

PC RESOLUTION NO. 26-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, UPHOLDING THE DECISION OF THE DEVELOPMENT SERVICES DIRECTOR TO DENY A 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 AND DETERMING THE PROJECT TO BE EXEMPT FROM CEQA

WHEREAS, the applicant, Enersmart Storage LLC, has submitted an application for 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 (PZDC);

WHEREAS, the Development Services Director of the City of Pomona has, after reviewing the submittal application and the criteria listed in Section 530.A.2. of the Pomona Zoning and Development Code, denied Determination of Similarity DOS-000687-2025 determining that a stand-alone Battery Energy Storage System (BESS) Facility as a primary use is determined not to be similar to a Public Utility Substation/Facility;

WHEREAS, on January 5, 2026, the applicant, Enersmart Storage LLC, filed an appeal (APL-000002-2026) of the decision on Determination of Similarity (DOS-000687-2025);

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on January 28, 2026; 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 independent judgment, finds that the project will not have an adverse impact on the environment pursuant to CEQA Section 15061(b)(3) as the proposed project described above hereby meets the guidelines for 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 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.

SECTION 2. In accordance with Section 530.A.2. of the PZDC, 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:

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 based on the following differing criteria:

1. 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.

2. Operations & Number of Employees

The definition of 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.

Pomona Zoning & Development Code Section 530.E.3.

USE CATEGORY	INFRASTRUCTURE
SPECIFIC USE	Public Utility Substation/Facility
Use Definition	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.

3. Impact of Surrounding Properties

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 the 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 applicants.

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 does 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.

SECTION 3. Based upon the above findings, the Planning Commission hereby denies the appeal and upholds the Development Services Director decision to deny Determination of Similarity DOS-000687-2025 subject to compliance with all applicable laws and ordinances of the City.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk

APPROVED AND PASSED THIS 28TH DAY OF JANUARY, 2026

MARCOS MOLINA
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GEOFFERY STARNS, AICP, AIA, LEED AP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY 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.