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# CITY OF POMONA COUNCIL REPORT

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August 1, 2022

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, Development Services Director

**SUBJECT: CONSIDERATION OF A FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO ALLOW FOR AN OFF-SALE BEER & WINE LICENSE IN CONJUNCTION WITH AN EXISTING MICROBREWERY LOCATED AT 281 S. THOMAS STREET.**

**RECOMMENDATION:**

It is recommended that the City Council adopt the following resolution (Attachment 1):

**RESOLUTION NO. 2022-110 – 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 IN CONJUNCTION WITH AN EXISTING MICROBREWERY LOCATED AT 281 S. THOMAS STREET.**

**EXECUTIVE SUMMARY:**

The applicant, Homage Brewery is requesting a finding of Public Convenience or Necessity (PCN) determination for an alcohol license for off-sale beer and wine in conjunction with an existing microbrewery associated with an approved Conditional Use Permit (CUP-018097-2022). The approval of a finding of a PCN would allow for the off-sale of beer and wine, subject to conditions issued by the Planning Commission.

**FISCAL IMPACT:**

No Fiscal Impact.

## **PREVIOUS RELATED ACTION:**

On June 22, 2022, The Planning Commission approved a Conditional Use Permit to allow an alcohol license for off-sale beer and wine on a property located within the Mixed-Use Central Business District of the Downtown Pomona Specific Plan.

## **DISCUSSION:**

The applicant, Homage Brewing is requesting a finding of Public Convenience or Necessity (PCN) determination for an alcohol license for off-sale beer and wine in conjunction with an existing microbrewery associated with an approved Conditional Use Permit (CUP 18097-2022).

In compliance with AB 2897 (the Caldera Bill), the State Department of Alcoholic Beverage Control requires licenses for areas of undue concentration receive a Finding of PCN. Undue Concentration is defined by meeting one of two factors:

- (1) The proposed license location exceeds the threshold of available licenses in the designated census tract. 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.
- (2) The proposed license location is within a crime-reporting district is designated as “high crime.” The threshold for designating a district high crime is twenty percent higher than average number of arrests per reporting district (average number of arrests x 120%).

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 microbrewery would be permitted to sell beer and wine for off-site consumption. If the City Council instructs Planning Staff to return with a denial Resolution and approves a denial of the finding of Public Convenience or Necessity, the subject site would not be able to meet the conditions of approval, which would effectively prohibit the applicant from utilizing the approved Conditional Use Permit (CUP 18097-2022).

## **ANALYSIS:**

The proposed license is located within Census Tract 4088.00. According to the guidelines established by ABC, two off-sale licenses are allowed in the subject Census Tract No. 4088.00 before the tract is deemed to have undue concentration of off-sale licenses. The census tract has undue concentration.

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

Census Tract	Existing Off-Sale Licenses	Allowed Off-Sale Licenses
Subject Census Tract 4088.00	4	2

According to 2021 Police Reporting District Data, the threshold for designating a district “high crime” is 98 crimes. The subject site is located in Police Reporting District No. 4, which experienced a total of 185 Part I Offenses and Part II Arrests (Table 2). Therefore, the district is considered a “high crime” district.

**Table 2.** *Police Reporting District Data (2021)*

	Police Reporting District	Part I Offenses and II Arrests
Subject Site	4	185
North	6	140
South	1 & 2	1 – 141 2 - 55
East	5	172
West	51	106

The off-sale license proposed exceeds the number allowed licenses and is located within a police-reporting district identified as “high crime” therefore, a finding of PCN by City Council is required for the applicant to obtain an ABC license for off-sale beer and wine sales at the subject property.

### **General Plan Conformance**

The project site is designated as General Plan Place Type – Transit Oriented District: Core, which are characterized as one of the most active and walkable districts in the City, comprised of development types of greater intensity, attractive streetscapes, civic plazas, small urban open spaces, and a combination of mixed-use buildings typically consisting of retail, commercial, and civic activity on ground floors with housing, lodging or workplace uses above. In addition, the site is located within the downtown core, which is characterized in the General Plan as the “heart of the city” as it offers exceptional transit service and activities. As the area becomes denser over time, this area is envisioned to include new parks and outdoor gathering spaces, making the area increasingly livable and community-oriented. As described, the proposed project would be consistent with the following General Plan goals:

**Goal 6B.P7:** Use the Downtown Pomona Specific Plan as the guide for development Downtown.

**Goal 7B.G9:** Embrace 21<sup>st</sup> century workplace trends, create environments that support profitable and innovative enterprises, and attract businesses that will lead to a more diversified economic base.

**Goal 7B.G10:** Encourage expansion of existing businesses and extend efforts at business retention.

**Policy 7D.P27:** Continue to support Downtown Pomona as a transit and pedestrian-oriented district.

Allowing the proposed use by alcohol license supports the aforementioned General Plan goals pertaining to walkability, expansion of the Downtown Area, and economic support of existing businesses. In addition, the Conditional Use Permit now contains an annual inspection fee in which the Planning Division may inspect the property to ensure the issued Conditional Use Permit is satisfying all issued conditions of approval. Should the permit conditions of approval not be satisfied or the issuance of said permit is proven to correlate to increased crime rates in the surrounding area, the permit may be revoked by the Planning Commission.

## **ALTERNATIVE**

The City Council has the following alternative:

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

Prepared by:

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Carlos Molina  
Assistant Planner

## **ATTACHMENTS:**

Attachment No. 1 – City Council Resolution No. 2022-110

Attachment No. 2 – Planning Commission Staff Report dated June 22, 2022 with Attachments