

PC RESOLUTION NO. 26-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP-000583-2025) TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (OFF-SALE GENERAL – TYPE-21 ABC LICENSE) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN EXISTING CONVENIENCE MARKET AND DELI LOCATED AT 3024 W. TEMPLE AVENUE WITHIN THE ACTIVITY CENTER DISTRICT 2 (APN: 8707-022-147).

WHEREAS, the applicant, Sherri Olson for Diamond Market Deli, Inc, has submitted an application for Conditional Use Permit (CUP-000583-2025) to allow the sale of alcoholic beverages (off-sale general – Type-21 ABC license) for off-site consumption in conjunction with an existing convenience market and deli located at 3024 W. Temple Avenue within the Activity Center District 2 (APN: 8707-022-147);

WHEREAS, the subject property is currently located within the Activity Center District 2 (ACD2) of the Pomona Zoning and Development Code;

WHEREAS, the subject property is currently located within the Urban Neighborhood designation of the General Plan;

WHEREAS, in accordance with Section 520.D. alcohol uses are permitted;

WHEREAS, in accordance with Section 1160.D. of the Pomona Zoning and Development Code (PZDC), a Conditional Use Permit (CUP) is required for off-sale alcohol;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on March 11, 2026, concerning the requested Conditional Use Permit (CUP-000583-2026);and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. 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.

SECTION 2. 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 3. In accordance with section 1160.D.4. of the Zoning and Development Code, the approving body shall make the findings below in order to approve Conditional Use Permit (CUP-000583-2025). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *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 scale and intensity of the proposed use is consistent with the scale and intensity of land uses intended for the Activity Center District 2. The Pomona Zoning and Development Code (PZDC) permits convenience markets as a permitted use and allows alcohol sales in the CX4 use module provided the Planning Commission grant a CUP per Section 1160.D. of the PZDC. The scale and intensity of the proposed use is also consistent with the General Plan Place Type designation of Urban Neighborhood, as “urban neighborhoods are moderately intense clusters of development that contain a mix of uses” and “to help strengthen and stabilize a more consistent and valuable mixed-use neighborhood environment”.

2. *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.*

The proposed use at the proposed location is consistent with the goals policies and exhibits of the General Plan. The property is designated Urban Neighborhood Place Type, and is intended to maintain the physical compatibility of predominately single-family character with the scale and intensity of existing development. The proposed use will allow the sale of alcoholic beverages (Off-Sale General – Type-21 ABC License) for off-site consumption in conjunction with a permitted and existing convenience market with a full-service deli. The subject tenant has an existing Type-20 ABC license and will forfeit the existing license for a Type-21.

3. *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 proposed use at the proposed location is consistent with the requirements and provision set forth in Section .500. of the PZDC. The project’s proposed use remains consistent with the use permission of off-sale of alcohol sales in the CX4 use module of the PZDC provided

the Planning Commission grant a CUP per Section 1160.D.4. 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, which are included as conditions of approval in PC Resolution No. 26-004.

4. *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 establishment, maintenance, and operation of the proposed use at the proposed location will not be detrimental or injurious to property and improvements within the vicinity, nor will it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood. The proposed use, as conditioned, will comply with all operation standards outlined in Section 540.D.2. – Food and Beverage, Alcohol of the PZDC. Furthermore, the existing convenience market is a permitted use within the CX4 use module. The subject establishment has been in operation since 1988 and has maintained a Type-20 ABC license since. The proposed use is not anticipated to generate noise, traffic, or lighting impacts detrimental to residents, occupants, and properties within the surrounding area and is consistent with the General Plan Place Type Designation of Urban Neighborhood.

5. *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 establishment, maintenance, and operation of the proposed use at the proposed location will 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 proposed project meets the operational standards of the PZDC, and the land use designation contained in the City’s General Plan.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP-000583-2025) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the Development Plan Review or any portion thereof:

PLANNING DIVISION

General Conditions

1. **Approved Plans and Modifications.** The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on February 25, 2026, and as illustrated in the stamped approved plans dated February 25, 2026. Any major modifications to the approved project plans shall be reviewed and approved by the Development Services Director as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Director designee.
2. **Approval Period and Time Extension.** This approval shall lapse and become void if the applicant has not applied for and obtained a license for off-site consumption (Off-Sale General – Type-21 ABC License) from the CA Department of Alcoholic Beverage Control, within twelve (12) months from the date of this approval (February 25, 2026), in accordance with PZDC Section 1160.D. The Planning Division may extend this period for a maximum of two, one (1) year extensions upon receipt of an application for a Time Extension request submitted by the applicant at least thirty (30) days before the expiration date of this approval, consistent with PZDC Section .1110.F.
3. **Indemnification.** The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall

- promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.
4. Violation of Conditions. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Development Plan Review.
 5. Appeals. The project is subject to a twenty (20) calendar day appeal period. Written appeals may be filed with the City Clerk within twenty (20) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within twenty (20) calendar days from the date of action by the Planning Commission.
 6. Trespass Authorization. Within thirty (30) days of approval of this Development Plan Review, the property owner shall execute a trespass authorization letter with the City to allow the Police Department to enforce trespassing on the subject property.
 7. Monitoring. Prior to, during, and until construction is completed, the subject property shall be maintained clean and free of debris, trash and clutter at all times, and monitored on a regular basis to ensure compliance with this condition. Any unauthorized trespassing onto the property shall be reported to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation.
 8. Resolution Recording. Prior to issuance of a certificate of occupancy, in order to ensure future owner(s) are made aware of conditions of approval, the applicant shall record this resolution with the Los Angeles County Recorder's office and forward copies to the City of Pomona Planning Division.
 9. Before issuance of a zoning clearance and business, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - i. They have read and understand all the conditions of approval applicable to their project;
 - ii. That they are familiar with the daily operations of the use; and
 - iii. That the use will operate in compliance with the conditions of approval.

Site Development & Maintenance

10. Noise and Vibration, General. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, et seq., and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
11. Maintenance During Operations. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, common areas, and landscaped parkways in compliance with Pomona City Code 62-351.
12. Removal of Graffiti. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Director or their designee.

Operational Conditions

Alcohol, All

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Noise
- i. 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

19. 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.

20. Hours
 - i. The establishment must only sell alcohol under the Type-20 (Off-Sale Beer and Wine) license during the hours permitted by ABC.

21. 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.

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk

APPROVED AND ADOPTED THIS 11TH DAY OF MARCH, 2026.

DELANA MARTIN-MARSHALL
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GEOFFREY STARNES
PLANNING COMMISSION SECRETARY

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APPROVED AS TO FORM:

MARCO MARTINEZ
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES:
NOES:
ABSTAIN:
ABSENT:

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6.