with commercial uses. The existing restaurant, Mito's Döner Kebap, began operation in 2020. The commercial building had three tenant spaces, one anchor and two smaller spaces, prior to 2023, when the existing restaurant conducted a tenant improvement to expand the restaurant into the adjacent space, reducing the number of building tenants to two. The larger adjacent space is occupied by a Smart and Final grocery store.

Staff's Analysis:

The applicant is requesting a Type-41 On-Sale Beer & Wine – Eating Place. According to California Department of Alcoholic Beverage Control (ABC), a Type-41 Alcohol License is “issued to restaurants and authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified.”

Operations

1. **Services:** Restaurant providing meals, coffee, and desserts. Establishment includes outdoor seating area
2. **Alcohol:** Type-41 On-Sale Beer & Wine – Eating Place. The establishment proposes selling imported wines for consumption on the premises.
3. **Number of On-Site Parking:** 121 on-site vehicle parking spaces

4. **Exterior Modifications:** There are no exterior modifications being considered as part of this request
5. **Interior Modifications:** There are no interior modifications being considered as part of this request. The submitted site and floor plans are associated with an already completed tenant improvement project that is not a part of this request.

ABC Undue Concentration

The California Department of Alcoholic Beverage Control (ABC) defines “undue concentration” as either one of the following:

1. If the number of available licenses in the designated census tract is exceeded; or
2. If the crime-reporting district is designated as “high crime” by Police Department crime data.

ABC Census Data Analysis

The threshold for number of licenses is based on a ratio of the number of alcohol licenses to population within the Census Tract, in relation to the Los Angeles County average. According to the guidelines established by ABC, a total of eight (8) on-sale licenses are authorized in the subject Census Tract No. 4022.00 before the tract is deemed to have undue concentration. Nearby Census Tract 4021.02 is also included in the analysis below.

Table 1: ABC Data on On-Sale Alcohol Licenses in Census Tracts

Census Tract	On-Sale Permitted	On-Sale Existing
4022.00 <i>(Subject Tract)</i>	8	13
4021.02	5	2

Because the subject Census Tract No. 4022.00 has a total of thirteen (13) on-sale alcohol licenses and exceeds the permitted number of on-sale alcohol establishments by five, the project site is therefore located in an area that has “undue concentration.” However, eleven of these thirteen existing licenses are from the Los Angeles County Fairgrounds or the Sheraton Hotel Conference Center located within the Fairplex. The other two licenses are held by the “Coco Palm” restaurant.

The neighboring Census Tract No. 4021.02 has a total of two on-sale alcohol establishments, the “Pancakes R Us” and “Las Margaritas” restaurants, located approximately 0.8 and 0.5 miles away respectively. The existing establishment is sufficiently removed from the other on-sale licenses within both the subject and neighboring census tracts.

Crime Statistics

The threshold for designating a “high crime” district is 134 crimes or above for 2024. The subject site is located in Police Reporting District No. 35, which recorded a total of 181 crimes including Group A and Group B crimes. Per ABC’s definition, the designation of the reporting district as high crime means that there is also an undue concentration in the subject site’s census tract. Included in Table 2 are the Police Department crime statistics for the subject district and adjacent districts.

Police Reporting Districts	2023 Part A & Part B
Project Site 4*	181*
25*	136*
26	104
34	25
36	30
37	15
38	83
40*	142*

*Indicates a “High Crime” Reporting District

Pursuant to ABC’s definitions, the project site is in an area with “undue concentration” because it is located within a “high crime” police reporting district. Therefore, a finding of Public Convenience or Necessity (PCN) will be required prior to the applicant submitting for a license to ABC at this property. Per Business and Professions Code under section 23958.4 subsection 3, (b) (1), a finding of public convenience will be determined by ABC and not the City Council in the case of a bona fide restaurant uses.

Applicable Standards for Alcohol, On-Sale

Section 540.D.2.a – Alcohol, All

1. Promotion

- i. All exterior signage of any kind including interior window signage, which advertises the sale or availability of alcohol, is prohibited.
- ii. The display or sale of alcohol must not be made from an ice tub.
- iii. Storefront windows must be kept clear at all time from paper, paint, cardboard, or any other material used for signage.
- iv. All exterior windows must be clear glass with no tinting or window coverings either interior or exterior.

2. Training

- i. All employees who sell alcoholic beverages must complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence.
- ii. All new employees must complete the “Licensee Education on Alcohol and Drugs” training that is provided by the California Department of Alcohol and Beverage Control (ABC) or equivalent responsible beverage service program within 30 days of hire.

3. Site

- i. Loitering or panhandling on the premises is prohibited.
- ii. Overnight parking of vehicles, including recreational vehicles (RVs) on the premises is prohibited.
- iii. Signs prohibiting overnight parking must be placed throughout the parking lot area.
- iv. Vending machines of any kind must not be installed outdoors within the project site.
- v. Pay telephones must not be installed within the enclosed portion of the premises equipped to receive incoming calls.
- vi. New payphones of any kind must be not be installed on the exterior of the premises.

4. Security

- i. Designated areas of storage beer and wine must be equipped with a locking mechanism.
- ii. Interior and exterior video surveillance equipment must be provided with signage advising customers that video recording devices are in use.
 - a. Recordings must be digital and recorded in high-definition, kept a minimum of 90 days and must record all activity on surrounding public rights-of-way as well as the subject site.
 - b. Prior to installation of the video surveillance equipment, a video surveillance plan must be approved by the Pomona Police Department.

5. Police and City Contact

- i. All crimes occurring inside and outside of the location must be reported to the Police Department at the time of the occurrence.
- ii. At any time when the licensee is absent from the premises, a responsible party must be designated who can respond to any inquiries from City officials.
- iii. The establishment must provide a list annually of no less than 3 employees, who can be contacted 24 hours a day, to the Pomona Police Department’s Records Bureau. The list of names will be used to facilitate a Police response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.

6. Noise

There must be no activity conducted on the site that exceeds the noise and vibration parameters of the City Code (Sec. 18-301., Ord. 3939.) at any time, or such other ordinance enacted related to noise and vibration.

Section 540.D.2.c – Alcohol, On-Sale

1. Required Liquor License

- i. The establishment must maintain an active Type-41 On-Sale Beer and Wine license, issued by the California Department of Alcohol Beverage Council (ABC), and comply with all relevant State and local state laws pertaining to the sale and consumption of alcohol.

2. Hours

- i. The establishment must only sell alcohol under the Type-41 On-Sale Beer and Wine license during the hours permitted by ABC.

3. On-Sale Type

- i. Sales of alcoholic beverages under the on-sale privileges of the Type 41 license must be restricted to the interior gross floor area of the eating area, as indicated in the stamped and approved site plan.
- ii. The quarterly gross sales of alcoholic beverages must not exceed the gross sales of food during the same period.
- iii. The applicant or other person issued an ABC license for the Premises (“Licensee”) must at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records must be kept on a quarterly basis, and must be provided to City officials upon request.

Required Findings:

Section 1160.D.4 – Findings and Decisions. A Conditional Use Permit must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division’s written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application may be approved if all of the following findings are made.

- 1. **Land Use Scale & Intensity.** The scale and intensity of the proposed use would be consistent with the scale and intensity of land uses intended for the particular zoning district or use module as indicated in the General Plan.

The site is located within the Neighborhood Center Segment of the Pomona Corridors Specific Plan (PCSP). This particular segment of the Specific Plan calls for a wider mixture of uses and encourages maximum efficiency of land use and a less exclusively auto-oriented type of development. The General Plan designates the subject property as a Transit Oriented District: Neighborhood. Transit Oriented Districts will feature a mix of uses with retail, commercial and civic activity on the ground floor and housing, lodging, or workplace uses above. Transit oriented district “cores” are closest to major transit stops and have the greatest intensity and widest range of uses while the surrounding transit oriented district “neighborhoods” are less intense and more housing oriented.

The scale of Mito’s Döner Kebap is consistent with the current land use scale and intensity. The site operations have been maintained since 2020 with minor modifications including a tenant improvement for the restaurant to expand into the adjacent tenant space. This project is not proposing any major modifications that will expand the existing structure. The issuance of an alcohol license will support the restaurant, the only eating establishment in this commercial development.

- 2. **General Plan Consistency.** The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the General Plan.

Goal 6B. G4. Ensure that transit oriented districts are walkable, active, and well integrated into surrounding city districts and neighborhoods.

The granting of a Type-41 alcohol license for the eating establishment known as Mito's Döner Kebap will allow for the continued growth of a restaurant use within the Transit Oriented District: Neighborhood Place Type. This establishment is within walking distance to the Pomona Valley Hospital Medical Center which serves as the focal point of this particular transit oriented district. This will allow for the continued diversity in uses.

- 3. Zoning and Development Code/Specific Plan Consistency.** The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Zoning and Development Code and any applicable specific plan.

The project is located in the Neighborhood Center Segment of the Pomona Corridors Specific Plan (PCSP). This Segment of the PCSP encourages the eventual transition of Neighborhood Center properties to greater land use efficiency and a mixture of complementary uses. The Neighborhood Center Segment calls for a wider mixture of uses and encourages maximum efficiency of land use and a less exclusively auto-oriented type of development. The request is consistent with the requirements of the PCSP and the Zoning and Development Code to obtain a conditional use permit to allow on-sale alcohol uses.

- 4. Health, Safety, & General Welfare.** The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.

The proposed project is requesting a Type-41 for on-sale alcohol. To ensure the operations of the site are not detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood or are injurious to property, conditions of approval will be subject to all operational standards within the Zoning and Development Code. Conditions of approval, including the prohibition of the ancillary sale of tobacco, will be placed as well. There are no present Code Compliance land use violations for the subject property. The proposed on-sale alcohol license will be required to comply with applicable alcohol sales standards that will help to ensure impacts to the surrounding neighborhood are limited. Therefore, the proposed request would not be detrimental to the health, safety, or general welfare to the surrounding neighborhood or residents.

- 5. Cumulative Impacts.** The establishment, maintenance, and operation of the proposed use at the proposed location would not create cumulative impacts that are detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.

The request of for on-sale alcohol uses are subject to restrictions and conditions of approval to mitigate cumulative impacts that may be detrimental to property owners, residents, and persons working in the vicinity. Though the subject census tract has an undue concentration of on-sale alcohol establishments, a majority of these establishments are separated from the existing neighborhood and located within the Pomona Fairplex and Los Angeles County Fairgrounds. The establishment of this requested license will not create a detrimental cumulative impact.

Conditions of Approval:

The Conditions of Approval are contained in the Draft Planning Commission Resolution No. 25-003 (Attachment 1).

Attachments:

1. Draft Planning Commission Resolution No. 25-003
2. Project Plans
3. Site Photographs
4. Public Hearing Notice & Radius Map