



Planning Commission

Planning Division Staff Report

DATE: June 22, 2022
TO: Chairperson and Members of the Planning Commission
FROM: Planning Division

REQUEST: Conditional Use Permit (CUP 018097-2022)

A request for the modification of a Conditional Use Permit (CUP-018097-2022) to modify a Conditional Use Permit for on-sale and off-sale alcohol for a small scale beverage manufacturer at an existing facility located within the Mixed-Use Commercial Business District of the Downtown Pomona Specific Plan.

EXECUTIVE SUMMARY

The applicant is requesting the modification of a Conditional Use Permit (CUP-018097-2022) to modify a Conditional Use Permit for on-sale and off-sale alcohol for a small scale beverage manufacturer at an existing facility located at 281 S. Thomas St. The request meets the General Plan goals and policies for the Transit Oriented District: Core place type and the T6-A transect zone. Conditions of approval include regulations related to hours of operation, property and adjacent public right of way maintenance, security, graffiti abatement, the sale of alcohol, advertisement, and noise. Based on staff's analysis of the issues, the continued operation of the existing microbrewery with additionally proposed uses is compatible with the adjacent land uses and will not result in any negative impacts to the surrounding area.

Staff Recommendation

Staff recommends that the Planning Commission move to close the public hearing and approve the Request per Staff's recommendation as presented in the Draft Resolution (Attachment 1).

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281 S. Thomas Street

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Property Details

Address	281 S. Thomas Street
Assessor's Parcel Number (APN)	8341-004-044
Lot Size	5,689 SF (+/- .13 Acres)
General Plan Place Type	Transit Oriented District: Core
General Plan Transect Zone	T6-A (50-100 units/acre)
Zoning District	N/A
Historic District	N/A
Specific Plan	Downtown Pomona Specific Plan – Mixed Use – Central Business District
City Council District	District 2 – Victor Preciado
Applicant	Homage Brewing
Property Owner	Alejandra Tessier

Related Actions

Historic Preservation	N/A
Code Enforcement	N/A
Building & Safety	N/A
Planning	N/A

Location of Request**A. General Location**

The site is located on S. Thomas St. between W. Second St. and W. Third St. The site is approximately .13 acres in area and is developed with a mixed-use commercial/residential building fronting Thomas Street. The subject parcel is directly adjacent to a commercial lot to the east, mixed-use lot to the north, a museum to the west, and a Vehicle Parking District lot to the south of the subject site.

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Figure 1. Aerial Photograph

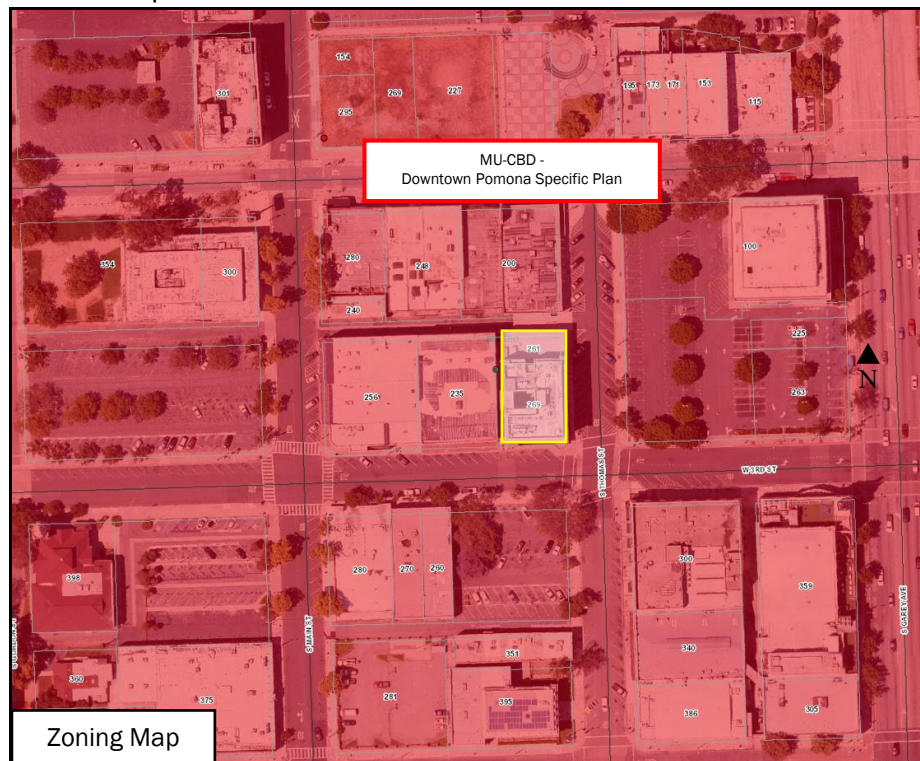


B. Adjacent Land Uses & Current Zoning

The parcel is centrally located within the Mixed Use – Central Business District (MU-CBD) of the Downtown Pomona Specific Plan. All adjacent parcels are additionally located within the MU-CBD of the Downtown Pomona Specific Plan.

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Figure 2. Land Use Map

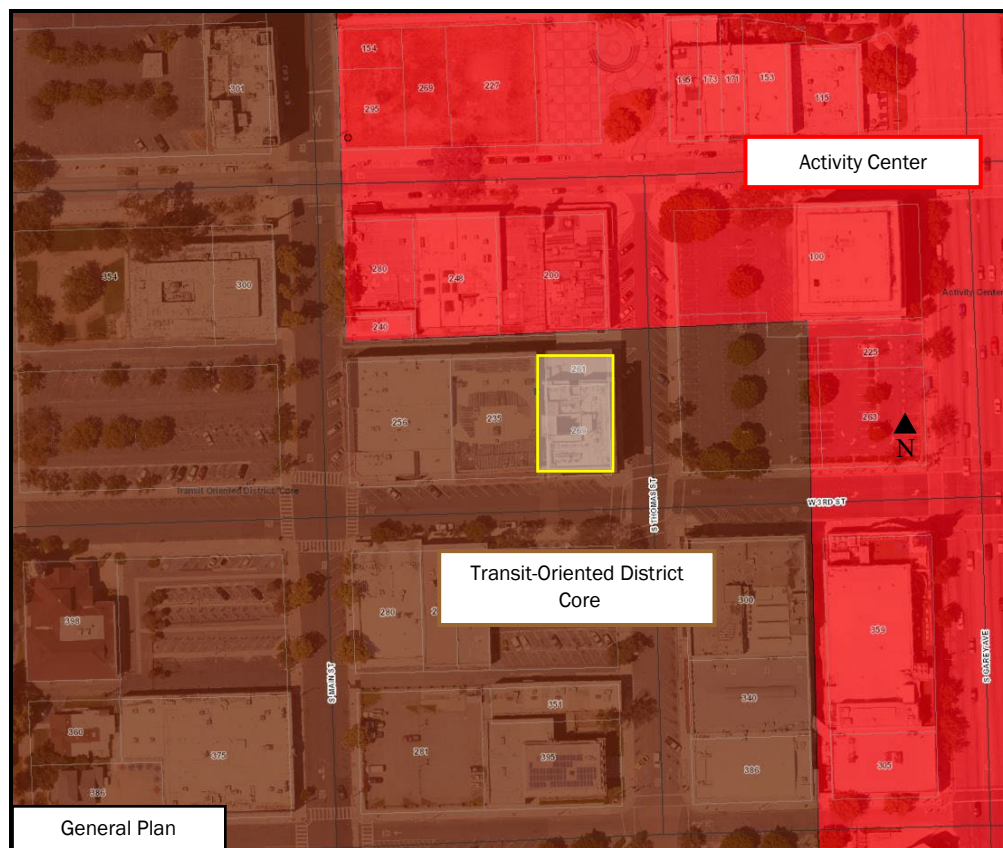


C. General Plan Land Use

The project site is located within the “Transit Oriented District: Core” land use designation of the Pomona General Plan. The Transit Oriented District: Core place type is characterized as one of the most active and walkable districts in the City, comprised of development types of greater intensity, attractive streetscapes, civic plazas, small urban open spaces, and a combination of mixed-use buildings typically consisting of retail, commercial, and civic activity on ground floors with housing, lodging or workplace uses above. In addition, the site is located within the downtown core which is characterized in the General Plan as the “heart of the city” as it offers exceptional transit service and activities. As the area becomes denser over time, this area is envisioned to include new parks and outdoor gathering spaces, making the area increasingly livable and community-oriented.

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Figure 3. General Plan Place Type



Request Details

The applicant is requesting the modification of a Conditional Use Permit to modify Conditional Use Permit 15-060, originally issued to the applicant, Homage Brewing in 2015. The request include the following modifications and proposed uses:

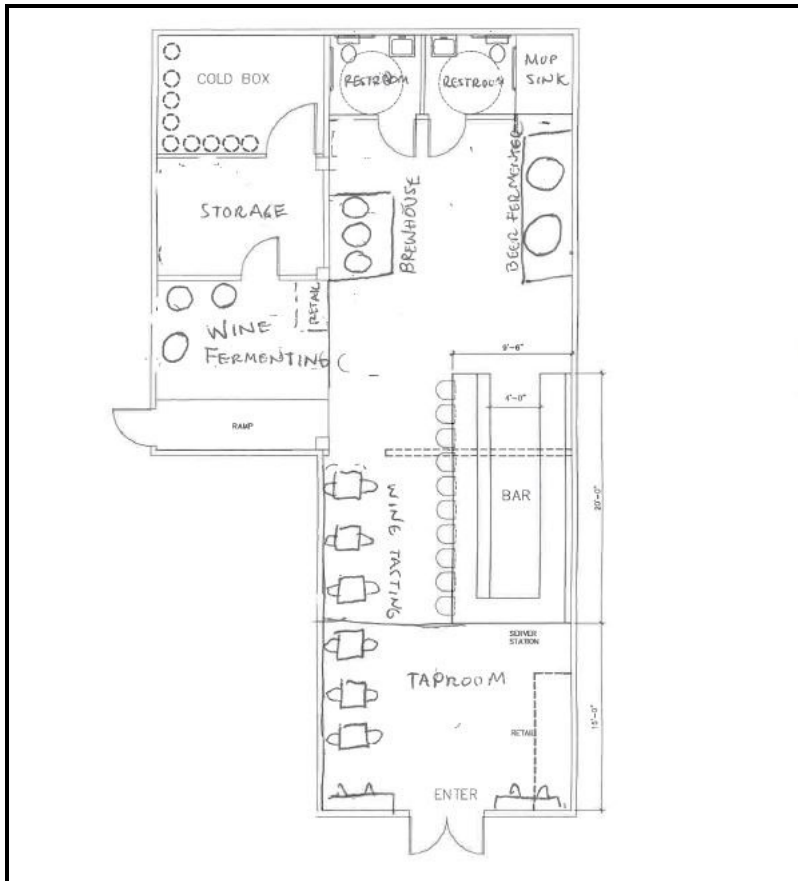
- Allow the production of wine. The existing conditional use permit currently only permits the production of beer. The applicant, Homage Brewing the conditional use permit to include the production of wine in order to obtain the appropriate license from the California Alcoholic Beverage Control agency. As proposed by the applicant, given current market trends, the similarity of fermentation techniques and machinery utilized for the production of beer, the natural progression for the growth of the business would be to include the production of wine products.
- Allow the on-sale and off-sale of beverages produced on and off-site. Condition #16 of PC Resolution No. 15-011 prohibits the sale of alcoholic beverages that are not produced on-site. The applicant is requesting to remove the condition to permit the potential sale of beverages produced by other manufacturers.
- Change of operation hours. Condition #27 of PC Resolution No. 15-011 limits hours of operation from 12PM-12AM, Monday-Friday. The applicant is requesting the

maximum permissible hours of operation as set forth by Alcoholic Beverage Control (ABC). The proposed hours of operations are 9AM-2AM, Monday – Friday. The requested hours of operations are intended to permit flexible hours of operations which will be based on operational needs, special events, etc.

- Allow the preparation and sale of food. Condition #21 of PC Resolution No. 15-011 prohibits the cooking and sale of food at all times. The applicant is requesting to allow the use to provide a complimentary service to its patrons. The preparation and sale of food is a permitted use in the MU-CBD of the Downtown Pomona Specific Plan.
- Establishment of outdoor, on-site consumption. Condition #15, #20, #29, include provisions prohibiting the serving of beverages outside the interior of the subject tenant space. Citing the improvements in business visibility and activity from a parklet permitted through the Activate Pomona Program, the applicant is requesting permanent outdoor amenities. Therefore, the proposed floor plan would be inclusive of the ability to provide on-sale beverages within any outdoor spaces associated with the Applicant's operation that has been approved by the City.

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Figure 4. Proposed Floor Plan



A. Applicable Code Sections

The application request will be subject to both the use and development standards of the Mixed Use – Central Business District of the Downtown Pomona Specific Plan along with both Section .580.J “Conditional Use Permits” and .5809.4 “Off-Sale and On-Sale Alcohol Establishments” of the Pomona Zoning Ordinance which establish criteria for approval of a Conditional Use Permit for the on-sale and off-sale of alcoholic beverages.

B. Code Compliance

As indicated in sections below, staff has evaluated the proposed project and has determined that the request is in compliance with all applicable sections of the Pomona Zoning Ordinance (PZO), the Mixed Use – Central Business District of the Downtown Pomona Specific Plan and applicable General Plan goals and policies.

Conditional Use Permits

In accordance with Section .580.J of the Pomona Zoning Ordinance, the Planning Commission shall be the advisory agency for conditional use permits and shall make five findings of fact in order to approve a conditional use permit. The analysis related to each of these findings is as follows and are also incorporated into the attached Resolution:

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1. That the proposed use at the particular location will contribute to the general well-being of the neighborhood or community.

The proposed project will contribute to the well-being of the neighborhood and community in that the proposed modifications and uses, as conditioned, will not create adverse impact on the surrounding area. The proposed project, especially permanent outdoor drinking/dining amenities will function to complement and provide additional visibility to the existing use and neighborhood.

2. That such use will, under the circumstances of the particular case, not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.

The proposed off-sale of beer and wine is a conditionally permitted use in the Mixed Use Business District of the Downtown Pomona Specific Plan and will comply with the latest adopted editions of the Downtown Pomona Specific Plan / Pomona Zoning Ordinance, Uniform Building Code, Mechanical Code, and the National Electrical code. Additionally, conditions of approval have been crafted to ensure that the proposed project will not be detrimental to the health, safety, peace, and general welfare of persons residing or working in the vicinity.

3. That the site for the proposed use is of adequate topography, size, and shape to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use in the neighborhood.

The subject site is developed within an existing multi-tenant mixed-use building on a lot size of .13 acres and is sufficient in size to accommodate all applicable development and operational standards associated with the proposed project.

4. The site abuts streets and highways adequate in width and improvements to carry traffic generations by the proposed use.

The traffic generated by the proposed use will not exceed the capacity of the streets from which vehicular traffic utilize to access the subject site. Thomas Street, Third Street, and Fourth Street are of appropriate width and improvements to handle any additional traffic generated by the proposed project.

5. That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.

The granting of such conditional use permit, as conditioned, will not adversely affect the General Plan and provisions of the zoning ordinance. Rather, the proposed use and modifications to the existing conditional use permit will support the goals and policies of the

General Plan, the vision and character of the Mixed Use Central Business District of the Downtown Pomona Specific Plan and provisions of the zoning ordinance. As proposed, the conditional use permit would support the transit-oriented districts, land use, and economic development components of the goals and policies of the General Plan as the proposed project will utilize the Downtown Pomona Specific Plan as a guide for development in Downtown (Goal 6B.P7), promote innovative enterprises (Goal 7B.G9), encourage growth and retention of existing businesses (Goal 7B.G10), and support the continuation of Downtown Pomona as a pedestrian-oriented district (7D.P27).

Off-Sale and On-Sale Alcohol Establishments

In accordance with Section .5809-4 of the Pomona Zoning Ordinance, the Pomona Zoning Code requires requests for the off-sale and on-sale of alcohol shall meet the following four development standards in order to be considered for the approval of a conditional use permit:

- 1) **Off Street Parking¹:** One parking space shall be provided for each four persons of occupancy load as defined in the Uniform Building Code, City of Pomona for on-sale alcohol establishments.

In accordance with section 2.2.3(3)(B.) "Parking Regulations" of the Downtown Pomona Specific Plan, parking requirements do not apply to any existing development within the boundaries of the MU-CBD or MU-I districts. The subject site is located on the first floor of the proposed site, therefore the proposed use is exempt from parking requirements of the Downtown Pomona Specific Plan.

- 2) **Parking Lot:** Parking lots, including landscaping and lighting, shall be installed and maintained per city standards.

As indicated in section 2.2.3(3)(B) of the Downtown Pomona Specific Plan, the proposed project is exempt from parking requirement standards. All parking for the use is accommodated by public parking amenities along the adjacent streets (Thomas St, Second St, Third St, etc.) and Vehicle Parking District lots located within Downtown Pomona which are maintained by the City of Pomona.

- 3) **Area Compatibility:** The proposed on-sale liquor establishment shall be compatible with existing development in the area.

The applicant, Homage Brewing is located within an existing commercial/residential mixed-use building that is adjacent to a variety of retail, commercial, residential and other permitted, on-sale businesses. The existing microbrewery with on-sale amenities, along with its proposed condition/use modifications will provide complementary amenities to the existing neighborhood and addition improve the economic vitality of the

¹ For the purposes of this land use entitlement application, the parking standards of the MU-CBD of the Downtown Pomona Specific Plan will take precedence.

area through the proposal of new retail opportunities and increased visibility to the subject site and surrounding businesses.

Table 1. Adjacent Uses

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Work/Live Units Commercial units	MU-CBD – Downtown Pomona Specific Plan	Transit Oriented District: Core
North	Commercial units, Private/Public Assembly uses	MU-CBD – Downtown Pomona Specific Plan	Transit Oriented District: Core
South	Commercial units	MU-CBD – Downtown Pomona Specific Plan	Transit Oriented District: Core
East	Commercial units, Financial Institution	MU-CBD – Downtown Pomona Specific Plan	Transit Oriented District: Core

- 4) **Proximity:** The proposed location shall be sufficiently removed from any existing residential development or zoning and any church, school, park, or playground so as not to be detrimental to that use.

Although the subject site is within the vicinity of sensitive uses, the issuance of a conditional use permit to allow for the on-sale of beer and wine will not be detrimental to any sensitive use as the impact of the proposed project will be subject to existing operational standards prohibiting on-site advertising of beer and wine products, and regulatory mechanisms to maintain responsible distribution of alcohol. Furthermore, the applicant, Homage Brewing has no record of complaints regarding operational behaviors proven to be a detriment to the surrounding sensitive uses.

Table 2. Sensitive Uses

Type	Sensitive Use	Distance PL to PL	Distance Bldg. to Bldg.
Residential	Work/Live units	Subject site	0 ft.
House of Worship	Joventud Renovada en el Espiritu Santo	0 ft.	0 ft.
Park	Shaun Diamond Plaza	215 ft.	N/A

School	School of Arts and Enterprise	275 ft.	275 ft.
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Undue Concentration

The State Department of Alcoholic Beverage Control (ABC) defines undue concentration as either exceeding the threshold of available on-sale licenses in the designated census tract or the crime-reporting district is designated as “high crime.” According to the guidelines established by ABC, a total of five (5) on-sale and two (2) off-sale licenses are allowed in the subject Census Tract No. 4088 before the tract is deemed to have undue concentration. Currently, there are thirty (30) establishments with on-sale alcohol licenses and four (4) establishments with off-sale alcohol licenses in the census tract.

Table 3. ABC Data on *On-Sale* Alcohol Licenses in Census Tract 4088

Census Tract	Existing On-Sale Licenses	Allowed On-Sale Licenses
Subject Census Tract 4088	30	5

Table 4. ABC Data on *Off-Sale* Alcohol Licenses in Census Tract 4088

Census Tract	Existing Off-Sale Licenses	Allowed Off-Sale Licenses
Subject Census Tract 4088	4	2

Table 5. Police Reporting District Data (2021)

Census Tract	Police Reporting District	Part I Offenses and II Arrests
Subject Census Tract 4088	4*	185

* Indicates High Crime Area

The subject site is within Census Tract 4088. The subject site is within police reporting district #4. 2021 Police Reporting District data indicates that district #4 qualifies as a “high crime” district, classifying the district as having an undue concentration. This classification will therefore require a finding of Public Convenience or Necessity (PCN) prior to the applicant submitting for a license to ABC at this property. Per Business and Professions Code under section 23958.4 subsection 3, (b) (1), a finding of public convenience in the case of off-sale purposes will be determined by the City Council.

C. General Plan Conformance

The project site is designated as General Plan Place Type – Transit Oriented District: Core, which are characterized as one of the most active and walkable districts in the City, comprised of development types of greater intensity, attractive streetscapes, civic plazas, small urban open spaces, and a combination of mixed-use buildings typically consisting of retail, commercial, and civic activity on ground floors with housing, lodging or workplace uses above. In addition, the site is located within the downtown core which is characterized in the General Plan as the “heart of the city” as it offers exceptional transit service and activities. As the area becomes denser over time, this area is envisioned to include new parks and outdoor gathering spaces, making the area increasingly livable and community-oriented. As described, the proposed project would be consistent with the following General Plan goals:

Goal 6B.P7: Use the Downtown Pomona Specific Plan as the guide for development Downtown.

Goal 7B.G9: Embrace 21st century workplace trends, create environments that support profitable and innovative enterprises, and attract businesses that will lead to a more diversified economic base.

Goal 7B.G10: Encourage expansion of existing businesses and extend efforts at business retention.

Policy 7D.P27: Continue to support Downtown Pomona as a transit and pedestrian-oriented district.

As proposed, staff has determined that the modification request to a conditional use permit to include the production of wine, extend hours of operations, off-sale of beer and wine produced by the applicant and other producers, allow the potential for on-site outdoor drinking and dining amenities solely for the operator of the microbrewery, and the production and serving of food on-site meets the intent and vision of the General Plan Transit Oriented District: Core place type as it would assist in maintaining and promoting the success of a local business, supporting the adaptation to market trends, increasing pedestrian-oriented amenities, and improving visibility to the subject site and surrounding neighborhood.

Moreover, the applicant may, in the future, decide to modify their on-sale alcohol sales floor plan to include a bona-fide restaurant, which would trigger the need for a new alcohol license to be issued by ABC. Such modification would typically also trigger a Modification to the Conditional Use Permit. Restaurants are permitted by-right within the MU-CBD of the Downtown Pomona Specific Plan. Therefore, in an effort to further the General Plan intent captured in Goal 7B.G9 stated above related to businesses retention and innovation, Staff is recommending that any future request to modify their floor plans to include a restaurant be reviewed at the Planning Division level, as a condition of approval.

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D. Environmental Review

Staff has reviewed the proposed development project in accordance with the California Environmental Quality Act (CEQA) guidelines and determined that the project is Categorically Exempt from CEQA, under Section 15301, Class 1 (Existing Facilities) in that the proposed project within an existing microbrewery with no proposed physical expansions. Therefore, no further environmental review is required.

Public Communication

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on June 10, 2022 and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on June 09, 2022 (Attachment 4). As of the date of this report, staff has not received any comments in opposition to the proposed project.

Attachments

1. Draft PC Resolution No. 22-XXX
2. Site Photos
3. Proposed Floor Plan
4. Proof of Publication & Mailing
5. Staff Presentation

Submitted by:

Ata Khan
Planning Manager

Prepared by:

Carlos Molina
Assistant Planer

PC RESOLUTION NO. 22-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING THE REQUEST TO MODIFY A CONDITIONAL USE PERMIT FOR ON-SALE AND OFF-SALE AND PRODUCTION ALCOHOL USES FOR A SMALL SCALE BEVERAGE MANUFACTURER AT AN EXISTING FACILITY WITHIN THE MIXED-USE COMMERCIAL BUSINESS DISTRICT OF THE DOWNTOWN POMONA SPECIFIC PLAN ON A PROPERTY LOCATED AT 281 S. THOMAS STREET.

WHEREAS, the applicant, Homage Brewing, has filed an application for the modification of an existing Conditional Use Permit, being processed under CUP-018097-2022, to allow the modification to conditions of an existing conditional use permit (CUP 15-060) and the addition of off-sale beer and wine at an existing microbrewery on a property located at 281 S. Thomas Street;

WHEREAS, the subject site is currently located within the Downtown Pomona Specific Plan – Mixed Use Commercial Business District;

WHEREAS, the subject site is currently designated “Transit Oriented District: Core” by the City’s General Plan;

WHEREAS, the approval of a Conditional Use Permit by the Planning Commission is required for the on-sale and off-sale of alcoholic beverages, pursuant to the Downtown Pomona Specific Plan – Mixed Use Central Business District regulations and Section .580 of the Pomona Zoning Ordinance;

WHEREAS, the applicant, Homage Brewing was granted a conditional use permit (CUP 15-060) in 2015 for the establishment of a microbrewery with on-site beer tasting (PC Resolution No. 15-011).

WHEREAS, the applicant, Homage Brewing has requested to modify existing conditions to increase the hours of operation; to allow the on-site production of wine; to allow the off-sale of beer and wine; to allow on-site preparation and sale of food; and to allow the on-site consumption of beer and wine in an appropriately permitted out-door setting within the public right-of-way;

WHEREAS, since the issuance of CUP 15-060, there are no formal code enforcement complaints regarding Homage Brewing’s business operation at its City of Pomona location;

WHEREAS, the Planning Commission, after giving notice thereof as required by law, held a public hearing on June 22, 2022, concerning the requested Conditional Use Permit (CUP 018097-2022); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed 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 judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is Categorically Exempt under Section 15301, (Class 1 – Existing Facilities) in that the proposed project is an existing restaurant with no proposed expansions.

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 .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 018097-2022). Based on consideration of the whole record before it, including but not limited to, the staff report, 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. ***That the proposed use at the particular location will contribute to the general well-being of the neighborhood or community.***

The proposed project will contribute to the well-being of the neighborhood and community in that the proposed modifications and uses, as conditioned, will not create adverse impact on the surrounding area. The proposed project will function to complement and provide additional visibility to the existing use and neighborhood.

2. ***That such use will, under the circumstances of the particular case, not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.***

The proposed off-sale of beer and wine is a conditionally permitted use in the Mixed Use Business District of the Downtown Pomona Specific Plan and will comply with the latest adopted editions of the Downtown Pomona Specific Plan / Pomona Zoning Ordinance, Uniform Building Code, Mechanical Code, and the National Electrical code. Additionally, conditions of approval have been crafted to ensure that the proposed project will not be detrimental to the health, safety, peace, and general welfare of persons residing or working in the vicinity.

3. ***That the site for the proposed use is of adequate topography, size, and shape to***

accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use in the neighborhood.

The subject site is developed within an existing multi-tenant mixed-use building on a lot size of .13 acres and is sufficient in size to accommodate all applicable development and operational standards associated with the proposed project.

4. The site abuts streets and highways adequate in width and improvements to carry traffic generations by the proposed use.

The traffic generated by the proposed use will not exceed the capacity of the streets from which vehicular traffic utilize to access the subject site. Thomas Street, Third Street, and Fourth Street are of appropriate width and improvements to handle any additional traffic generated by the proposed project.

5. That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.

The granting of such conditional use permit, as conditioned, will not adversely affect the General Plan and provisions of the zoning ordinance. Rather, the proposed use and modifications to the existing conditional use permit will support the goals and policies of the General Plan, the vision and character of the Mixed Use Central Business District of the Downtown Pomona Specific Plan and provisions of the zoning ordinance. As proposed, the conditional use permit would support the transit-oriented districts, land use, and economic development components of the goals and policies of the General Plan as the proposed project will utilize the Downtown Pomona Specific Plan as a guide for development in Downtown (Goal 6B.P7), promote innovative enterprises (Goal 7B.G9), encourage growth and retention of existing businesses (Goal 7B.G10), and support the continuation of Downtown Pomona as a pedestrian-oriented district (7D.P27).

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 017875-2022) 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. This Conditional Use Permit authorizes on-sale, off-sale, and production (microbrewery) alcohol uses in conformance to the site plan approved with this resolution, dated June 22,

2022. Alcohol may be served within approved interior floor plan and within any outdoor area approved by the City of Pomona for exclusive use by applicant. The conditions of approval stated herein supersede all conditions of approval contained in CUP 15-060.

2. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on June 22, 2022 and as illustrated in the stamped approved plans. Applicant may seek to modify approved interior and/or outdoor floor plan to enable on-sale alcohol sales in conjunction with a bona fide restaurant, or modifications to production (microbrewery) alcohol uses, subject to review and approval of the Development Services Director. Any proposed increase in square footage dedicated to off-sale alcohol uses shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans.
3. This approval shall lapse and become void if the privilege authorized is not utilized within one (1) year from the date of this approval (June 22, 2023), in accordance with Pomona Zoning Ordinance Section .580.I. 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.
4. 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.
5. Within six months from the date of approval, Applicant shall file for a Conditional Use Permit Inspection application and pay applicable fees. The Development Services Director and Code Compliance Supervisor 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 his or her 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. **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.
14. **Hours:** The establishment will only sell alcohol during the hours permitted by Alcoholic Beverage Control (ABC).
15. **Sales:** Point of sale of alcoholic beverages under the on-sale privileges of this license shall be restricted to the interior gross floor area of the restaurant, as indicated in the stamped and approved site plan for this resolution, dated June 22, 2022. All beer to be sold for off-site consumption shall be un-opened and provided in a sealed container or similar carrying case. The sale of containers (growlers, bottles, etc.) meant for off-site consumption shall be sealed by an employee prior to allowing the customer to transport it off the premises.
16. **Promotion:** No display or sale of alcohol shall be made from an ice tub. Storefront windows shall be kept clear of at all times from paper, paint, cardboard or any other material used for signage. All exterior windows shall be clear glass with no tinting or window coverings either interior or exterior. All interior window signage and exterior signage of any kind, which advertises the sale or availability of alcohol, shall be prohibited. No "happy hour" or similar type of promotions shall occur or be advertised where alcoholic beverages are offered at significantly reduced prices that are meant to encourage greater consumption of alcohol.
17. **Training:** The employees who sell alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence. All new employees shall be required to complete "Licensee Education on Alcohol and Drugs" training that is provided by the California Department of Alcohol and Beverage Control or equivalent responsible beverage service program within thirty (30) days of hire.
18. **Site:** Loitering or panhandling on the premises shall be prohibited. Overnight parking of vehicles, including recreational vehicles (R.V.'s) on the premises shall be prohibited. Signs prohibiting overnight parking shall be placed throughout the parking lot area. No vending

machines of any kind shall be installed outdoors within the project site. There shall be no pay telephones installed within the enclosed portion of the premises equipped to receive incoming calls. There shall be no new payphones of any kind installed on the exterior of the premises.

19. **Security:** Designated areas for storage of beer and wine shall be equipped with a locking mechanism. Interior and exterior site video surveillance equipment shall be provided with signage advising customers that video recording devices are in use. Recordings shall be digital and recorded in high-definition, kept a minimum of ninety (90) days and shall record all activity on surrounding public right-of-ways as well as the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.
20. **Police/City Contact:** All crimes occurring inside and outside of the location shall be reported to the Police Department at the time of the occurrence. At any time when the licensee is absent from the premises, a responsible party shall be designated who can respond to any inquiries from City officials. The business shall provide a list annually of no less than three employees who can be contacted twenty-four 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.
21. **CUP Inspection:** Within six months from the date of approval, Applicant shall file for a Conditional Use Permit Inspection application and pay applicable fees. The Development Services Director and Code Compliance Supervisor 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 his or her 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.
22. **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.

23. **Noise:** There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, *et seq.*, and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.

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

APPROVED AND PASSED THIS 22nd DAY OF JUNE 2022.

YESENIA MIRANDA MEZA
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ATA KHAN
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)

PC Resolution No. 22-020
CUP 018097-2022 – 281 S. Thomas Street
Page 9 of 9

COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

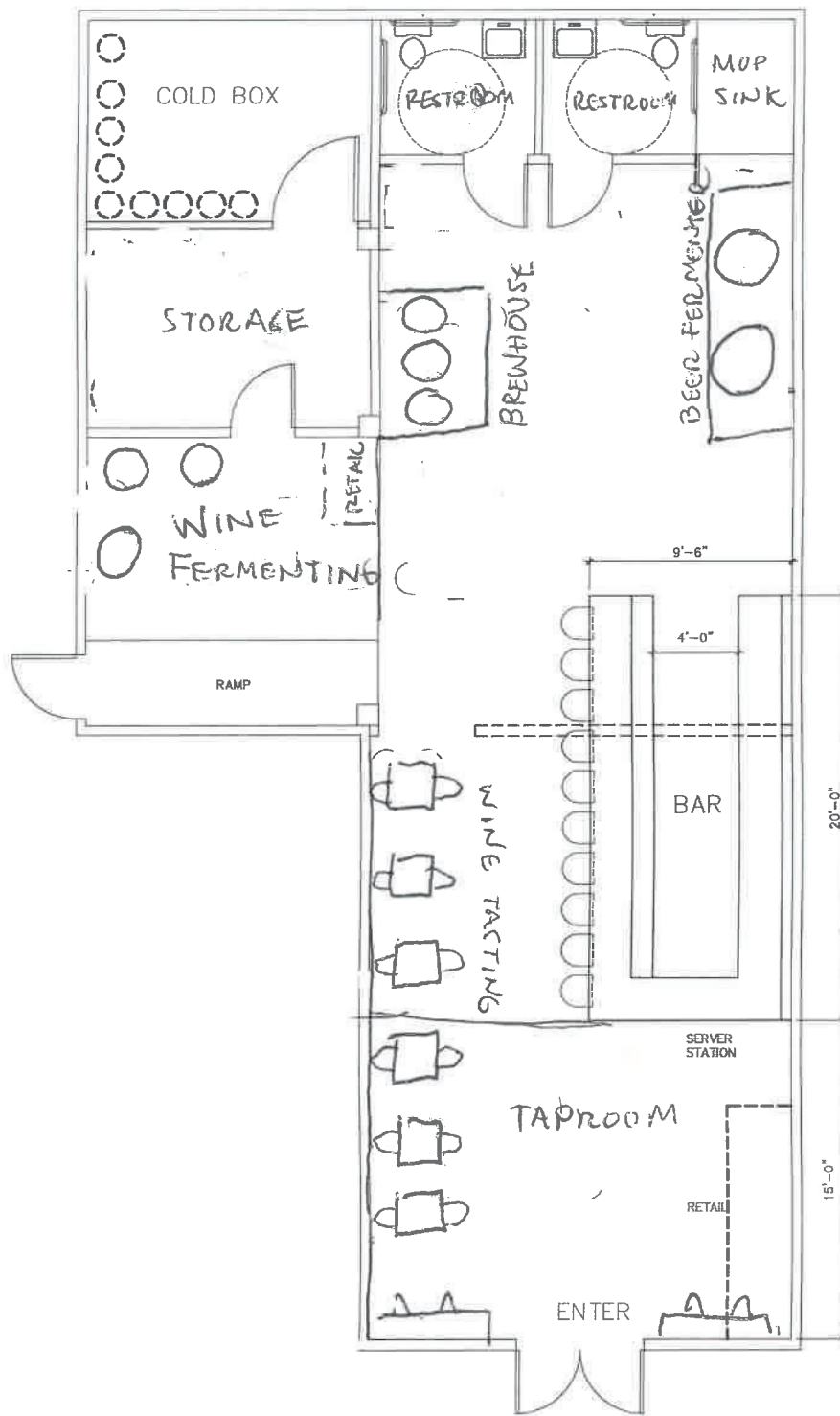
AYES:

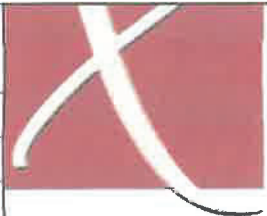
NOES:

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."



PROJECT:	HOMAGE BREWING & LENNON MOON WINES		
SHEET TITLE:	FLOOR PLAN		
SCALE:	1/8" = 1'-0"		
SHEET NO.			
1			XAVIER DESIGN 818-800-9406



CITY OF POMONA PLANNING DIVISION

NOTICE OF PUBLIC HEARING

This is not a citation (Esto no es una citación).

If you are receiving this notice, your property is located within 400 feet of the proposed project.

PROPOSED PROJECT

The Planning Commission will conduct a public hearing for a request to modify a Conditional Use Permit for on-sale and off-sale alcohol for a small scale beverage manufacturer at an existing facility located within the Mixed-Use Commercial Business District of the Downtown Pomona Specific Plan.

Applicant	Homage Brewing
Location	281 S. Thomas Street
Assessor's Parcel No(s).	8341-004-044
Hearing Body	Planning Commission
Case File(s)	CUP-018097-2022

Environmental Determination

The City of Pomona, as lead agency, has conducted an environmental review on the proposed project per the California Environmental Quality Act (CEQA). Pursuant to the provisions of CEQA (Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Planning Commission will consider adopting a Categorical Exemption in compliance with Article 19, Section 15301, Class 1 (Existing Facilities) in that the project is an existing facility with no proposed physical expansions. The proposed project described above hereby meets the guidelines for a Categorical Exemption. Therefore, no further environmental review is required.

PUBLIC HEARING INFORMATION

Time & Date	Planning Commission Meeting, Wednesday, June 22 2022, 7:00 p.m.
Location	City Council Chambers, 505 S. Garey, Pomona, CA 91769 (in-person meeting)
Questions	Carlos Molina, Assistant Planner Available to contact at (909) 620-3634 or at carlos.molina@pomonaca.gov

Written Comments: Written comments may be submitted to DevServicesComments@pomonaca.gov, by 6:00 p.m. the day of the hearing. Comments must be limited to 200 words. Please title your email "PC Public Comment 06-22-22". Comments received via email will be read into the record by staff.

The staff report on this matter will be available no later than June 16, 2022 on the City of Pomona website, which may be accessed at <https://pomona.legistar.com/Calendar.aspx> or by emailing the case planner, Carlos Molina at Carlos.Molina@pomonaca.gov.

PLEASE NOTE: If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pomona, Planning Division at, or prior to, the public hearing.

Para Información en Español, llame (909) 620-3634.

DECLARATION OF MAILING

I, Miroslava PourSanae, say that on the 9th of June, 2022 a copy of the notice attached hereto was mailed to each of the persons whose name and address appears on the attached list. Said mailing was done at Pomona City Hall, Planning Division, located at 505 South Garey Avenue, Pomona, California.

Address: 281 S. Thomas Street, Suite 101

Project: Modification of Conditional Use Permit (CUP-018097-2022)

Meeting Date: June 22, 2022

I declare, under penalty of perjury, that the foregoing is true and correct.

Miroslava PourSanae

Executed at Pomona, California on June 9, 2022



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Inland Valley Daily Bulletin - LA** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(909) 987-6397**.

Notice ID: hbu52K68u93Y3zLD3IPV | **Proof Updated: Jun. 07, 2022 at 12:59pm PDT**
Notice Name: 281 S. Thomas Ave CUP 018097-2022 (5030269) | Publisher ID: 0011541649

See Proof on Next Page

FILER	FILING FOR
Miroslava PourSanae	Inland Valley Daily
miroslava.poursanae@pomona.gov	Bulletin - LA
(909) 620-2354	
<hr/>	
Columns Wide: 3	Ad Class: Legals
<hr/>	
06/10/2022: City Notices	399.47
<hr/>	
Subtotal	\$399.47
Tax %	0.00
Total	\$399.47

The City of Pomona is notifying for a public hearing for a request to modify a Conditional Use Permit for on-sale and off-sale alcohol for a small scale beverage manufacturer at an existing facility located within the Mixed-Use Commercial Business District of the Downtown Pomona Specific Plan. The Applicant is Homage Brewery. The Property is located at 281 S. Thomas Avenue / APN: 8341-004-044. The City case file is CUP-018097-2022. The public hearing will take place at the regular meeting of the Planning Commission. The public hearing will take place on Wednesday, June 22, 2022 at 7:00 p.m., in-person at the City Council Chambers located at 505 S. Garey Avenue, Pomona, CA 91766. The City of Pomona, as lead agency, has conducted an environmental review on the proposed project per the California Environmental Quality Act (CEQA). Pursuant to the provisions of CEQA (Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Planning Commission will consider adopting a Categorical Exemption in compliance with Article 19, Section 15301, Class 1 (Existing Facilities) in that the project is an existing facility with no proposed physical expansions. The proposed project described above hereby meets the guidelines for a Categorical Exemption. Therefore, no further environmental review is required. You may view the agenda for the meeting related to this public hearing at <https://pomona.legistar.com/Calendar.aspx>, by selecting the Planning Commission and the date of the public hearing. The agenda will be posted on the website at least 72 hours prior to the meeting date and time. Written comments may be submitted to DevServicesComments@pomonaca.gov, by 6:00 p.m. the day of the hearing. Comments must be limited to 200 words. Please title your email "PC Public Comment 6-22-2022". Comments received via email will be read into the record by staff. Please direct questions about this matter to Carlos Molina at Carlos.Molina@pomonaca.gov. Please note that if you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pomona, Planning Division at, or prior to, the public hearing. Para informacion en Espanol, llame (909) 620-3634.

Inland Valley Daily Bulletin
Published: 6/10/22



Planning Commission Meeting





281 S. THOMAS ST.

Conditional Use Permit (CUP 18097-2022)

Applicant: Homage Brewing



REQUEST



Request

Location

Plans

Compliance

Summary

- **Conditional Use Permit (CUP 18097-2022):**

A request to modify an existing CUP to include the following modifications and proposed uses:

- Allow the production of beer and wine.
- Allow the on-sale and off-sale of beverages produced on-site and off-site.
- Allow the change of hours.
- Allow the preparation and sale of food.
- Allow the establishment of outdoor, on-site consumption.



Applicable Code Sections

- Per Section 2.3.3(B) of the Downtown Pomona Specific Plan and Section .580 “Conditional Use Permits” of the Pomona Zoning Ordinance, the City of Pomona Planning Commission shall be the review and granting body for all requests for modifications to Conditional Use Permits.



Applicable Code Sections

- Per Section 2.3.3(B) of the Downtown Pomona Specific Plan and Section .580 “Conditional Use Permits” of the Pomona Zoning Ordinance, the City of Pomona Planning Commission shall be the review and granting body for all requests for modifications to Conditional Use Permits.
- The proposed project is subject to the use and development standards for the MU-CBD district of the Downtown Pomona Specific Plan, Section .580.B and Section 5809-4 of the Pomona Zoning Ordinance.



LOCATION

CC District, Zoning, GP Designation.



Planning Commission Meeting

Request

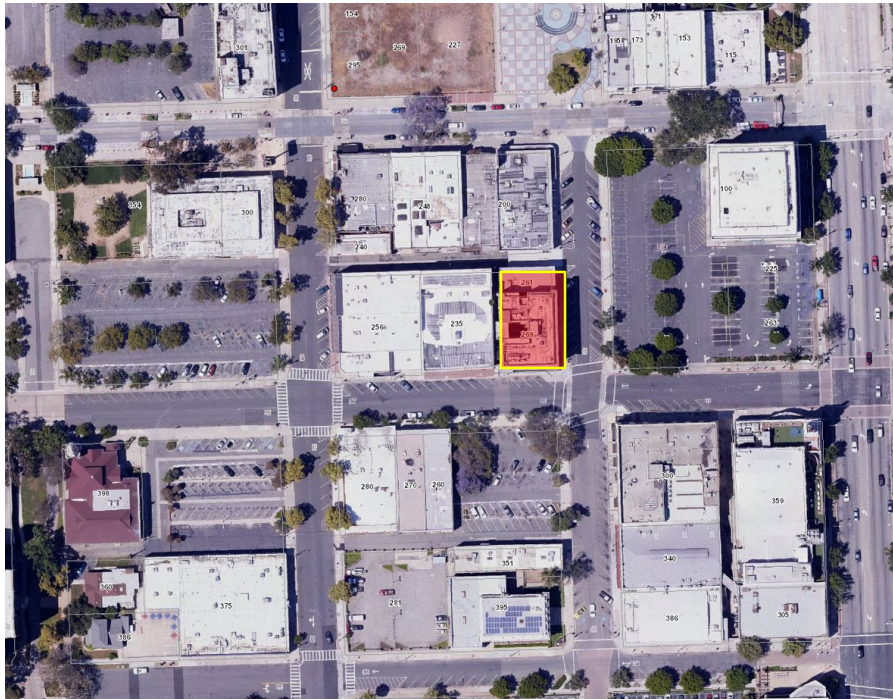
Location

Plans

Compliance

Summary

- **Location:** S. Thomas St.
between W. Second St. and
W. Third St.





Planning Commission Meeting

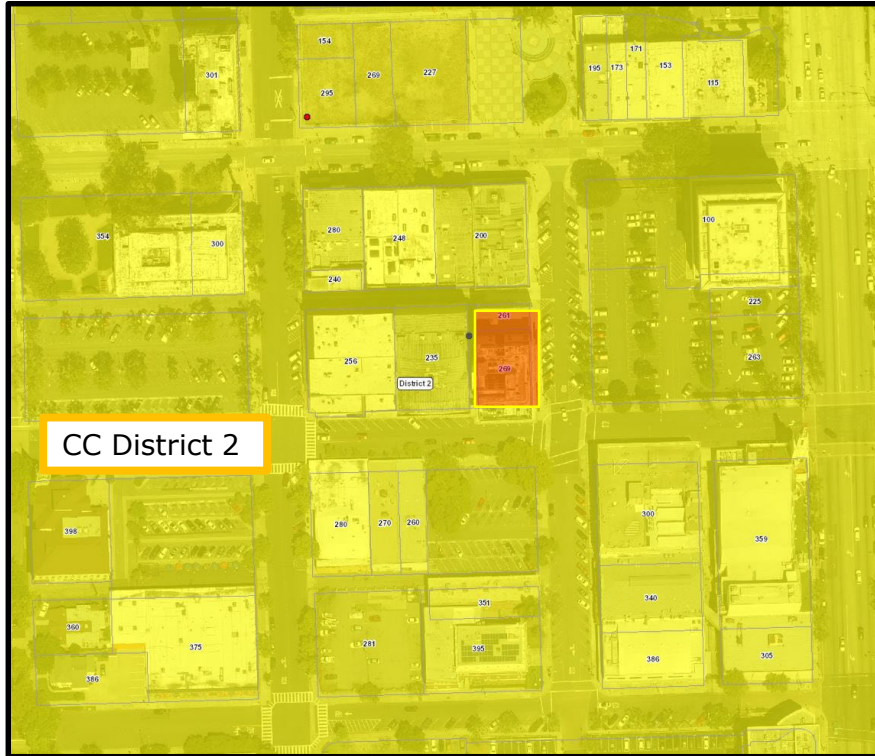
Request

Location

Plans

Compliance

Summary



- **Location:** S. Thomas St. between W. Second St. and W. Third St.
- **District:** Council District 2



Planning Commission Meeting

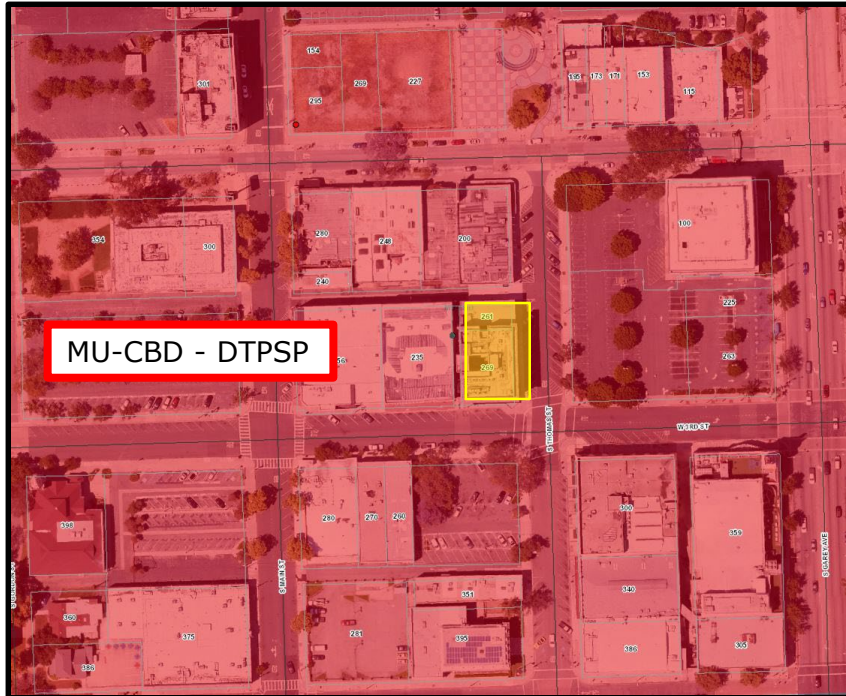
Request

Location

Plans

Compliance

Summary



- **Location:** S. Thomas St. between W. Second St. and W. Third St.
- **District:** Council District 2
- **Zone:** Mixed Use – Central Business District (MU-CBD) of the Downtown Pomona Specific Plan.



Planning Commission Meeting

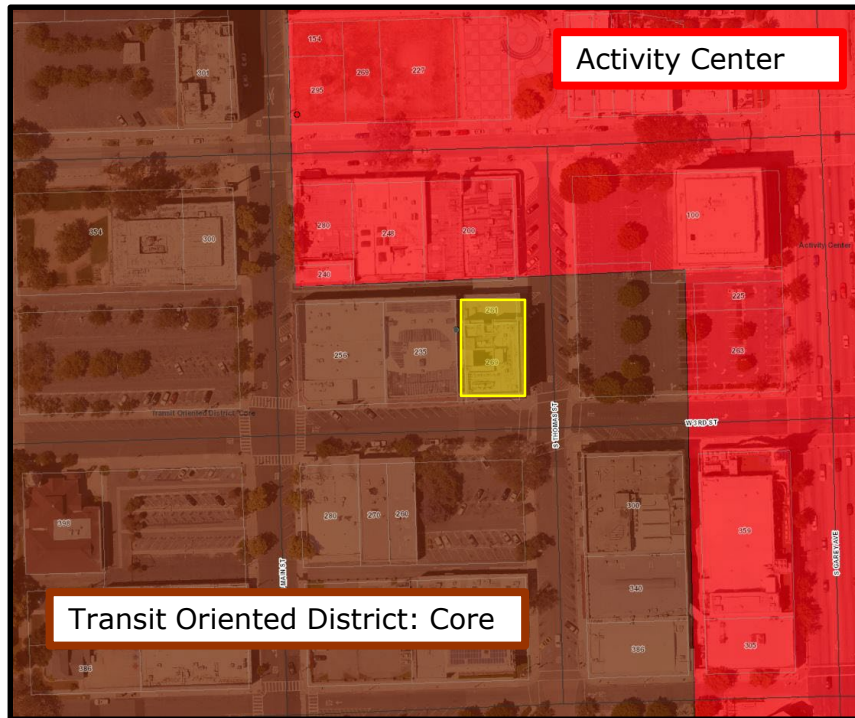
Request

Location

Plans

Compliance

Summary



- **Location:** S. Thomas St. between W. Second St. and W. Third St.
- **District:** Council District 2
- **Zone:** Mixed Use – Central Business District (MU-CBD) of the Downtown Pomona Specific Plan.
- **General Plan Designation:** Transit Oriented District: Core



LOCATION

Site Photos: Intersection, Subject site, Adjacent properties.



Planning Commission Meeting

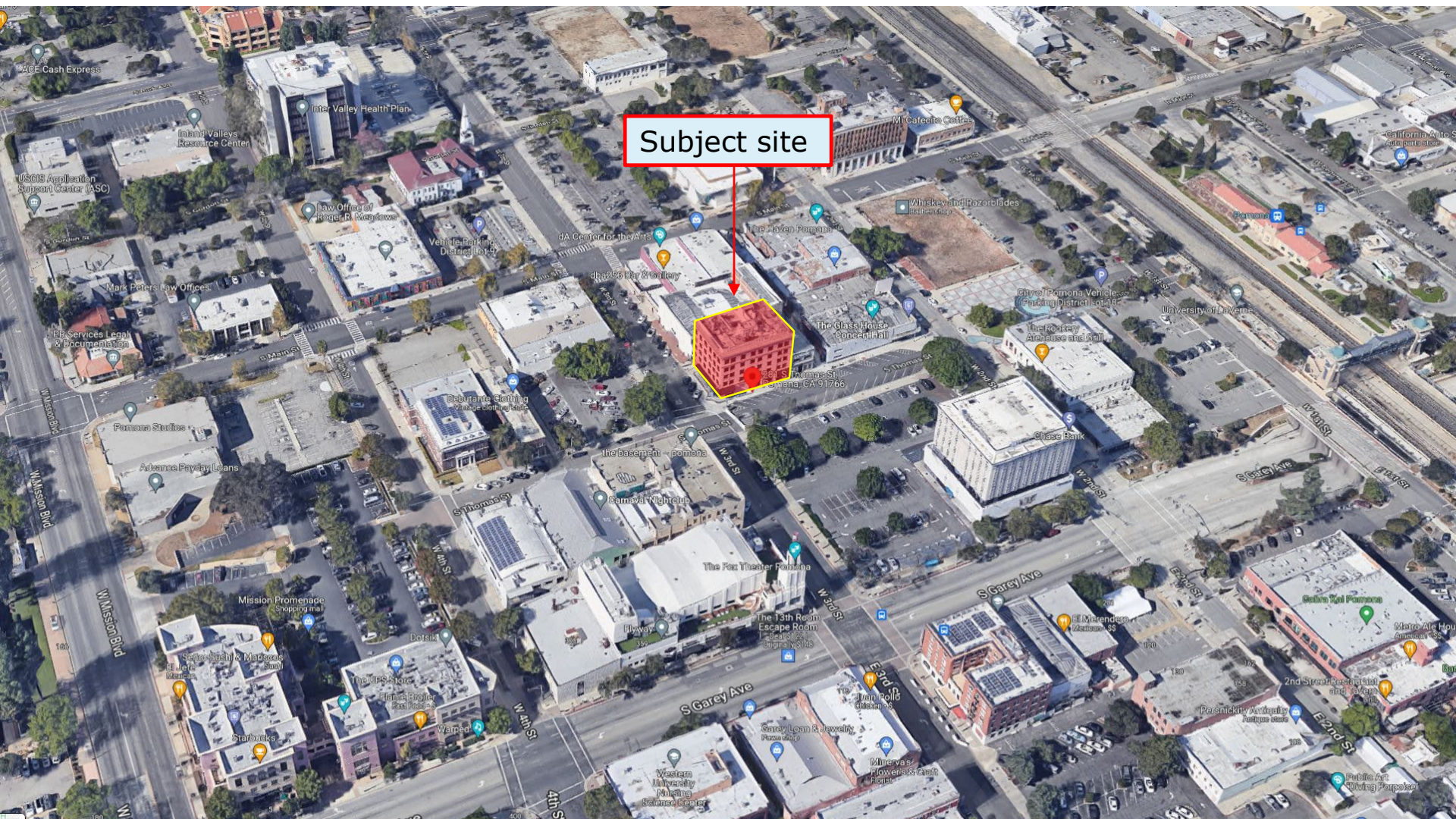
Request

Location

Plans

Compliance

Summary



This aerial map shows a city block with two red callouts. Callout 1 points to a red dot on the north side of the block, near the intersection of 154th and 153rd streets. Callout 2 points to a red-outlined building at the intersection of 261st and 269th streets. The map shows various buildings, parking lots, and streets.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



I.1 - Facing **west** along Second St.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



I.2 - Facing **north** on Thomas St.

Subject Site



The floor plan shows a food service area with the following features and numbered callouts:

- 1:** Points to the main service counter area.
- 2:** Points to the cold box area.
- 3:** Points to the work area.
- 4:** Points to the work area.
- 5:** Points to the restrooms (Men and Women).
- 6:** Points to the storage area.
- 7:** Points to the entrance area.

Other labeled areas include: COLD BOX by others, MEN, WOMEN, JANITOR SINK, WORK AREA, TASTING COUNTER, STAND UP COUNTER, RETAIL MERCH., ENTER, and various equipment like FRIDGE, SINK, and TOASTER.

[illegible]

UN LISTED TYPE B DOUBLE WALL VENT UP TO
LISTED H-WIND CAP. TERMINATION SHALL BE
MIN 3' ABOVE ROOF.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



SS 1 – View of the interior seating area from the entrance.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



SS 2 – View of the brewing production area.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



SS 3 – View of the brewing station and restrooms to the rear of the building.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



SS 4 – View of brewing machinery to the rear of the bar.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



SS 5 – View of the bar and building entrance.



Planning Commission Meeting

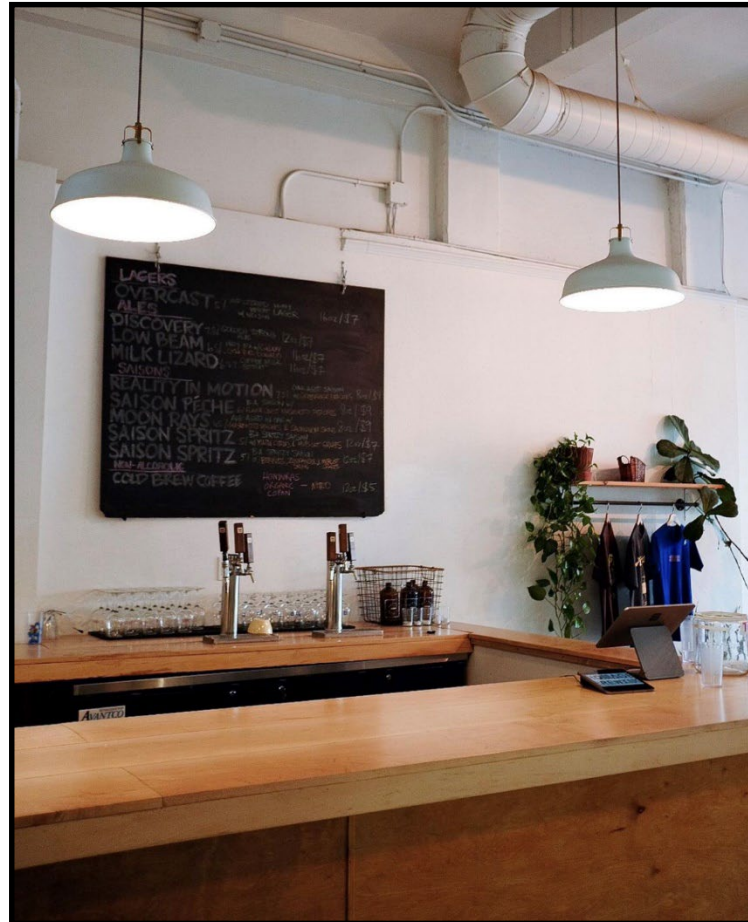
Request

Location

Plans

Compliance

Summary



SS 6 – View of the bar and point of sale area.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



SS 7 – View of the seating area in front of the bar area.



Planning Commission Meeting

Request

Location

Plans

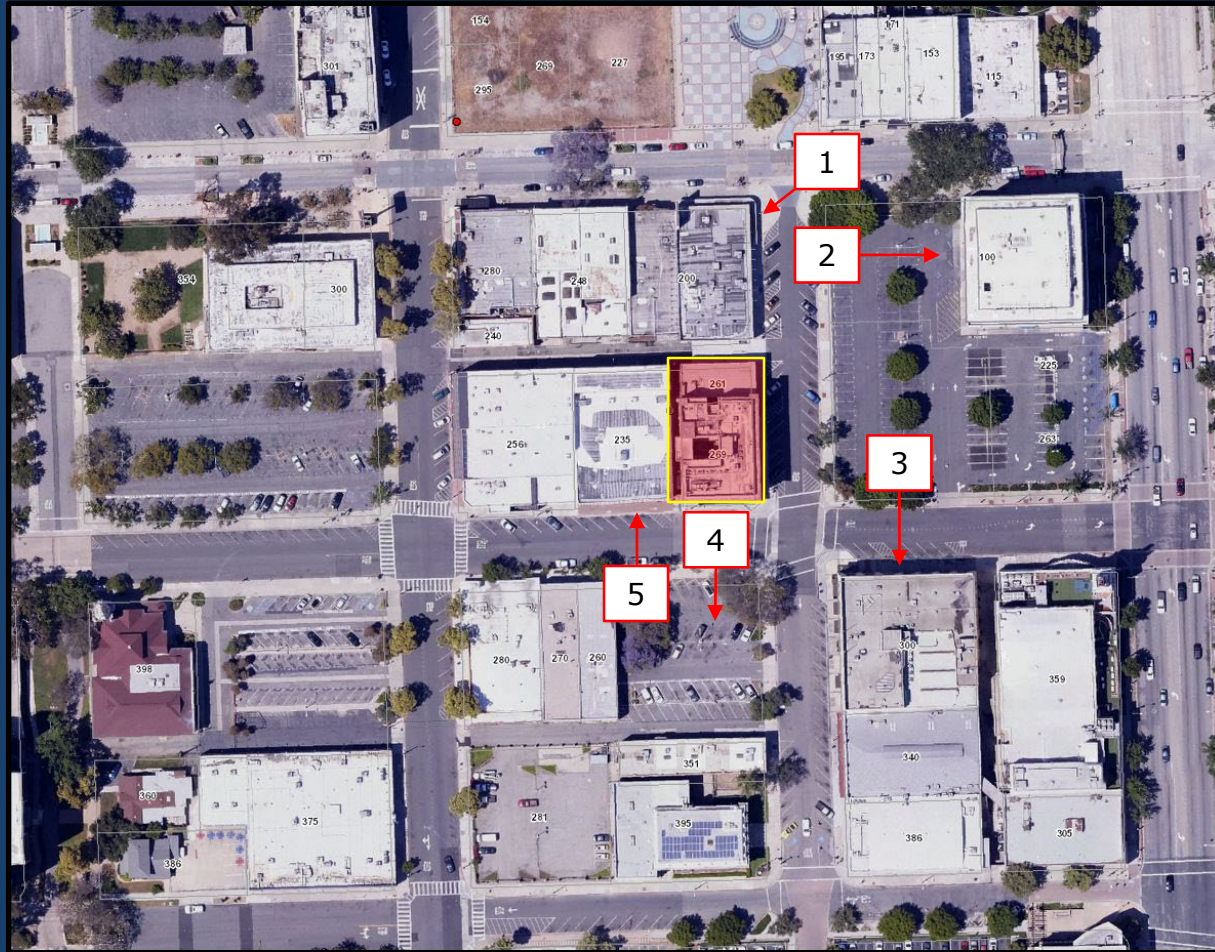
Compliance

Summary



SS 8 – View of the outdoor patio approved through the Activate Pomona Program.

Adjacent Properties





Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



AP 1 – Property adjacent to the **north** of the subject site.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



AP 1 – Property adjacent to the **east** of the subject site.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



AP 1 – Property adjacent to the **southeast** of the subject site.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



AP 1 – Property adjacent to the **south** of the subject site.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary



AP 1 – Property adjacent to the **west** of the subject site.



PLANS

Proposed plans.



Planning Commission Meeting

Request

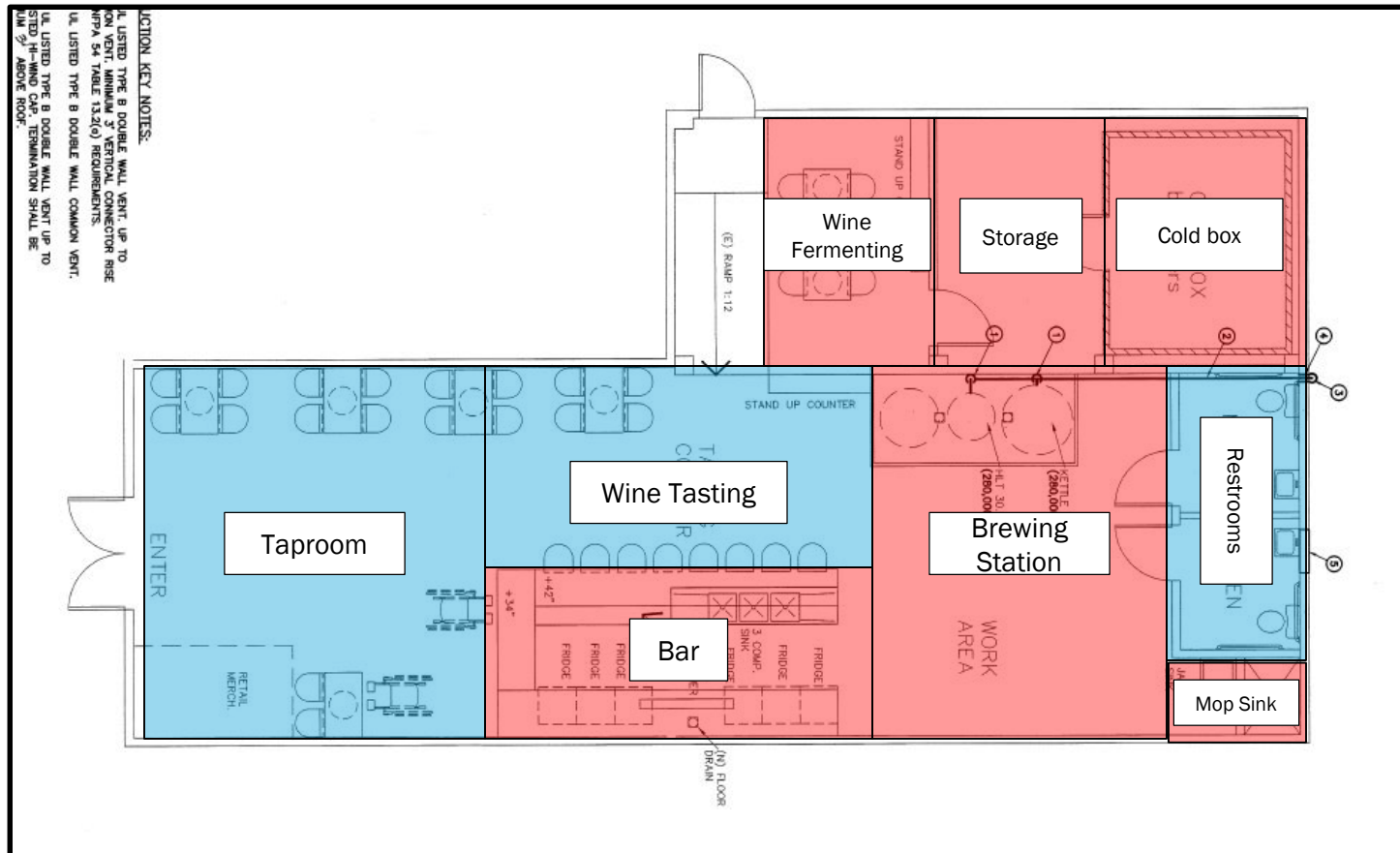
Location

Plans

Compliance

Summary

Proposed Plans





ADDITIONAL REQUEST DETAILS



Request

Location

Plans

Compliance

Summary

Allow the production of beer and wine.

The existing conditional use permit currently only permits the production of beer. The applicant, Homage Brewing, seeks to include the production of wine in order to obtain the appropriate license from California Alcoholic Beverage Control (ABC). The applicant has indicated that, given current market trends, the similarity of fermentation techniques and machinery utilized for the production of beer, the natural progression for the growth of the business would be to include the production of wine products.



Request

Location

Plans

Compliance

Summary

Allow the on-sale and off-sale of beverages produced on and off-site.

Condition #16 of PC Resolution No. 15-011 prohibits the sale of alcoholic beverages that are not produced on-site. The applicant is requesting to remove the condition to permit the potential sale of beverages produced by other manufacturers.



Request

Location

Plans

Compliance

Summary

Change of operation hours.

Condition #27 of PC Resolution No. 15-011 limits hours of operation from 12PM-12AM, Monday-Friday. The applicant is requesting the maximum permissible hours of operation as set forth by ABC. The proposed hours of operations are 9AM-2AM, Monday – Friday. The requested hours of operations are intended to permit flexible hours of operations which will be based on operational needs, special events, etc.



Request

Location

Plans

Compliance

Summary

Allow the preparation and sale of food.

Condition #21 of PC Resolution No. 15-011 prohibits the cooking and sale of food at all times. The applicant is requesting to allow the use to provide a complimentary service to its patrons. The preparation and sale of food is a permitted use in the MU-CBD district of the Downtown Pomona Specific Plan.



Request

Location

Plans

Compliance

Summary

Establishment of outdoor, on-site consumption.

Condition #15, #20, #29, include provisions prohibiting the serving of beverages outside the interior of the subject tenant space. Citing the improvements in business visibility and activity from a parklet permitted through the Activate Pomona Program, the applicant is requesting permanent outdoor amenities. Therefore, the proposed floor plan would be inclusive of the ability to provide on-sale beverages within any outdoor spaces associated with the Applicant's operation that have been approved by the City.



COMPLIANCE

CEQA, City/State Development Standards, Noticing.



Request

Location

Plans

Compliance

Summary

Environmental Analysis (CEQA)

The proposed project meets the criteria for the following exemption:

- Class 1 (Existing Facilities) in that the proposed project is within an existing microbrewery with no proposed physical expansions. Therefore, no further environmental review is required.



Request

Location

Plans

Compliance

Summary

Development Standards

- The proposed project meets compliance with applicable City and & State standards.



Request

Location

Plans

Compliance

Summary

Development Standards

- The proposed project meets compliance with applicable City and & State standards.
- The proposed project meets the findings for a modification of a Conditional Use Permit.



Request

Location

Plans

Compliance

Summary

Development Standards

- The proposed project meets compliance with applicable City and & State standards.
- The proposed project meets the findings for a modification of a Conditional Use Permit.
- The proposed project meets the intent of the General Plan.



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary

Noticing

- All public noticing was completed as required by the law.



Request

Location

Plans

Compliance

Summary

Noticing

- All public noticing was completed as required by the law.
- To date Staff has not received any communication regarding the proposed modification to a Conditional Use Permit.



SUMMARY



Planning Commission Meeting

Request

Location

Plans

Compliance

Summary

Staff recommends that the Planning Commission adopt the attached draft resolution approving Modification to Conditional Use Permit (CUP-18097-2022), subject to conditions.



CUP 18097-2022

281 S. Thomas St.