

RESOLUTION NO. 2022-197

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A REQUEST FOR A FINDING OF PUBLIC CONVENIENCE AND NECESSITY AS REQUIRED FOR AN OFF-SALE BEER AND WINE LICENSE (TYPE 20) IN CONJUNCTION WITH AN NEW CONVENIENCE STORE LOCATED 42 RIO RANCHO ROAD.**

**WHEREAS**, pursuant to Section 23958.4 (2) of the Business and Professions Code of the State of California, the local governing body (City Council) has the discretion to determine when public convenience or necessity would be served by allowing an alcohol license in an area where there is an over concentration of licenses and/or where there is high crime;

**WHEREAS**, the project is located in Census Tract 4033.18, and the State Department of Alcoholic Beverage Control (ABC) allows four off-sale licenses in this census tract;

**WHEREAS**, there are currently two active off-sale licenses in Census Tract 4033.18;

**WHEREAS**, the subject property is located in Pomona Police Reporting District No. 73, which experienced 281 Part I and Part II arrests, where the threshold to determine a high crime District is 98 Part I and Part II arrests, as currently reported by the Police Department. Thus, it is classified as a “High Crime District”;

**WHEREAS**, the sale of alcohol will be an incidental use to the primary use which is a new convenience store in conjunction with a new gas station, attached restaurant with a drive-thru, a detached drive-thru carwash and a detached office building;

**WHEREAS**, the City Council has carefully considered all pertinent testimony offered in the case as presented.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pomona as follows:

**SECTION 1.** That the Pomona City Council hereby finds and determines that the requested off-sale beer and wine (Type 20) ABC license is necessary to provide for the public convenience or necessity for area residents.

**SECTION 2.** That based upon the above findings, the City Council of the City of Pomona hereby approves the Finding of Public Convenience or Necessity for the proposed convenience market located at 42 Rio Rancho Road.

**SECTION 3.** 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 4.** That the City Clerk shall attest and certify to the passage and adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 21st day of November, 2022

**CITY OF POMONA:**

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Tim Sandoval  
Mayor

**APPROVED AS TO FORM:**

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Sonia Carvalho  
City Attorney

**ATTEST:**

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Rosalia A. Butler, MMC  
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on November 21, 2022 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Rosalia A. Butler, MMC  
City Clerk