



Staff Report

City of Pomona Planning Commission

March 11, 2026

FILE NO: CUP-000583-2025

A request to upgrade an existing California Department of Alcoholic Beverage Control (ABC) Type-20 (Off-Sale, Beer and Wine) license to a Type-21 (Off-Sale, General) license for off-sale consumption in conjunction with an established convenience market.

ADDRESS: 3024 W. Temple Avenue

APPLICANT: Sherrie Olson, Diamond Market Deli, Inc.

PROJECT PLANNER: Irene Mouré, Assistant Planner

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

RECOMMENDATION: Approve File No(s). CUP-000583-2025 and adopt Planning Commission Resolution No. 26-004 (Attachment No. 1).

Project Information:

GENERAL PLAN DESIGNATION: Urban Neighborhood

ZONING: Activity Center District 2 (ACD2) [MB1-SH1-CX4]

TRANSECT: T4-B

SPECIFIC PLAN: N/A

GENERAL PLAN DENSITY: 20 minimum to 40 maximum DU/AC

CURRENT LAND USE: Small-scale convenience market and deli.

Important Dates:

DATE SUBMITTED: August 8, 2025

DATE DETERMINED COMPLETE: September 23, 2025

DEADLINE TO MAKE A DECISION: N/A

Project Request:

The applicant, Sherrie Olson representing Diamond Market Deli Inc., is requesting a Conditional Use Permit (CUP) to upgrade an existing California Department of Alcoholic Beverage Control (ABC) Type-20 (Off-Sale, Beer and Wine) license to a Type-21 (Off-Sale, General) license for off-site consumption of alcoholic beverages in conjunction with an established convenience market and deli. The Use Module of CX4 allows for alcohol sales provided that the applicant obtains a CUP, in accordance with Sections 540.D.2 and 1160.D. of the Pomona Zoning and Development Code (PZDC).

Project Background and Analysis:

The applicant applied for a Conditional Use Permit (CUP-000583-2025) on August 8, 2025, and Planning Staff deemed the application complete on September 23, 2025. The subject property is a part of a large corner parcel abutting the intersections of W. Mission Boulevard and W. Temple Avenue and is approximately 186,354 square feet (+/- 3.5 acres). The site consists of a main mixed-commercial development and smaller detached, one-story commercial structures totaling 38,617 square feet in building area. This market is single-story located on the northeast corner of the parcel, attached to the main two-story, multi-unit commercial structure with a building area of 2,968 square feet.

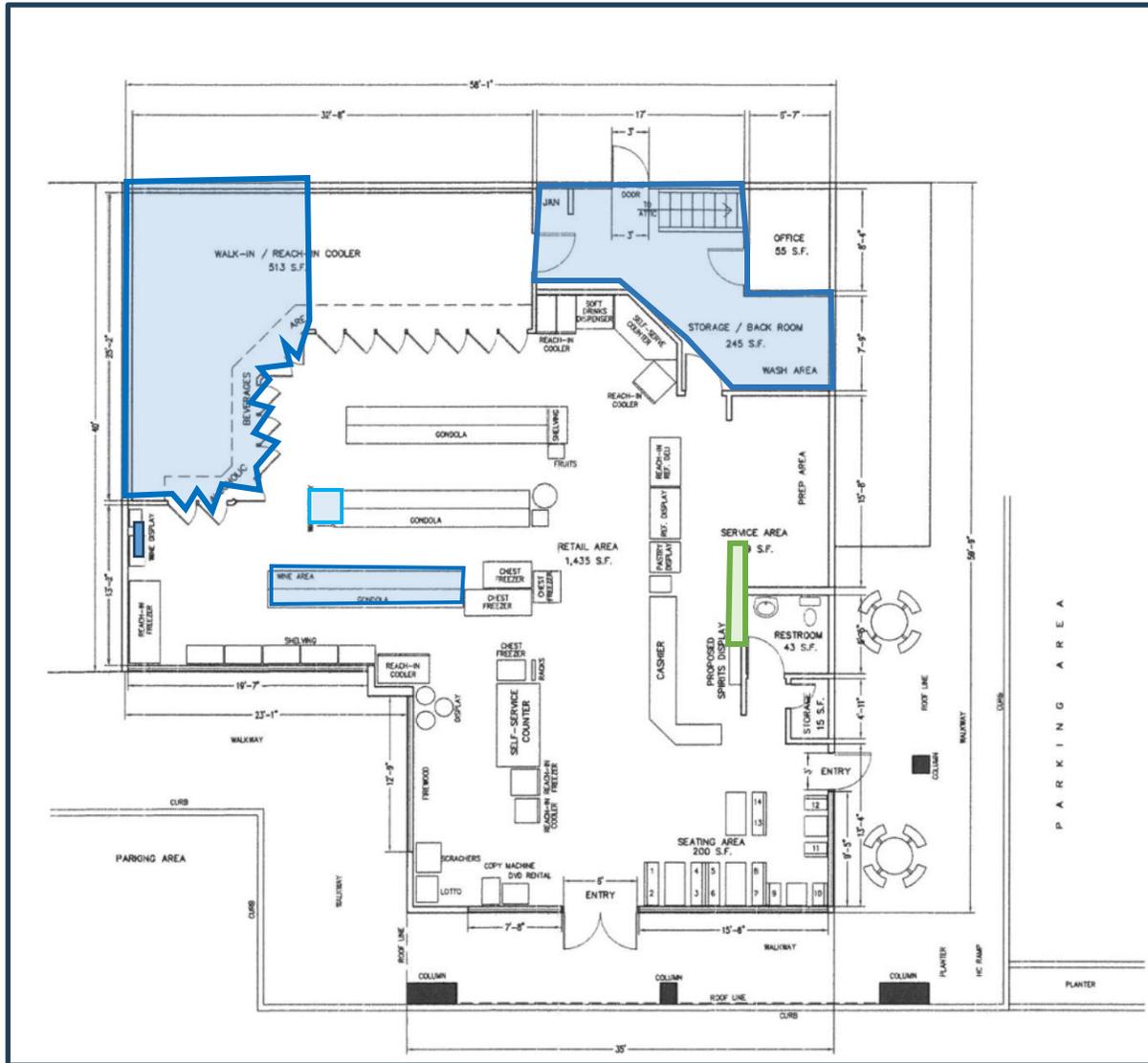
The site is surrounded by a combination of land uses. To the north there are large multi-family residential developments and a house of worship, while to the south borders the City of Diamond Bar and residential developments. West of the parcel is State Route 57, hotels, and mixed-commercial uses and, lastly, to the east are hillside and single-family residential neighborhoods, collectively designated as Phillips Ranch. The parcel is served by two driveways, one off W. Mission Boulevard and the second off W. Temple Avenue. There are 173 parking stalls, a mix of standard and compact stalls, and six ADA designated stalls. The site also contains the following improvements: landscaping along the perimeter and throughout the parking area, retaining walls and wrought iron fencing along the hillside areas, decorative driveway pavers, pedestrian walkways, and permanent signage.

The subject tenant is located on the northeast portion of the parcel and is attached to a larger two-story mixed-commercial building. The current use is a small-scale convenience market with a full-service deli in conjunction with an ABC Type-20 license for Beer & Wine sales. According to the submitted statement of operations, the convenience market operates daily from 7:00 a.m. to 12:00 a.m. on Sundays to Thursdays and from 7:00 a.m. to 1:00 a.m. on Fridays and Saturdays and has two employees at any given time (Attachment No. 2). The business has been in operation since 1988 with a recent change of ownership in 2025. The establishment has also maintained a legal nonconforming Type-20 license for the sale of Beer & Wine granted by ABC in 1988. The display and sale of beer and wine alcoholic beverages will remain as existing, with beer displayed and sold from walk-in/reach-in cooler to the rear of the tenant space. Along the northwest portion of space, wine is displayed and sold in a singular gondola. The applicant is proposing to display and sell liquor from behind the cashier's counter. Alcoholic beverages

will be stored in a storage room with a lock that is only accessible by employees. The floor plan in Figure 1 below displays the locations of the gondolas and storage. The request does not include interior or exterior tenant improvements or modifications. (Attachment No. 3).

Figure 1. Existing Floor Plan

- Existing Display, Sale, and Storage of Beer & Wine
- Proposed Distilled Spirits Location



APPLICABLE OPERATIONAL STANDARDS:

The property has a Use Module of CX4, which allows for alcohol sales provided the Planning Commission grants a CUP per Section 1160.D. of the PZDC. Furthermore, 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. 26-004.

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-21 (Off-Sale, General) 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-21 (Off-Sale, General) 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 alcohol licenses allowed per census tract or thresholds for limitations of these licenses in high crime-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 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.

Per the guidelines established by ABC, a total of four off-sale licenses is allowed in the subject Census Tract No. 40900.00 before the tract is deemed to have undue concentration. Currently, the census tract is experiencing undue concentration as there are seven existing off-sale licenses, exceeding the maximum allowed by three. However, based on the information presented in Table 1 below, three of the establishments have maintained off-sale licenses prior to the requirement of Conditional Use Permit pertaining to alcohol use.

Moreover, the table provides a summary of adjoining census tracts. The information on the right of the table is organized by business name, location within the tract, the current license type, and the original ABC issuance date and the most recent change or transfer of the license ownership. Like the subject tract 40900.00, tracts: 4024.06, 4025.01, and 4030.00 also have a higher concentration of existing off-sale licenses than what is allowed by ABC. Many of these alcohol outlets have acquired their licenses prior to the current process and maintain a legal nonconforming status.

Ultimately, the applicant is committed to forfeiting the existing Type-20 license in the event a Type-21 is approved by the Planning Commission. The number of existing off-sale licenses will not increase, but the number of existing off-sale licenses is exceeding the number of allowed licenses.

Table 1. ABC Data on Off-Sale Alcohol Licenses in Census Tracts

Census Tract	Existing Off-Sale Licenses	Allowed Off-Sale Licenses	Business Name, Location License Type, & Issuance Date
40900.00 (Subject Tract)	7	4	Diamond Market & Deli, 3024 W. Temple Avenue Type-20, Original: 1988, Transfer: 2025 (subject site)
			Yogie Alta Dena, 1600 W. Holt Ave Type-20, Original: 1996, Transfer: 2005
			7-11, 3111 W. Temple Ave Type-20, Original: 2006, Transfer: 2008
			La Cadena Market, 1600 W. Mission Blvd Type-20, Original: 2002, Transfer: 2019
			Fat Boy Liquor & Market, 3580 W. Temple Ave (Units A&B) Type-21, Original: 1983, Transfer: 2021

			AM/PM, 2207 Valley Blvd Type-20, Original: 2019, Transfer: 2024
4024.05 (Adjoining Tract – North)	1	1	Vons, City of San Dimas Type-21, Original: 1987
4024.06 (Adjoining Tract – North)	3	2	Cardenas, 1645 W. Holt Ave Type-21, Original: 2005 (Type-20 issued 1988) Top Hat Liquor, 565 N. Dudley St Type-21, Original: 1986, Transfer: 2002 Ace Market, 672 Fairplex Dr Type-20, Original: 1986, Transfer: 2024
4023.04 (Adjoining Tract – Northeast)	2	2	Pomona Wine Cellar #3, 870 W. Holt Ave Type-21, Original: 1986, Transfer: 2014 Joos Market, 1027 W. Holt Ave Type-20, Original: 1987, Transfer: 2024
4025.01 (Adjoining Tract– East)	6	3	Morton’s Market, 1106 W. 2 nd St Type-20, Original: 1986, Transfer: 2012 7-11, 1546 W. Mission Blvd Type-20, Original: 1996, Transfer: 2013 Pomona Wine Cellar #2, 1146 W. Mission Blvd Type-21, Original: 1990, Transfer: 2013 A&J Liquor, 953 W. Mission Blvd Type-21, Original: 1986, Transfer: 2013 La Cachinalla #6, 1134 W. Mission Blvd Type-20, Original: 1983, Transfer: 2021 Mario’s Mini Market, 1094 W. Mission Blvd Type-20, Original: 1991, Transfer: 2025
4025.03 (Adjoining Tract – East)	0	2	--
4030.00 (Adjoining Tract – Southeast)	5	4	Rite Aid, 2059 S. Garey Ave Type-21, Surrendered Target, 701 Rio Rancho Rd Type-20, Original: 2005, Transfer: 2013

			AM/PM, 805 Rio Rancho Rd Type-20, Original: 2018 Cardenas, 2001 S. Garey Ave Type-21, Original: 1998, Transfer: 2017 La Pomona Market, 1076 W. Phillips Blvd Type-20, Original: 1991, Transfer: 2023 DC Fuel, 44B Rio Rancho Rd Type-20, Original: 2025
4033.18 (Adjoining Tract – Southeast)	2	4	Walmart, 80 Rio Rancho Rd Type-21, Original: 1993, Transfer: 2012 Winco Foods, 90 Rio Rancho Rd Type-21, Original: 2005, Transfer: 2012
4033.17 (Adjoining Tract – Southeast)	4	3	7-11, City of Diamond Bar Type-20 DB Wine & Spirits, City of Diamond Bar Type-21 Circle K, City of Diamond Bar Type-20 Smart & Final, City of Diamond Bar Type-21
4033.14 (Adjoining Tract – South – City of Diamond Bar)	0	3	--
4024.03 (Adjoining Tract – West)	2	2	Farm Store/Kellogg Ranch, 3801 W. Temple Ave Type-20, Perez Market, 2400 Valley Blvd Type-21, Original: 2020 (Type-20 issued 1997)

The threshold for designating a reporting district as “high crime”, from the current annual PD 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 2 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 2. Police Reporting District Data (06/2025 – 12/2025)

Police Reporting District	2025 Threshold – 122	Offenses
58	160*	

Subject District		Destruction/Damage/Vandalism of Property – 24 Theft From Motor Vehicle – 17 All Other Offenses** – 17 Burglary/Breaking and Entering – 15
57 Adjoining District – North	17	Burglary/Breaking and Entering – 3 Motor Theft – 3 Robbery – 3
54 Adjoining District – Northeast	171*	All Other Larceny*** – 10 Motor Vehicle Theft – 7 Identity Theft – 6
53 Adjoining District – East	95	Burglary/Breaking and Entering – 15 Simple Assault – 14 Disorderly Conduct – 8
78 Adjoining District – East	84	Shoplifting – 13 Theft From Motor Vehicle – 11 Driving Under the Influence – 8
77 Adjoining District – Southeast	63	Driving Under the Influence – 12 Simple Assault – 9 Motor Vehicle Theft - 6
76 Adjoining District – Southeast	18	Simple Assault – 4 Family Offenses (Nonviolent) – 2 Identity Theft – 2
69 Adjoining District – South	28	Aggravated Assault – 5 All Other Larceny*** – 4 Disorderly Conduct – 3
59 Adjoining District – Southwest	28	All Other Larceny*** – 5

		Destruction/Damage/Vandalism of Property – 5 Motor Vehicle Theft – 5
61 Adjoining District – West	26	Destruction/Damage/Vandalism of Property – 7 Theft From Motor Vehicle – 4 False Pretenses/Swindle/Confidence Game – 3
62 Adjoining District - West	12	All Other Larceny – 4 Theft From Motor Vehicle – 1 Robbery – 1

* Indicates High Crime

** Indicates Group B Offenses, such as parole violations, failure to appear in court, etc.

*** Indicates theft offenses that do not fit into specific subcategories, such as bicycle theft.

PUBLIC CONVENIENCE OR NECESSITY

The subject property and request meet both definitions for undue concentration for exceeding the number of allowed licenses per census tract and for being in police reporting district that is considered high crime. As such, 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 Police Department, such as contacting the Area Commander in charge of the subject’s location, to inquire about any concerns or objections regarding the request. PD did not express any concerns or had additional comments regarding the requested alcohol use. It could not be concluded that the addition of an off-sale Type-21 license for existing small-scale convenience store use would increase crime in the vicinity. Furthermore, 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:

Staff requested collision data compiled from June 2025 to December 2025 of the four nearest intersections to the subject property and reviewed whether those collisions involved driving under the

influence. The Collision Summary Reports of the following intersections are included as an attachment (Attachment No. 7):

- W. Mission Boulevard and W. Temple Avenue
- Valley Boulevard and W. Temple Avenue
- Pomona Boulevard and W. Temple Avenue
- State Route 57 Off-Ramp and W. Temple Avenue

Across the four intersections, a total of three collisions were reported in the timeframe. At the intersection of Pomona Blvd and W. Temple Ave, a single driver hit a fixed object while merging and had been determined not to have been drinking. Another collision where the State Route 57 off-ramp and W. Temple Ave meet, two vehicles side swiped each other and neither of the drivers were under the influence at the time. At the next intersection of Valley Blvd and W. Temple Ave, a collision occurred due to unsafe starting or backing of the vehicle, and those drivers were confirmed to not have been under the influence as well. Lastly, at the nearest intersection to W. Mission Blvd and W. Temple Ave, there were no collisions reported there.

Required Findings:

The CX4 Use Module allows alcohol sales provided the Planning Commission approve a CUP per Section 1160.D.4 of the PZDC. Further, said Section establishes that 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. (Attachment No. 1).

Community Input and Noticing:

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on February 13, 2026, and was sent to the owners and residents of properties within a 400-foot radius of the subject site on February 12, 2026. (Attachment No. 8). During the noticing period, Staff has not received any correspondence from the public on the proposed project.

Conclusion:

Based on Staff's analysis, the proposed request is in compliance with the operational standards set forth in the PZDC and the land use designation of the General Plan. In addition, Approval of this CUP eliminates

a legal nonconforming use by making the existing use subject to a CUP, which can be revoked if the applicant does not comply with the CUP requirements and conditions of approval.

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.

Attachments:

1. Draft PC Hearing Resolution No. 26-004
2. Applicant's Statement of Operations
3. Project Site and Floor Plan
4. Site Photographs
5. Census Tract Map
6. Police Report District Map
7. Collision Summary Report
8. Public Hearing Notice and Radius Map