



# Staff Report

City of Pomona Planning Commission

June 24, 2026

**FILE NO:** CUP-000709-2025

A request to obtain a Conditional Use Permit to allow an existing restaurant a Type-41 (On-Sale, Beer and Wine – Eating Place) California Alcoholic and Beverage Control license.

**ADDRESS:** 794 E. Mission Boulevard

**APPLICANT:** David Sandoval

**PROJECT PLANNER:** Irene Mouré, Assistant Planner

**ENVIRONMENTAL REVIEW:** This project is exempt for the California Environmental Quality Act (CEQA) pursuant to Section 21084 of the California Environment Quality (CEQA) 15301 of the CEQA Guidelines.

**RECOMMENDATION:** Approve File No(s). CUP-000709-2025 and adopt Resolution No. 26-010.

---

## Project Information:

**GENERAL PLAN DISTRICT:** Neighborhood Edges      **ZONING:** PCSP: MidTown Segment  
**TRANSECT:** T4-B      **EXISTING USE:** Restaurant  
**GENERAL PLAN DENSITY:** 40 DU/AC

## Important Dates:

**DATE SUBMITTED:** November 24, 2025  
**DATE DETERMINED COMPLETE:** December 23, 2025

## Project Request:

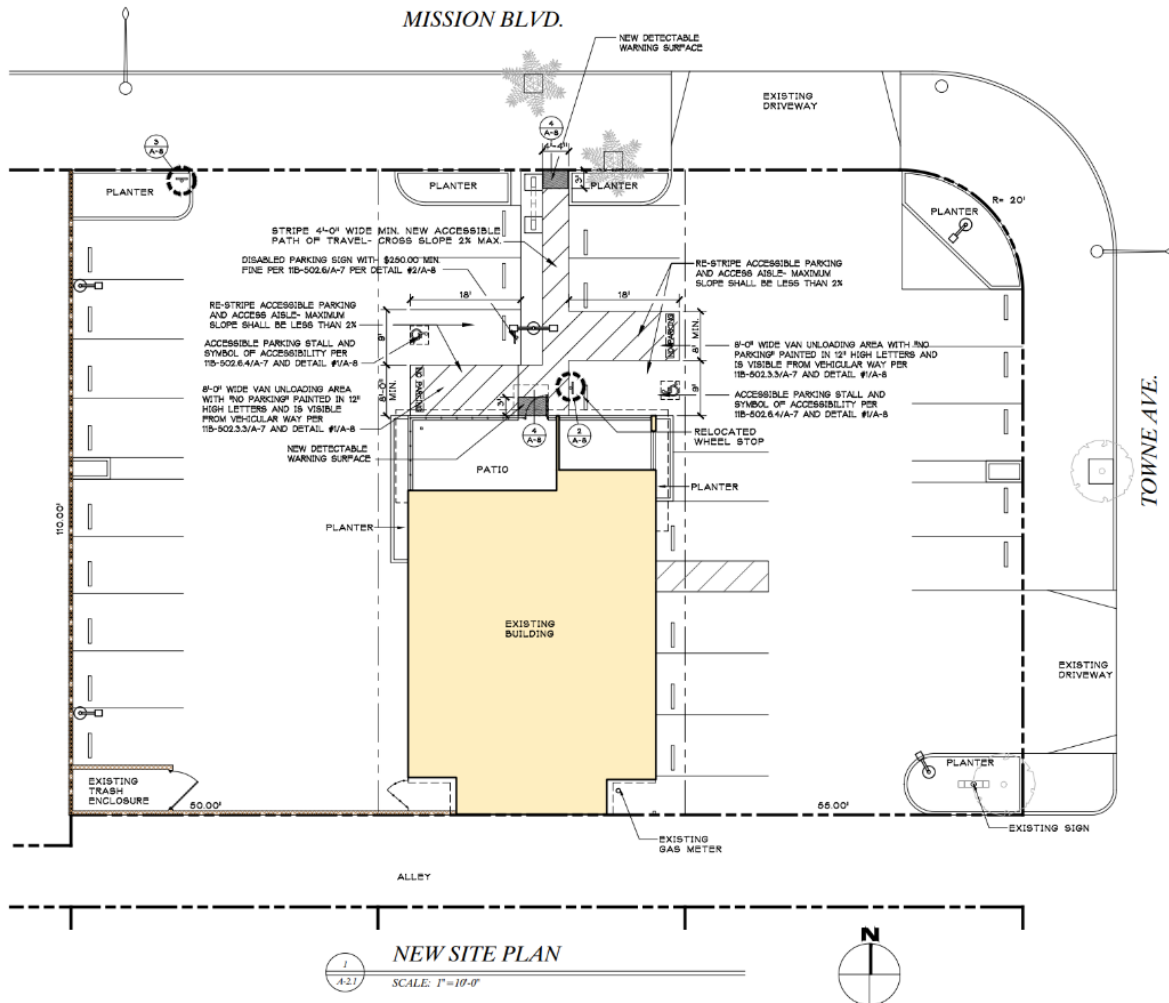
The project is requesting a Conditional Use Permit ("CUP") to establish a Type-41 (On-Sale, Beer and Wine – Eating Place) California Alcoholic and Beverage Control ("ABC") license to sell, serve, and consume alcohol on-site at an established restaurant, located in the MidTown Segment of the Pomona Corridors Specific Plan ("PCSP"). The PCSP

allows on-site alcohol sales in the MidTown Segment provided that the applicant obtains a CUP, in accordance with Section 540.D.2 and 1160.D. of the Pomona Zoning and Development Code ("PZDC").

Project Background:

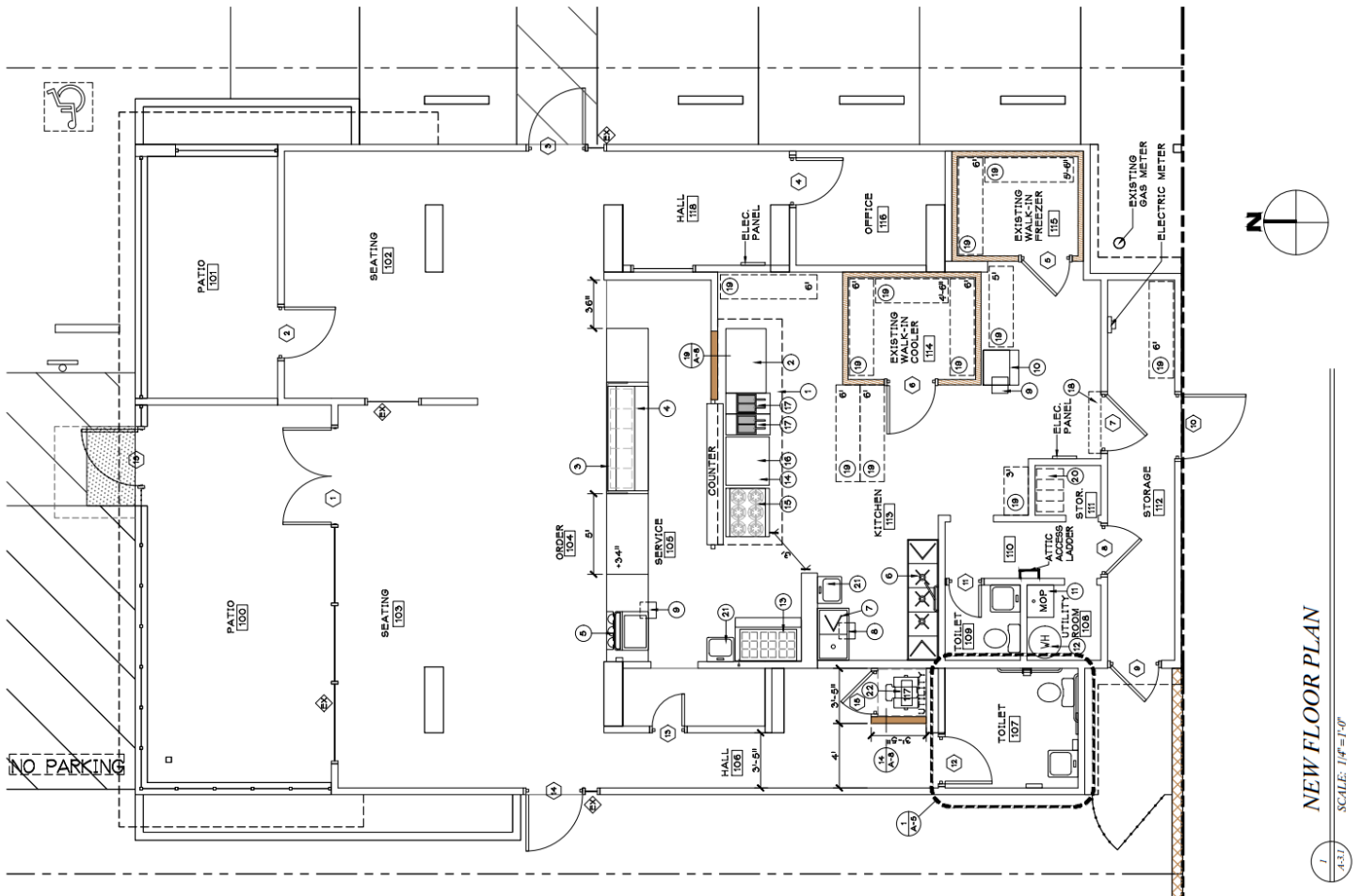
The applicant submitted for a CUP (CUP-000709-2025) on November 24, 2025, and Planning Staff deemed the application complete on December 23, 2025. The subject site is located at the southeast corner of E. Mission Blvd and S. Towne Ave. The site is approximately 16,189.30 square feet (+/- 0.37 acres) in area and is developed with a standalone A-framed commercial structure of 5,000 square feet with an attached covered outdoor patio dining area (Figure 1). There is a total of 25 parking spaces on site, inclusive of 2 ADA stalls. Two driveways serve the site, with one directly off E. Mission Blvd and the other directly off S. Towne Ave. In 2024, the property was issued a construction permit from Building and Safety for a tenant improvement. The permit consisted of repairing interior fire damage and updating the restrooms to be ADA compliant and adding demarcated accessible paths of travel for access to the structure. The site also contains improvements such as landscaping and permanent signage.

Figure 1. Existing Site Plan



The subject site is on a corner parcel that is surrounded by a combination of land uses. To the north of the site, there is an existing multi-family apartment complex and two retail strip centers containing a mix of commercial uses, to the east is a mixed-commercial plaza and single-family residential, to the south is an alley and single-family residences, and lastly to the west is a single-family residence and a small, strip center of 3 attached structures. The existing restaurant has maintained a business license since 2024, specializing in Mexican cuisine. They currently operate 7 days a week, Monday through Friday from 8:00 AM to 11:00 PM and from 7:00 AM to 11:00 PM Saturday and Sunday. They have a typical floor plan (Attachment No. 2) consisting of a dining area, ADA compliant restrooms, kitchen area with a front counter for ordering, payment, and pick-up, a condiment self-service area, walk-in coolers/freezers, an office and storage areas that are accessible only to restaurant staff. The applicant is not proposing any changes to the existing floor plan. Alcohol is proposed to be stored in the office area towards the rear of structure. Figure 2 below highlights the proposed storage area. The area is accessible to staff only and will be locked during hours of operation.

**Figure 2. Floor Plan**



## Applicable Operating Standards:

The property is located within the MidTown Segment of the PCSP. The PCSP allows on-site alcohol sales in the MidTown Segment provided that the applicant obtains a CUP, in accordance with Section 540.D.2 and 1160.D. of the PZDC. The operational standards are outlined below and are included as conditions of approval in PC Resolution No. 26-010.

### 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, On-Sale

#### 1. Required Liquor License

- i. The establishment must maintain an active Type-47 (On-Sale, General – Eating Place) 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-47 (On-Sale, General – Eating Place) license during the hours permitted by ABC.

#### 3. On-Sale Type

- i. Sales of alcoholic beverages under the on-sale privileges of the Type-47 license must be restricted to the interior gross floor area of the eating area, as indicated in the stamped and approved site plan.
- ii. The quarterly gross sales of alcoholic beverages must not exceed the gross sales of food during the same period.
- iii. 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 food 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.
- iv. Beer or wine must not be sold in containers less than 750mL, unless sold by 4 pack or other
- v. 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 5 on-sale licenses is allowed in the subject Census Tract No. 4028.01 before the tract is deemed to have undue concentration. Currently, the census tract is at capacity for the number of licenses allowed as there are 5 existing on-sale licenses. However, 1 of the 5 licenses has been surrendered to ABC. The license was surrendered by a business known as "Alibi East & Back Alley Bar". Per ABC policy, a surrendered license may be activated by the licensee during a timeframe of 12-months of the surrendering. The aforementioned license was surrendered in November 2026. This means that during the 12-month process, there will be temporary undue concentration with the addition of the subject Type-41 license. If the licensee maintains the surrendered status and allows it to expire with ABC, then the census tract will not experience undue concentration. Should the licensee reactivate their surrendered license, then the census tract will experience undue concentration with a total of 6 on-sale licenses out of 5 allowed. The following table, *Table 1*, outlines the number of existing and allowed on-sale licenses for the subject census tract and adjoining tracts.

**Table 1. ABC Data on On-Sale**

Census Tract	Existing On-Sale Licenses	Allowed On-Sale Licenses	Business Name, Location   License Type(s) and Status
4028.01 (Subject Tract)	5	5	<b>Back Door Cocktail Lounge, 1250 E. Mission Blvd   Type-48, Active</b>  <b>The Hookup, 1047 – 1049 E. 2<sup>nd</sup> St.   Type-47, Active</b>  <b>Tony’s Restaurant, 986 E. 2<sup>nd</sup> St.   Type-41, Active</b>  <b>Emiliano’s Restaurant, 896 E. Mission Blvd   Type-41, Active</b>  <b>Alibi East &amp; Back Alley Bar, 225 S. San Antonio Ave   Type-48, Surrendered</b>
4027.02 (Adjoining Tract)	3	7	Luizon Sushi Y Mariscos, 610-612 Indian Hill Blvd   Type-41, Suspended  Restaurant Islas De Pacifico, 945 E. Holt Ave, Suite F   Type-41, Active  Taqueria El Poblano Estilo Tijuana #4, INC., 1087 E. Holt Ave   Type-41, Active
4026.01 (Adjoining Tract)	--	5	--
4088.00 (Adjoining Tract)	19	5	American Legion, 239 E. Holt Ave   Type-52 & Type-58, Active  El Diamante Bar, 331 E. Mission Blvd   Type-40, Active  La Fuente Restaurant, 987 S. Garey Ave   Type-41, Active  El Merendero Mexican Foods, 240-242 S. Garey Ave   Type-41, Active  Carnaval, 342 S. Thomas St   Type-47, Active  Pomona Fox Theater, 134 W. 3 <sup>rd</sup> St   Type-68 & Type-47, Active

Census Tract	Existing On-Sale Licenses	Allowed On-Sale Licenses	Business Name, Location   License Type(s) and Status
			Cachanilla Chinese Buffet, 305 E. Holt Ave   Type-41, Active DBA 256, 256 S. Main St   Type-42, Active Characters, 276 E. St   Type-48, Active Pho Vina, 281 S. Thomas Ave   Type-41, Active The Rookery, 171 W. 2 <sup>nd</sup> St   Type-41, Active O'Donovan's, 101 E. 3 <sup>rd</sup> St   Type-58, Type-77, & Type-47, Active El Jefe/Senor Sushi, 101 W. Mission Blvd, Ste 101   Type-47, Active Luchador Bar + Kitchen, 184 W. 3 <sup>rd</sup> St   Type-47 Maxximo Italian Restaurant & Lounge, 395 S> Thomas St   Type-77 & Type-47, Active El Mercadito Market, 269 N. Park Ave   Type-41 The Glass House, 200 & 228 W 2 <sup>nd</sup> St   Type-68, Type-47, Type-58, & Type-48, Active Stars Restobar, 197 E. 2 <sup>nd</sup> St   Type-47, Active Metro Event Center, 205 E. 2 <sup>nd</sup> St   Type-47, Active Carnitas Al Estilo Michocoan, 280 N. Main St   Type-47, Active Cavice, 101 W. Mission, Ste 106   Type-41, Active Hilltop Jamaican Restaurant, 117 W. 2 <sup>nd</sup>   Type-41, Active The Paradox Arcade + Bar, 396 S. Thomas St   Type-42 The Flexx Restaurant, 340 S. Thomas St   Type-47, Active Hen & Heifer, 296 W. 2 <sup>nd</sup> St   Type-41, Active Bazaar Lounge, 135-139 E. 2 <sup>nd</sup> St   Type-47, Active
4028.03 (Adjoining Tract)	--	3	--
4028.04 (Adjoining Tract)	1	4	Tropical Mexico Restaurant, 1371 S. East End Ave   Type-47, Active

The threshold for designation a reporting district as "high crime", from the current annual PD Crime Report (2025) of a Group A and Group B Offenses, is a total of 122 crimes. The subject site is in Police Reporting District ("RD") 94,

which experienced a total of 142 crimes. This district is considered “high crime” district. The data in Table 2 below summarizes the data in 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 (1/2025 – 12/2025)**

Police Reporting District	2025 Threshold – 122	Offenses
94 Subject District	142*	Motor Vehicle Theft – 15 Destruction/Damage/Vandalism of Property – 13 Driving Under the Influence – 11
5 Adjacent District – North	303*	Destruction/Damage/Vandalism of Property – 46 All Other Larceny – 23 Motor Vehicle Theft – 19
96 Adjacent District – Northeast	55	Disorderly Conduct – 10 Destruction/Damage/Vandalism of Property – 8 All Other Larceny – 23
93 Adjacent District – East	80	Simple Assault – 10 All Other Larceny – 6 Destruction/Damage/Vandalism of Property – 6
86 Adjoining District – Southeast	112	Destruction/Damage/Vandalism of Property – 22 Simple Assault – 11 Driving Under the Influence – 11
85 Adjoining District – South	89	Destruction/Damage/Vandalism of Property -12 Burglary/Breaking and Entering – 11 All Other Offenses – 9
95 Adjoining District – West	57	Theft of Motor Vehicles Parts or Accessories – 6 Destruction/Damage/Vandalism of Property – 6 Motor Vehicle -5
3 Adjoining District – West	38	Destruction/Damage/Vandalism of Property – 5 Drug/Narcotics Violations – 4 Driving Under the Influence – 2

\* Indicates High Crime

**PUBLIC CONVENIENCE OR NECESSITY**

Despite the surrendered status of 1 of the 5 existing on-sale licenses in the subject census tract (4028.01), the addition of the subject on-sale license would create undue concentration as the surrendered license is considered an active license per ABC policy. Furthermore, the site is in a reporting district designated as high crime, therefore, meeting both definitions for undue concentration and, therefore, a finding Public Convenience or Necessity (PCN) will be required by ABC.

**COLLISION DATA:**

Staff requested collision data compiled from March 1, 2025, to March 26, 2026, of the 5 intersections nearest to the subject site 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. 4). The table below, *Table 3*, outlines collision data.

**Table 3.** PD Collision Data

<b>Intersections</b>	<b>Total Collisions</b>	<b>Primary Crash Factor</b>
E. 9 <sup>th</sup> St and S. Towne Ave	1	<ul style="list-style-type: none"> <li>• Unsafe Speed</li> </ul>
S. San Antonio and E. Mission Blvd	3	<ul style="list-style-type: none"> <li>• Traffic Signals and Signs</li> <li>• Unsafe Lane Change</li> <li>• Auto Right of Way Violation</li> </ul>
S. Palomares St and E. Mission Blvd	1	<ul style="list-style-type: none"> <li>• Traffic Signals and Signs</li> </ul>
E. Mission Blvd and S. Towne Ave	5	<ul style="list-style-type: none"> <li>• Improper Turning</li> <li>• Auto Right of Way Violation – 2</li> <li>• Unsafe Speed</li> <li>• Traffic Signals and Signs</li> </ul>
E. Monterey Ave and S. Towne Ave	6	<ul style="list-style-type: none"> <li>• Traffic Signals and Signs – 5</li> <li>• Improper Turning</li> </ul>

Across the 5 intersections, a total of 16 collisions were reported during the requested timeframe. The primary crash factor for these collisions was not related to driving under the influence of alcohol or other substances.

## Community Input and Noticing:

A copy of public hearing notice was published in the Inland Vally Bulletin on June 9, 2026, and was sent to the owners and residents of properties within a 1,000-foot radius of the subject site (Attachment No. 5). During the noticing period, Staff has not received any correspondence from the public on the proposed project.

## Required Findings:

The MidTown Segment of the PCSP allows alcohols sales provided the Planning Commission approves 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. 2026-010 (Attachment No. 1).

## Conclusion:

Based on Staff's analysis, the proposed project meets the operational standards of the PZDC, and the land use designation contained in the City's General Plan. Furthermore, the proposed use remains consistent with the MidTown Segment of the PCSP, as the specific plans allows for on-sale alcohol with the approval of a CUP. The PZDC standards for an off-sale alcohol use do not include undue concentration as a criteria for determining whether the use may be allowed or not. As such, Staff cannot rely on a determination of undue concertation due to high crime within the census tract to deny a request to establish an on-sale alcohol use. While the subject property is in a census tract that is not currently experiencing undue concentration, the addition of this license will increase the existing allowed licenses from 5 to 6, resulting in undue concentration. Per ABC policy, and for the purpose of processing this CUP, the surrendered license is considered active and will be treated as so unless the license holder allows the 12-month timeframe to end without renewing. ABC license data identifies 3 of the 5 existing licenses (including the surrendered license) are held by bars/cocktail lounges and the other 2 licenses being restaurants.

Furthermore, the property is in a high crime reporting district, with most of the report identifying crime related to theft, burglary, and private property. However, the subject reporting district identified 11 occurrences of driving under the influence. Nevertheless, crime data does not identify origin of alcohol intake. Moreover, it also does not identify if alcohol was the primary substance or if other substances, such as drugs, were involved. Lastly, the crime data does not differentiate if substances were in use or in possession at the time of the occurrence.

However, the Planning Commission can establish a finding, based on the unique settings of the site and surrounding area, the information provided by staff, and/or as a matter of policy, that the proposed on-sale alcohol CUP would be detrimental to the surrounding area and deny the request. The Planning Commission alternatively, may add additional conditions to protect the health, safety, and general welfare of the area, including conditions relating to hours of operation, the location of the serving and consumption of alcohol, security, the storage of alcohol, noise, and advertisement.

Overall, Staff recommends approval for the proposed on-sale alcohol use at a restaurant.

## Environmental Review:

This project is exempt for the California Environmental Quality Act (CEQA) pursuant to Section 21084 of the California Environment Quality (CEQA) 15301 of the CEQA Guidelines.

## Attachments:

1. Planning Commission Hearing Resolution No. 26-010
2. Project Plans
3. Photographs of site and surrounding area
4. PD Collision Data
5. Public Hearing Noticing and Radius Map Affidavit