

**RESOLUTION NO. 2017-105**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA DENYING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 20) FOR OFF SITE CONSUMPTION AT A PROPOSED GAS STATION AND CONVENIENCE STORE ON A PROPERTY LOCATED 805 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 or where there is high crime;

**WHEREAS**, the project is located in Census Tract 4030, and the State Department of Alcoholic Beverage Control (ABC) allows four off-sale licenses in this census tract;

**WHEREAS**, there are currently four off-sale license in Census Tract 4030 and therefore adding additional licenses will create undue concentration under the definitions of the ABC;

**WHEREAS**, the subject property is located in Pomona Police Reporting District No. 83, which experienced 502 Part I and Part II arrests, where the threshold to determine a high crime District is 160 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 at the proposed gas station with convenience store; and

**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 not 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 denies the finding of Public Convenience or Necessity for Walmart located at 80 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 and it shall become effective immediately upon its approval.

**APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF JULY 2017.**

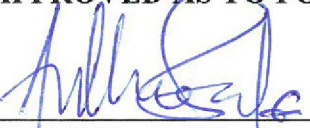
**ATTEST:**

**CITY OF POMONA:**

  
Eva M. Buice, MMC, City Clerk

  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

  
Arnold Alvarez-Glasman, City Attorney  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, EVA M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 10<sup>th</sup> day of July 2017, by the following vote:

AYES: Escobar, and Torres

NOES: Gonzalez, Carrizosa, Ontiveros-Cole, and Mayor Sandoval

ABSENT: Robledo

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 11<sup>th</sup> day of July 2017.

  
Eva M. Buice, MMC, City Clerk

“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 Sec. 1094.6 C.C.P.”