

DRAFT PC RESOLUTION NO. 25-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A TYPE-41 (ON-SALE BEER & WINE – EATING PLACE) ALCOHOL LICENSE AT AN EXISTING EATING ESTABLISHMENT ON A PROPERTY LOCATED AT 168 W. WILLOW STREET (APN: 8359-014-023)

WHEREAS, the applicant, Mithat Yenice, has filed an application for a Conditional Use Permit (CUP-001494-2024) to allow an existing restaurant (“Mito’s Döner Kebap”) to obtain a Type-41 (On-Sale Beer and Wine – Eating Place) Alcohol License on a property located at 168 W. Willow Street;

WHEREAS, pursuant to Section 520 and Section 1160.D of the Pomona Zoning and Development Code, which identifies certain land uses, activities, and facilities to obtain a Conditional Use Permit to establish alcohol sales use; approval of the Planning Commission is required to approve a Conditional Use Permit and to impose reasonable conditions upon the approval of the application;

WHEREAS, the Planning Commission of the City of Pomona has, after giving public notice, thereof as required by law, held a public hearing on March 26, 2025, concerning the requested Conditional Use Permit (CUP-001494-2024); 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. The Planning Commission exercising their independent judgement has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), which the project is Categorically Exempt under Article 19, Section 15301 Existing Facilities, as the project consists of an existing restaurant with no expansion of the existing use.

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. of the Pomona Zoning and Development Code, a Conditional Use Permit must be acted upon by the 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 below-listed findings, and giving supporting reasons for each finding. The

application may be approved if all of the following findings are made. Based on consideration of the whole record before it, including but not limited to, 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 site is located within the Neighborhood Center Segment of the Pomona Corridors Specific Plan (PCSP). This particular segment of the Specific Plan calls for a wider mixture of uses and encourages maximum efficiency of land use and a less exclusively auto-oriented type of development. The General Plan designates the subject property as a Transit Oriented District: Neighborhood. Transit Oriented Districts will feature a mix of uses with retail, commercial and civic activity on the ground floor and housing, lodging, or workplace uses above. Transit oriented district “cores” are closest to major transit stops and have the greatest intensity and widest range of uses while the surrounding transit oriented district “neighborhoods” are less intense and more housing oriented.

The scale of Mito’s Döner Kebap is consistent with the current land use scale and intensity. The site operations have been maintained since 2020 with minor modifications including a tenant improvement for the restaurant to expand into the adjacent tenant space. This project is not proposing any major modifications that will expand the existing structure. The issuance of an alcohol license will support the restaurant, the only eating establishment in this commercial development.

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.*

Goal 6B. G4. Ensure that transit oriented districts are walkable, active, and well integrated into surrounding city districts and neighborhoods.

The granting of a Type-41 alcohol license for the eating establishment known as Mito’s Döner Kebap will allow for the continued growth of a restaurant use within the Transit Oriented District: Neighborhood Place Type. This establishment is within walking distance to the Pomona Valley Hospital Medical Center which serves as the focal point of this particular transit oriented district. This will allow for the continued diversity in uses.

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 project is located in the Neighborhood Center Segment of the Pomona Corridors Specific Plan (PCSP). This Segment of the PCSP encourages the eventual transition of

Neighborhood Center properties to greater land use efficiency and a mixture of complementary uses. The Neighborhood Center Segment calls for a wider mixture of uses and encourages maximum efficiency of land use and a less exclusively auto-oriented type of development. The request is consistent with the requirements of the PCSP and the Zoning and Development Code to obtain a conditional use permit to allow on-sale alcohol uses.

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 proposed project is requesting a Type-41 for on-sale alcohol. To ensure the operations of the site are not detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood or are injurious to property, conditions of approval will be subject to all operational standards within the Zoning and Development Code. Conditions of approval, including the prohibition of the ancillary sale of tobacco, will be placed as well. There are no present Code Compliance land use violations for the subject property. The proposed on-sale alcohol license will be required to comply with applicable alcohol sales standards that will help to ensure impacts to the surrounding neighborhood are limited. Therefore, the proposed request would not be detrimental to the health, safety, or general welfare to the surrounding neighborhood or residents.

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 request of for on-sale alcohol uses are subject to restrictions and conditions of approval to mitigate cumulative impacts that may be detrimental to property owners, residents, and persons working in the vicinity. Though the subject census tract has an undue concentration of on-sale alcohol establishments, a majority of these establishments are separated from the existing neighborhood and located within the Pomona Fairplex and Los Angeles County Fairgrounds. The establishment of this requested license will not create a detrimental cumulative impact.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP-001494-2024) 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 conditional use permit or any portion thereof:

PLANNING DIVISION

General Conditions

1. **Approved Project Plans.** The subject property shall be used in a manner consistent with the project plans reviewed and approved by the Planning Commission on March 26, 2025, and as illustrated in the stamped approved plans. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modification that do not affect the overall intent of the approved project, may be reviewed and approved by the Planning Manager.
2. **Approval Period.** This approval shall lapse and become void if the privilege authorized is not utilized within one (1) year from the date of this approval (March 26, 2026), in accordance with Pomona Zoning and Development Code Section 1160.D. The Planning Commission may extend this period for one (1) year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. **Appeal Period.** The project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
4. **Conditional Use Permit Inspection.** Within six months from the date of approval (September 26, 2025), Applicant shall file for a Conditional Use Permit Inspection application and pay applicable fees. The Development Services Director, or their designee, shall conduct an inspection of the proposed operation, at any such time deemed necessary, and review any complaints received on the property. The Director shall determine if the applicant is satisfactorily in compliance against all conditions of approval identified in this Resolution. The Development Services Director may, at their discretion, pass or fail an inspection. If noncompliance is determined, the Director may schedule the matter for review by Planning Commission to consider bringing revocation proceedings. Applicant shall file for subsequent Conditional Use Permit Inspection Requests on an annual basis (starting March 26, 2026).
5. **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 City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

6. Violations. In case of violation of any of the conditions of approval and/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 a subsequent violation 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 Conditional Use Permit.
7. Graffiti. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated areas is noticeable distinguishable from the rest of the structure, the property owner shall paint portion of the building to minimize the disparity, subject to the approval of the Planning Manager. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Planning Manager.
8. Temporary Signage. No temporary signs related to any activity on the premise shall be placed or allowed to remain within landscape areas, public right-of-way areas adjacent to the subject site (e.g. telephone poles, traffic signs, and city trees) or other portion on the exterior of the building. The only temporary signs allowed shall be properly permitted banners signs by permit per the City's sign ordinance. Signs placed in any window of the premises shall comply with the City's sign ordinance, and all other conditions under this Conditional Use Permit.
9. Property Maintenance. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351 et seq.
10. Lighting. There shall be adequate lighting around the property at all times (minimum of 1-foot candle). This shall be done in such a fashion that persons standing outdoors at night are easily identifiable by law enforcement personnel. Lighting shall be screened so that no spillover occurs on the adjacent properties.
11. Zoning Clearance. Before issuance of a zoning clearance and business license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
 - a. They have read and understand all the conditions of approval applicable to their

project;

- b. That they are familiar with the daily operations of the use; and
- c. That the use will operate in compliance with the conditions of approval.

Alcohol Related Conditions

1. Conditional Use Permit. This Conditional Use Permit authorizes on-sale alcohol uses in conformance with the site plan approved with this resolution. Consumption is permitted in the interior of the restaurant and within the outdoor approved patio. Alcohol may be stored and displayed within approved interior floor plan approved by the Planning Commission for exclusive use by applicant.
2. State Law. The use of this Conditional Use Permit shall at all times comply with all relevant State and local laws pertaining to the sale and consumption of alcohol. The sale of beer, wine, and spirits for consumption on the premises is prohibited.
3. Hours. The establishment must only sell alcohol under a Type-41 license type during the hours permitted by the California Department of Alcoholic Beverage Control (ABC).
4. Promotion.
 - a. All exterior signage of any kind including interior window signage shall not contain language or content offensive to children
 - b. The display or sale of alcohol must not be made from an ice tub.
 - c. Storefront windows must be kept clear at all time from paper, paint, cardboard, or any other material used for signage.
 - d. All exterior windows must be clear glass with no tinting or window coverings either interior or exterior.
5. Training.
 - a. All employees who sell alcoholic beverages must complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence.
 - b. 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.
6. Site.
 - a. Loitering or panhandling on the premises is prohibited.
 - b. Overnight parking of vehicles, including recreational vehicles (RVs) on the premises is prohibited.
 - c. Signs prohibiting overnight parking must be placed throughout the parking lot area.
 - d. Vending machines of any kind must not be installed outdoors within the project site.

- e. Pay telephones must not be installed within the enclosed portion of the premises equipped to receive incoming calls.
 - f. New payphones of any kind must be not be installed on the exterior of the premises.
7. Security.
- a. Designated areas of storage beer and wine must be equipped with a locking mechanism.
 - b. Interior and exterior video surveillance equipment must be provided with signage advising customers that video recording devices are in use.
 - i. 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.
 - ii. Prior to installation of the video surveillance equipment, a video surveillance plan must be approved by the Pomona Police Department.
8. Police and City Contact.
- a. All crimes occurring inside and outside of the location must be reported to the Police Department at the time of the occurrence.
 - b. 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.
 - c. 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.
9. 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.
10. Minor Decoy. At no time shall this permit be exercised to sell alcohol to any minor at any time. The City shall, at any time of its choosing, conduct a Minor Decoy Operation to determine whether the sale of alcohol to minors is occurring. If the sale of alcohol to a minor is observed during the course of this operation, it shall be considered an exercise of the Conditional Use Permit that is contrary to the conditions of approval, and in violation of State law; furthermore, it shall be considered an exercise of the permit that is detrimental to the public health and safety of the community, and a nuisance.
11. There shall be no consumption of tobacco or tobacco products, including hookah, inside of the restaurant or within the outdoor patio. Evidence of the consumption of tobacco or tobacco products, including hookah, while the location functions as a bonafide eating establishment, will be grounds for the revocation of this conditional use permit.

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

APPROVED AND PASSED THIS 26th DAY OF MARCH, 2025

MARCOS MOLINA
PLANNING COMMISSION
CHAIRPERSON

ATTEST:

GEOFFREY STARNES, AICP, AIA, LEED AP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. 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."

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