



CITY OF POMONA COUNCIL REPORT

May 4, 2026

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Betty Donavanik, Development Services Director

SUBJECT: ADOPTION OF A RESOLUTION TO APPROVE A 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

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution (Attachment No. 1):

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)

EXECUTIVE SUMMARY:

The applicant, Sherrie Olson, representing Diamon Market Deli, INC, is requesting a finding of Public Convenience or Necessity (PCN) determination for the sale of alcoholic beverages (Off-Sale General – Type-21 ABC License) in conjunction with an existing convenience market and deli associated with an approved Conditional Use Permit (CUP 000583-2025). The establishment has an existing Off-Sale, Beer and Wine – Type-20 ABC License, which will be forfeited should the PCN be approved. The approval of a finding of PCN would allow for the sale of beer, wine, and distilled spirits for off-site consumption, subject to conditions issued by the Planning Commission.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$500 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$500 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

There is no fiscal impact related to this action.

PREVIOUS RELATED ACTION:

On March 11, 2026, the Planning Commission approved Conditional Use Permit (CUP-000583-2025), a request to upgrade an existing California Department of Alcohol Beverage Control (ABC) Type-20 (Off-Sale, Beer & Wine) license to a Type-21 (Off-Sale, General) license at an established convenience market with a full-service deli on a property located at 3024 W. Temple Avenue, on a 4-3 vote. The Planning Commission Staff Report dated March 11, 2026, with attachments, is provided as Attachment No. 2.

ENVIRONMENTAL IMPACT:

In compliance with the California Environmental Quality Act (CEQA) guidelines, staff has determined that the proposed project meets the criteria for a Class 1 Categorical Exemption pursuant to Section 15301, (Existing Facilities) of CEQA. The proposed project will utilize the existing facilities- the convenience market, with no exterior modifications or expansions to the structure. Therefore, no further action is required, and a Notice of Exemption will be filed indicating that the project is eligible for a Class 1 Categorical Exemption pursuant to Section 15301.

DISCUSSION:

The applicant is requesting a Finding of Public Necessity or Convenience (PCN) determination for a Type-21 ABC license for off-sale consumption of beer, wine, and distilled spirits. In compliance with AB2897 (the “Caldera Bill”), the California State Department of Alcoholic Beverage Control (ABC) requires that licenses in areas of undue concentration receive a Finding of PCN. Undue Concentration is defined as:

- (1) If the number of available licenses exceeds the threshold of available licenses within a particular census tract. The threshold for the number of licenses is set by ABC and is based on a ratio of the number of alcohol licenses to population within the designated census tract, in relation to the Los Angeles County average population per census tract; or
- (2) The proposed license location is within a crime-reporting district that is locally designated as “high crime”. The threshold for designating a district as “high crime” is twenty percent higher than average number of Group A and Group B offenses per reporting district*.

*Formula to designate a reporting district as “high crime”: [average number of crimes] x 120% High Crime

If the City Council approves a finding and determines that the public convenience or necessity would be served by the issuance of an alcohol license located in an area with undue concentration, ABC will then issue the license to the applicant. If issued, the convenience market with a full-service deli would be permitted to sell beer, wine, and distilled spirits for off-site consumption. If the City Council instructs Planning Staff to return with a denial Resolution and, ultimately, denies the finding of Public Convenience or Necessity, this action would effectively prohibit the applicant from utilizing the approved Conditional Use Permit and adopting current operating standards (CUP 000583-2025). However, the convenience market and deli would still be able to utilize their existing ABC Type-20 license and sell beer and wine for off-site consumption. The sales of beer and wine would not be subject to the approved Conditional Use Permit or the conditions of approval and operating standards.

ANALYSIS:

The California Department of Alcoholic Beverage Control (ABC) defines undue concentration if either the threshold of available licenses in the designated census tract is exceeded or if the crime-reporting district is designated as “high crime.” 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 four (4) off-sale licenses is allowed in the subject Census Tract No. 40900.00 before the tract is deemed to have undue concentration of off-sale licenses. See Table 1 below.

Table 1. ABC Data for Off-Sale Alcohol Licenses in Census Tract No. 40900.00

Census Tract	Existing Off-Sale Licenses	Allowed Off-Sale Licenses
40900.00 (Subject Tract)	6	4

Based on the data provided by ABC, the subject site is located in a census tract that has undue concentration of off-sale license types. The high number of off-sale licenses can be possibly

attributed to two factors: 1) the size of the census tract is approximately 1,968 acres (+/- 85,726,080) in area and includes neighboring jurisdictions of City of Diamond Bar and the City of San Dimas; and 2) four (4) of the six (6) off-sale license holders may have existed prior to the City’s requirement of obtaining a Conditional Use Permit for off-sale consumption of alcoholic beverages, including the subject project. See Table 2 below.

Table 2. Existing Off-Sale Licenses and Issuance Date

Census Tract	Existing Off-Sale Licenses	Allowed Off-Sale Licenses	Business Location, License Type, Original Issuance Date
40900.00 (Subject Tract)	6	4	Diamond Market & Deli, 3024 W. Temple Avenue Type-20, Original: 1988 (subject site)
			Yogie Alta Dena, 1600 W. Holt Ave Type-20, Original: 1996
			7-11, 3111 W. Temple Ave Type-20, Original: 2006
			La Cadena Market, 1600 W. Mission Blvd Type-20, Original: 2002
			Fat Boy Liquor & Market, 3580 W. Temple Ave (Units A&B) Type-21, Original: 1983
AM/PM, 2207 Valley Blvd Type-20, Original: 2019			

The threshold for designating a reporting district as “high crime”, from the current annual Police Department Crime report (2025) of Group A and Group B Offenses, is a total of 122 crimes. The subject site is in Police Reporting District 58, which experienced a total of 160 crimes. This district is considered a “high crime” district. The data in Table 3 below summarizes the data in the 2025 annual report for the subject crime district, adjacent districts, and whether the district is considered high crime based on the threshold of 122.

Table 3. Police Reporting District Data (2025)

Police Reporting District	Total of Group A and Group B Offenses
58 Subject Reporting District	160*
57 Adjoining District – North	17
54	171*

Adjoining District – Northeast	
53 Adjoining District – East	95
78 Adjoining District – East	84
77 Adjoining District – Southeast	63
76 Adjoining District – Southeast	18
69 Adjoining District – South	28
59 Adjoining District – Southwest	28
61 Adjoining District – West	26
62 Adjoining District - West	12

The proposed off-sale license will not further exceed the number of allowed off-sale licenses because the operator of the established convenience market business located at 3024 W. Temple Avenue has agreed to forfeit their existing Type-20 (Off-Sale, Beer & Wine) ABC license in exchange for the approved Type-21 (Off-Sale, General) license. This means that there will not be a net increase in allowed off-sale alcohol licenses. However, there will be an intensity of alcohol use with the added sale of distilled spirits to the existing beer and wine sales. Because the site meets both definitions for undue concentration, as it is located in a census tract where off-sale licenses are exceeding the threshold and, also, it is determined it is within a “high crime” reporting district, a finding of public convenience or necessity is required to be made by the City Council.

The convenience market obtained their existing Type-20 license in 1988, prior to the requirement for a conditional use permit, and was therefore considered legal non-conforming. The Planning Commission approved the Type 21 license along with Conditional Use Permit (CUP-000583-2025). The CUP would bring the convenience market into compliance with the current Zoning and Development Code and require the convenience market to comply with all operational standards. The City would also have the authority to revoke the CUP should the convenience market violate the Code. Staff does not find the activation of this license in this area to be detrimental to health, safety, and general welfare within the vicinity of the project site as it would be subject to all conditions of the CUP. Therefore, staff 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.

COUNCIL PRIORITIES & GOALS:

The project site is designated as General Plan Place Type Urban Neighborhood, which seeks to preserve intact neighborhoods and focus on smaller clusters of intensity and activity to maintain the existing predominately single-family character. The request is consistent with the following General Plan goals:

Goal 6E.G1: Preserve stable neighborhoods by focusing new intensity and activity in clusters at major crossroads and areas of existing intensity throughout the City.

Goal 7B.G3: Encourage expansion of existing businesses and extend efforts at business retention.

The project site is a part of a larger mixed-commercial shopping center, with uses ranging from restaurants and eateries to pharmacies and office spaces. While the addition of the Type-21 ABC

License type will intensify the established off-sale use, it will also encourage an expansion of a business that has been operating since 1988. Moreover, the site is located at the major intersection of W. Mission Blvd and W. Temple Ave, which is already an area of existing intensity for the City of Pomona and neighboring cities as well. 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.

ALTERNATIVE(S):

The City Council has the following alternatives:

- 1) Instruct Planning Staff to return with a City Council Resolution denying a Finding of Public Convenience or Necessity.

Prepared by:

Irene Mouré
Assistant Planner

ATTACHMENT(S):

Attachment No. 1 – Resolution No. 2026-45
Attachment No. 2 – Planning Commission Staff Report dated March 11, 2026 with attachments
Attachment No. 3 – Approved PC Resolution No. 26-004
Attachment No. 4 – Presentation