



# Staff Report

## City of Pomona Planning Commission

January 28, 2026

**FILE NOS:** APL-000002-2026, DOS-000687-2025

Appeal of Development Services Director denial of Determination of Similarity (DOS-000687-2025), a request to determine that a Battery Energy Storage System (BESS) Facility is similar to a use permitted by the Pomona Zoning and Development Code.

**ADDRESS:** **1474 E. Franklin Avenue and 1158 East End Avenue**

**APPLICANT:** Enersmart Storage LLC

**PROJECT PLANNER:** Alina Barron, Senior Planner

**ENVIRONMENTAL REVIEW:** This project may be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), General Rule Exemption of the California CEQA Guidelines.

**RECOMMENDATION:** Uphold the decision of the Development Services Director denying DOS-000687-2025 and adopt PC Resolution No. 26-001 (Attachment No. 1).

### Project Information:

Property #1

| Property Details          |                         |                        |                          |
|---------------------------|-------------------------|------------------------|--------------------------|
| Address:                  | 1474 E. Franklin Avenue | City Council District: | District 3 – Nora Garcia |
| Assessor's Parcel Number: | 8328-014-040            | Applicant:             | Enersmart Storage LLC    |
| Lot Size:                 |                         | Property Owner:        | Robert Kasner            |

| General Plan & Zoning     |                           |                         |                                  |
|---------------------------|---------------------------|-------------------------|----------------------------------|
| General Plan Designation: | Workplace District        | Zoning District:        | Workplace District 2 [LM4-G2-I3] |
| Transect:                 | Special Districts         | Specific Plan:          | N/A                              |
| General Plan Density:     | 0 dwelling units per acre | Specific Plan District: | N/A                              |

Property #2

| Property Details |                      |                        |                          |
|------------------|----------------------|------------------------|--------------------------|
| Address:         | 1158 East End Avenue | City Council District: | District 3 – Nora Garcia |

|                           |              |                 |                       |
|---------------------------|--------------|-----------------|-----------------------|
| Assessor's Parcel Number: | 8327-024-012 | Applicant:      | Enersmart Storage LLC |
| Lot Size:                 |              | Property Owner: | Robert Kasner         |

| General Plan & Zoning     |                           |                         |                                  |
|---------------------------|---------------------------|-------------------------|----------------------------------|
| General Plan Designation: | Workplace District        | Zoning District:        | Workplace District 3 [LM4-G2-I2] |
| Transect:                 | Special Districts         | Specific Plan:          | N/A                              |
| General Plan Density:     | 0 dwelling units per acre | Specific Plan District: | N/A                              |

## Previous Action:

### *Background*

On December 10, 2025, the Development Services Director denied a request for a Determination of Similarity, a request to determine that a Battery Energy Storage System (BESS) Facility is similar to a use permitted by the Pomona Zoning and Development Code (PZDC) (Attachment No. 2).

Pursuant to Section 530.A.2. of the PZDC, the Development Services Director has the responsibility for determining whether the proposed use is similar to an already listed use. The Director must first determine what use category the use is most similar to and then determine what specific use within that use category the use is most similar to.

Based on the submitted application materials, the Development Services Director determined the following use category and specific use for comparison analysis:

| USE CATEGORY          | INFRASTRUCTURE   |
|-----------------------|--|
| SPECIFIC USE          | <b>Public Utility Substation/Facility</b>  |
| <b>Use Definition</b> | Any utility infrastructure providing services and having considerable impacts on adjacent lots, often including on-site staff. Includes active power generation facilities; passive energy generation such as wind turbine, geothermal system, and solar photo-voltaic system with supporting on-site storage; control and transmission equipment; storm water retention or detention ponds; aeration and septic system; reservoir, lift station, water supply well and water tank or tower; telecommunications switching facility; electrical substation; wastewater treatment; water supply treatment. |

### *Determination*

Pursuant to the criteria listed in Section 530.A.2. of the PZDC and the application materials submitted, the Development Services Director made the determination and found that a stand-alone BESS facility is functionally distinct from the uses listed in the Public Utility Substation/Facility definition. There is no existing land use that adequately or permissively addresses BESS specific function, operational profile, and impact characteristics.

The Director's action effectively determined that without a similar land use, the subject proposed land use, which is not expressly permitted, is prohibited without a zoning code amendment (Attachment No. 2).

### *Appeal*

Pursuant to Section 1170.E. of the PZDC, all appeals of Director Determinations shall be scheduled for review by the Planning Commission. The Planning Commission serves as the final approving authority on Director Determinations. On January 5, 2026, the applicant filed an appeal of the decision to the Planning Commission (Attachment No. 3).

## Staff Analysis:

Pursuant to Section 530.A.2. of the PZDC, when determining whether a proposed use is similar to an already listed use, the approving authority must consider the following criteria:

1. The actual or projected characteristics of the proposed use.
2. The relative amount of lot area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking demands.
9. The number of vehicle trips generated.
10. How the proposed use is advertised.
11. The likely impact on surrounding properties.
12. The amount of outdoor storage that might be anticipated.
13. The amount truck traffic that might be generated.

The following analysis has been conducted pursuant to Section 530.A.2. of the PZDC and in response to the application material submitted.

#### A. Characteristics

A Public Utility Substation/Facility contemplates utility infrastructure intended for a number of purposes including but not limited, to power generation, water treatment, and electrical substation. Though not explicitly stated within the definition, the types of utility infrastructure listed within this definition all have primary functions that are focused on the active/passive energy generation, treatment, control, distribution, or transmission of a utility. An electrical substation, for instance, transforms voltage and distributes electricity through the electrical grid. The utility infrastructure related to the electrical grid contemplated with a Public Utility Substation/Facility use all serve as pass-through energy facilities and while these may have energy storage components, energy storage is not the primary function and may be considered ancillary to the primary land use, if proposed, though not explicitly defined as a permitted accessory use.

In contrast, a BESS facility has one primary function, the large-scale storage and subsequent discharge of energy taken from the electrical grid, a type of storage land use that is not explicitly contemplated in the code as any use.

BESS facilities essentially function as a storage facility disconnected from any on-site generation. BESS facilities act as a large-scale energy reservoir, charging from the grid when power is in surplus and discharging during peak demand. These facilities do not serve as energy generation or pass-through energy facilities, but rather is the industrial storage and release of a commodity, a stark contrast.

#### B. Operations & Number of Employees

A Public Utility Substation/Facility explicitly notes that such facilities as "often including on-site staff." This language contemplates facilities like water treatment plants or power generation stations that require regular human oversight and maintenance, a typical operational model for utility infrastructure. Though "often" does not imply with certainty, all the facilities listed at minimum do employ field technicians who conduct routine inspections; a characteristic in operation not shared by BESS facilities.

In contrast, a stand-alone BESS facility as described in the submitted application describes that they are "generally an unmanned operation with remote monitoring" with no permanent on-site staff. The application states 1-2 personnel visiting only for occasional maintenance, but not routine inspection. This operational difference creates distinct land use challenges related to emergency response protocols, security, and public oversight that differ significantly from a staffed facility and require different considerations.

#### C. Impact on Surrounding Properties

The definition explicitly describes a Public Utility Substation/Facility as "having considerable impacts on adjacent lots" (Section 530.E.3). While both a BESS and a traditional substation have impacts, the nature and character of those impacts are

fundamentally different. The impacts of a BESS facility are unique and again require different considerations including risk of fire and explosion and chemical hazards.

The potential for thermal runaway in lithium-ion batteries presents a significant fire suppression challenge that is distinct from the fire and explosion risks associated with traditional utilities. Being a newer technology, following catastrophic events methods for containment change, as such there are currently no adopted standards with Los Angeles County Fire Department (LACFD) specifically for BESS facilities. To date, all applications are reviewed on a case-by-case basis through an Alternative Materials or Methods Reviews (AMMRs) application and Hazard Mitigation Analysis (HMA) application. These applications are used to deviate from the Fire Code and are used to provide alternatives for mitigation when a Fire Code requirement cannot be achieved. These applications come with discretionary approval from LACFD, due to the fact that this application was not created for BESS facilities and has limitations in collecting information from applicants. LACFD is bound by the information required for an AMMR and HMA applications and are unable to require additional information such as toxicology reports from explosions to understand risk unless volunteered by the applicant.

While the definition of Public Utility Substation/Facility generalizes the term "considerable impacts", BESS facilities have a unique and potentially more hazardous impact profile – a profile the PZDC has not have to evaluate or mitigate under the "Public Utility" use classification. Though the listed impacts may be regulated by other agencies as outlined above, the LACFD currently does not have standardized measurements of safety for BESS facilities and all BESS facilities are analyzed on a case-by-case basis supporting the idea that a BESS facility has different considerations and is not comparable to a Public Utility Substation/Facility.

## Community Input and Noticing:

A public hearing notice was published in the Inland Valley Daily Bulletin on January 16, 2026 (Attachment No. 4). As of the date of this report, Staff has not received any public comment.

## Environmental Review:

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed project is considered a "project" under CEQA.

Staff recommends the Planning Commission determine that this project may be considered exempt under CEQA pursuant to Section 15061(b)(3), of the CEQA Guidelines. In compliance with Section 15061(b)(3), the proposed project is covered by the general rule exemption which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The project may be considered for the general rule exemption in that the proposed request is the consideration of a proposed land use under the Pomona Zoning and Development Code and is not granting the authority to establish a use. The proposed project described above hereby meets the guidelines. Therefore, no further environmental review is required.

## Conclusion & Recommendation:

Pursuant to the criteria listed in Section 530.A.2. of the PZDC and the application materials submitted, a stand-alone BESS facility is functionally distinct from the Public Utility Substation/Facility definition.

The definition of a Public Utility Substation Facility is not a list of required characteristics for a land use to fit within the confines of, but rather a description that encapsulates the land use. Though BESS facilities may serve a role within infrastructure, because the distinct characteristics that define the land use differ from any land use within the Pomona Zoning and Development Code, the most appropriate pathway is to create a new land use. A new land use would allow the City to

adequately address a BESS facility's specific function, operational profile, impact characteristics, review consistency with the general plan, and elect the permissiveness. The City of Pomona, as a municipal corporation, has the authority to review the application and make an independent land use determination.

Therefore, Staff recommends the Planning Commission uphold the Director Determination on the Determination of Similarities (DOS-000687-2025) and adopt PC Resolution No. 26-001.

**Attachments:**

1. PC Resolution No. 26-001
2. Decision On Determination of Similarity (DOS-000687-2025), Signed December 10, 2025
3. Appeal Letter, Dated January 5, 2026
4. Public Hearing Notice & Proof of Publication