



Staff Report

City of Pomona Planning Commission

DATE: July 23, 2025

FILE NO: CUP 000104-2025

Request for a Conditional Use Permit to allow the sale of alcoholic beverages (Off-Sale Beer & Wine – Type 20 ABC License) for off-site consumption in conjunction with an existing convenience market and gas station.

ADDRESS: 1518 N. Garey Avenue

APPLICANT: Rawa Anabi and Raaj Amthabhai

PROJECT PLANNER: Alex Jimenez, Senior Planner

ENVIRONMENTAL REVIEW: This project is exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the California CEQA Guidelines.

RECOMMENDATION: Approve CUP-000104-2025 subject to conditions of approval, and adopt PC Resolution No. 25-011 (Attachment No. 1)

Project Information:

GENERAL PLAN DESIGNATION:	Activity Center	ZONING DISTRICT:	N/A
GENERAL PLAN TRANSECT:	T5 –6 Floors Maximum	SPECIFIC PLAN DISTRICT:	Pomona Corridors Specific Plan, Downtown Gateway Segment
GENERAL PLAN DENSITY:	80 DU/AC	CURRENT LAND USE:	Gas Station, Convenience Store and Car Wash

Important Dates:

DATE SUBMITTED: January 28, 2025

DATE DETERMINED COMPLETE: February 27, 2025

Project Request:

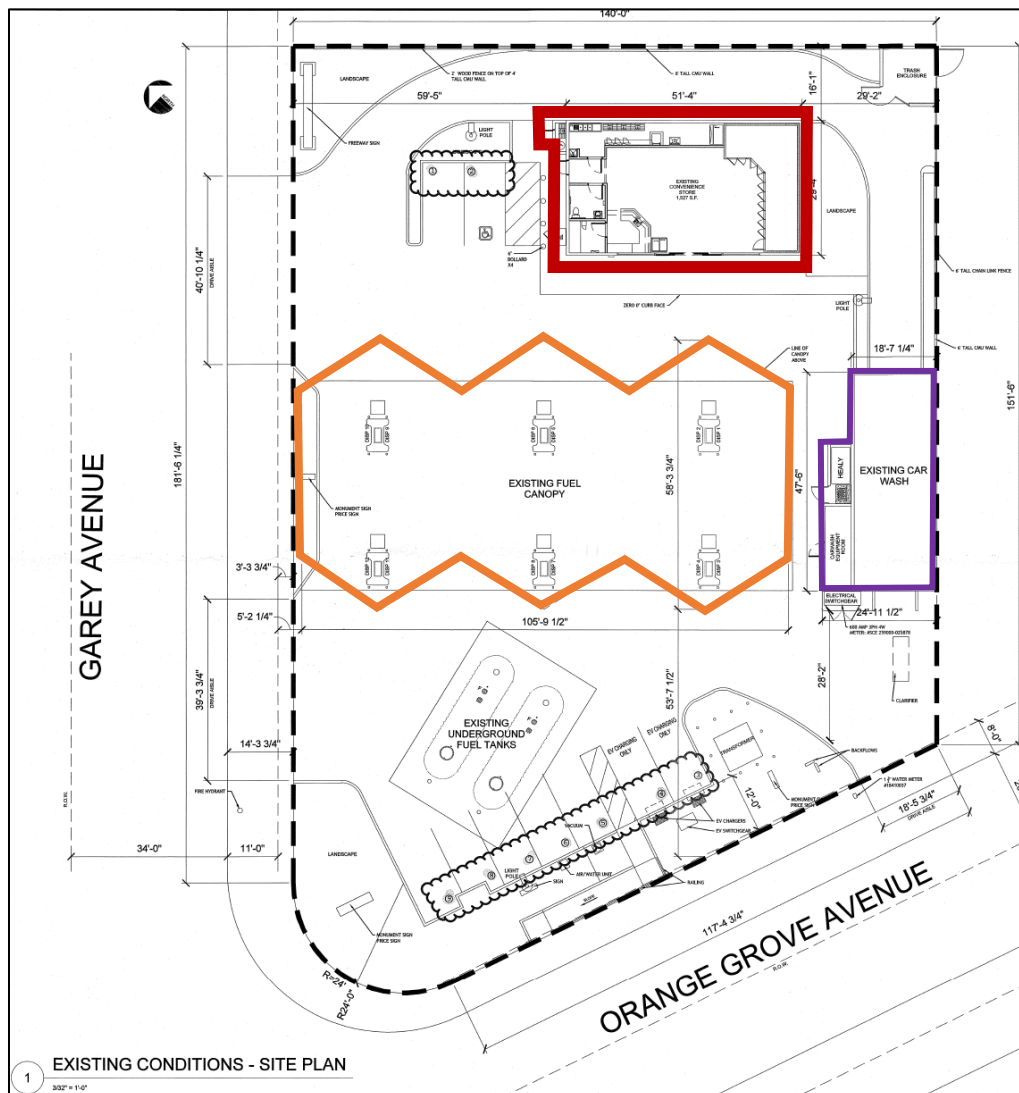
The Applicant, Rawa Anabi, is requesting a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages (Off-Sale Beer & Wine – Type 20 ABC License) for off-site consumption in conjunction with an existing convenience market and gas station, located at 1518 N. Garey Avenue in the Downtown Gateway Segment of the Pomona Corridors Specific Plan (PCSP). The PCSP allows alcohol sales in the Downtown Gateway Segment provided that the applicant obtains a Conditional Use Permit, in accordance with Section 540.D.2 and 1160.D. of the Pomona Zoning and Development Code (PZDC).

Project Background:

The Applicant submitted for a Conditional Use Permit (CUP-000104-2025) on January 28, 2025, and Planning Staff deemed the application complete on February 27, 2025. The subject site consists of an existing gas station, a convenience market, and an accessory car wash. The 25,662 square foot parcel is located on the northeast corner of N. Garey Avenue and W. Orange Avenue. The site plan (Figure 1) consists of a 1,527 square foot convenience market on the north portion of the site, located in front of the drive-thru entrance for the 883 square foot accessory car wash on the east side of the site, and a 5,006 square foot gasoline canopy in the middle of the site for the six (6) fuel dispensers. There is a total of nine (9) parking spaces on the site, inclusive of one (1) ADA parking stall. Three driveways serve the site, two directly off Garey Avenue and one off Orange Grove Avenue adjacent to the alley. The site also contains the following existing improvements: trash enclosure, permanent signage, landscaping, vehicle vacuum machines, and EV chargers (Attachment No. 2).

Figure 1. Existing Site Plan

■ Convenience Market
 ■ Fuel Canopy
 ■ Car Wash



approved CUP 04-051, however, City Council denied the finding of Public Convenience or Necessity, ultimately resulting in the operator's inability to obtain the off-sale license. The following table, *Table 1*, outlines the related action under the previous Conditional Use Permit (CUP 04-051) application:

Table 1. *Action Results for CUP 04-051*

Date	Request	Action Taken
April 27, 2005	Planning Commission public hearing for CUP 04-051, request to allow the off-sale (Type 20) beer and wine license. (Attachment No. 6)	PC Approved; Reso No. 05-012 vote 5-2-0-0
July 11, 2005	City Council hearing for finding of Public Convenience or Necessity (Attachment No. 6)	CC Denied; Draft Reso vote 6-0-0-1 Minutes (Attachment No. 7)
August 1, 2005	City Council reconsideration of finding of Public Convenience or Necessity (Attachment No. 8)	CC Denied; Reso No. 2005-89 vote 4-1-2-0 Minutes (Attachment No. 9)

Applicable Operational Standards:

The PCSP allows alcohol sales in the Downtown Gateway Segment provided the Planning Commission grant a CUP per Section 1160.D. of the PZDC. The PZDC also establishes operational standards for all uses involving alcohol, in addition to operational standards specific to alcohol off-sale licenses. The operational standards are outlined below and are included as conditions of approval in PC Resolution No. 25-011:

Section 540.D.2. – Food and Beverage, Alcohol 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 times 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 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.

Alcohol, Off-Sale

1. *Required Liquor License*

- i. *The establishment must maintain an active Type-20 (Off-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-20 (Off-Sale Beer and Wine) license during the hours permitted by ABC.*

3. *Off-Sale Type*

- i. *There must be no beer sold in less than 3 pack quantities*
- ii. *The sale of individual cans, bottles, or tapped/keg containers is prohibited.*
- iii. *Beer or wine must not be sold in containers less than 750mL, unless sold by 4 pack or other manufacturers prepackaged multi-unit quantities.*
- iv. *The quarterly gross sales of alcoholic beverages must not exceed the gross sales of the convenience market in the same period.*
- v. *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 the convenience market 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.

CA Department of Alcoholic Beverage Control:

The PZDC does not include thresholds for the number of licenses allowed per census tract or thresholds for limitation of licenses in high crime-reporting districts. However, the California Department of Alcoholic Beverage Control (ABC) does require a finding of Public Convenience or Necessity (PCN) when there is undue concentration; undue concentration is defined 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 (PD) crime data.

According to the guidelines established by ABC, a total of two (2) off-sale licenses are allowed in the subject Census Tract No. 4026.02 before the tract is deemed to have undue concentration. Currently, there is one (1) existing establishment with an off-sale alcohol license in the census tract, located at 701 N. Gibbs Street (Arts Market). Therefore, the proposed additional license would not exceed the number of licenses permitted in the subject census tract set by ABC. Table 2 provides a summary of the active off-sale licenses in the subject census tract and surrounding tracts. In addition, a map showing the number and location of all active off-sale ABC licenses within the subject and surrounding census tracts, is provided for the Commission (Attachment No. 10).

Table 2. ABC Data on Off-Sale Alcohol Licenses in Census Tracts

Census Tract	Existing Off-Sale Licenses	Allowed Off-Sale Licenses	Name, Location, Issuance Date
Subject Census Tract 4026.02	1	2	Arts Market – 701 N. Gibbs Street (Issued in 2003)
Adjoining Census Tract 4021.02 (North)	3	3	7 Eleven – 2055 N. Towne Ave (Issued 2009) Lucky Liquor – 588 E. La Verne Ave (Issued 2015) Walmart Market – 778 E. Arrow Hwy (Issued 2018)
Adjoining Census Tract 4023.03 (West)	5	2	Stater Bros – 1045 N. Garey Ave (Issued 1981) Dicarlo Liquor – 1247 N. White Ave (Issued 2008) 7 Eleven – 1212 N. White Ave (Issued 2013) Happy Market – 445 W. Holt Ave (Issued 2015) La Cachanilla – 1135 N. White Ave (Issued 2017)
Adjoining Census Tract 4022.00 (Northwest)	3	4	E&R Liquor – 1643 N. Garey Ave (Issued 2002) Smart & Final – 160 W. Willow St (Issued 2008) CVS Pharmacy – 150 W. Willow Street (Issued 2009)

The threshold for designating a district "high crime," from the latest PD Crime report (2024), is a total of 134 crimes. The subject site is located in Police Reporting District No. 10, which experienced a total of 229 Part I Offenses and Part II Arrests in the latest report. Therefore, the district is considered a "high crime" district. The data in Table 3 below, summarizes the crime data for the subject crime district, adjacent crime districts, and it indicates whether the district was considered high crime if it surpassed the provided threshold. Staff also provided the specific breakdown of crimes related to shoplifting and DUIs within the crime-reporting district, as previously requested in similar cases.

In addition, a map showing the locations of the police reporting districts and their crime data is provided for Commission (Attachment No. 11)

Table 3. Police Reporting District Data (2024)

Police Reporting District	2024 Threshold - 134	Types of Crime Related to:
Subject District 10	229*	Shoplifting Related – 2 DUI Related - 14
Adjoining District 47 (West)	27	Shoplifting Related – 1 DUI Related - 0
Adjoining District 48 (Southwest)	273*	Shoplifting Related – 44 DUI Related - 5
Adjoining District 25 (North)	136*	Shoplifting Related – 2 DUI Related - 7

* Indicates High Crime Area

Public Convenience or Necessity

As the police-reporting district for the proposed request is considered “high crime,” there is undue concentration per ABC standards. As such, should the Planning Commission approve the CUP, the City Council will need to make a finding of Public Convenience or Necessity (PCN) to allow the proposed off-sale alcohol license and prior to the applicant submitting for the license to ABC. Per Business and Professions Code under Section 23958.4 Subsection 2, the local governing body (Pomona City Council) has the discretion to determine when a public convenience or necessity would be served for Off-Sale alcohol establishments.

Planning staff reviewed the Applicant’s request and the crime data with the Pomona Police Department and the northeast quadrant police Lieutenant in charge of the subject tenant’s location, to inquire about any concerns or objections to the request. There were no concerns, objections, or additional conditions that were raised by the Pomona Police Department. It could not be concluded that the addition of an off-sale Type 20 Beer & Wine license for existing convenience store use would increase crime in the area. It is important to note that the CUP process allows a revocation process to remove bad operators, including those who do not operate in compliance with their conditions of approval and contribute to the crime rates in the area.

Collision Data:

Planning staff requested the 2025 data of the three nearest intersections to the subject property and reviewed whether the collisions involved driving under the influence. The 2025 Collision Summary Reports for the following three intersections are included as an attachment (Attachment No.12):

- Orange Grove Avenue and Garey Avenue
- McKinley Avenue and Garey Avenue

- Orange Grove Avenue and McKinley Avenue

From the nearest intersection, Orange Grove Avenue and Garey Avenue, a total of seven (7) collisions have been reported, with one (1) collision involving driving under the influence and hitting an object. At the intersection of McKinley Avenue and Garey Avenue, a total of two (2) collisions have been reported with one (1) collision involving driving under the influence. Lastly, at the intersection of Orange Grove Avenue and McKinley Avenue, one (1) collision was reported, and it did not involve driving under the influence.

Required Findings:

The PCSP allows alcohol sales in the Downtown Gateway Segment provided the Planning Commission grant a CUP per Section 1160.D.4. of the PZDC. Per Section 1160.D.4, a CUP must be acted upon by the Approving Authority (Planning Commission) 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 findings and giving supporting reasons for each finding. The findings required in Section 1160.D.4 of the PZDC for a CUP are contained in the attached Draft Planning Commission Resolution No. 25-011.

Environmental Review:

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 environmental review is required.

Community Input and Noticing:

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on July 7, 2025, and was sent to the owners and residents of properties within a 400-foot radius of the subject site on July 11, 2025 (Attachment No. 13). As of the preparation of this staff report, staff has not received any correspondence from the public on the proposed project.

Conclusion:

Based on Staff's analysis, the proposed project meets the operational standards of the PZDC, and the land use designation contained in the City's General Plan. Furthermore, the project's proposed use remains consistent with the Downtown Gateway Segment of the PCSP, as the specific plan allows for the off-sale of alcohol with the approval of a CUP. The PZDC standards for an off-sale alcohol use do not include undue concentration as a criteria for determining whether the use may be allowed or not. As such, staff cannot rely on a determination of undue concentration due to high crime within the census tract to deny a request to establish an off-sale alcohol use. The census tract is eligible for an additional off-sale license and the additional license would not exceed the number of licenses permitted in the subject census tract set by ABC. However, the Planning Commission can establish a finding, based on the unique settings of the site and surrounding area, the information provided by staff, and/or as a matter of policy, that the proposed off-sale alcohol CUP would be detrimental to the surrounding area and deny the request. The Planning Commission alternatively, may add additional conditions to protect the health, safety, and

general welfare of the area, including conditions relating to hours of operation, the location of the sale of alcohol, security, the storage of alcohol, noise, and advertisement.

Attachments:

1. PC Resolution No. 25-011
2. Project Site & Floor Plan
3. Applicant's Project Description & Petition
4. Site Photographs 7-17-2025
5. CC Resolution 83-299 (Gas Station Development)
6. CC Report and Attachment 7-11-2005
7. CC Minutes for 7-11-2025
8. CC Report and Attachments 9-19-2025
9. CC Minutes for 9-19-2025
10. Census Tract Map
11. Police Reporting District Map
12. Collision Summary Reports
13. Public Hearing Notice and Radius Map