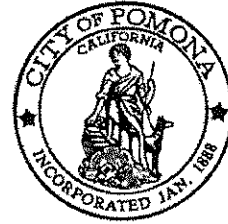


# THE CITY OF POMONA

Planning Division

Development  
Services Department



Original February 20, 2018  
Corrected August 23, 2018

Catherine Tessier, Principal  
VEJ Pomona 4, LP  
P.O. Box 838  
Pomona, CA 91769

**Re: Administrative Review and Modification of Existing Conditional Use Permit (CUP)**  
184 W Third Street (Formerly Vive Tequila Bar and Nightclub)

Dear Ms. Tessier:

We are in receipt of your request to further modify CUP 08-027, originally granted in 2008 and modified in 2011 (MCUP 08-027, MCUP 08-027-02) and 2014 (MCUP 08-027-03), for the Vive Tequila Bar and Nightclub as follows:

- 1) The floor plan is proposed to be modified to allow for a full-service restaurant on the ground level and pursuant to the CUP requires Planning Manager approval. Please see the attached amended floor plan (date stamped 1/17/18).
- 2) The business will cease to exercise its privileges of a Type ~~22~~ 21 liquor license and will cease all sales of off-site liquor pursuant to said Type ~~22~~ 21 license. The Type ~~22~~ 21 liquor license will be sold/re-located to a third party.
- 3) The current Type 48 license would be "downgraded" in classification to a Type 47 license for a bona fide eating establishment. Any references in the CUP to a Type 48 should be modified to a Type 47.
- 4) Pursuant to Section 14, applicant requests that the Pomona Police Department review and approve a modified Security Plan to better reflect our floor plan and operational changes.

- 5) Applicant requests the modification of Section 50 to add the words "the basement level of" so that Section 50 would read as follows: "Persons under the age of 21 shall be prohibited from entering *the basement level of* the establishment at any time, except for underage musicians as provided.... " This would enable the entire first floor to operate as a bona fide eating establishment open to patrons of all ages while the basement level nightclub would only be open to patrons over the age of 21.

Per condition 1 of the approved Resolution PC 14-036 *Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services (Planning) Manager.* Staff has determined that plan currently proposed for Big D's is a de-intensification of the site plan and meets this threshold. The underlying CUP still applies in all respects except for the minor modifications contained in this letter.

Based on the above factors, the modification request is hereby approved, subject to the following conditions:

1. Before issuance of building permits, all requirements of the Building Division shall be met.
2. The existing approved site plan shall now be replaced with the ~~January 17~~ March 17, 2018 site plan.
3. Should any complaints arise from the addition of four pool tables in the basement, a modification hearing with the Planning Commission shall be required.
4. This approval does not address any window change-outs or architectural treatments of the exterior of the building.
5. The larger dancefloor/stage on the first floor shall not be used unless the 2014 site plan is reinstated by a modification hearing.
6. The project authorized by this action shall be initiated within one year of the date of approval. The Planning Division may grant a one year extension provided the applicant submits a written request to the Planning Division within 30 days prior to the end of the period allotted.

If you have any questions regarding this approval, or the conditions stated above, please contact me at 909-620-2436 or via e-mail at [emily\\_stadnicki@ci.pomona.ca.us](mailto:emily_stadnicki@ci.pomona.ca.us).

184 W Third Street: CUP 08-027, MCUP 08-027, MCUP 08-027-02, MCUP 08-027-03  
CUP Modification Approval  
Feb. 20, 2018



Emily Stadnicki  
Development Services Manager

Date: 2/20/18

*Please sign the following and return all pages to me.*

I, Catherine Tessier, as applicant for the aforementioned request for Administrative Review and Modification of Existing CUP 08-027, MCUP 08-027, hereby state that I am in agreement with and accept the conditions of approval for property located at 184 W Third Street, Pomona, California, as listed above and approved by the City of Pomona Development Services Manager.

\_\_\_\_\_  
Applicant signature

Date \_\_\_\_\_

# CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Los Angeles )

On 7/30/2019 before me, Teryn Henderson, Notary Public  
(here insert name and title of the officer)

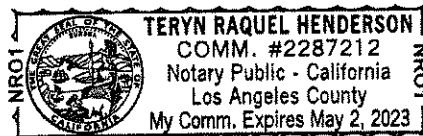
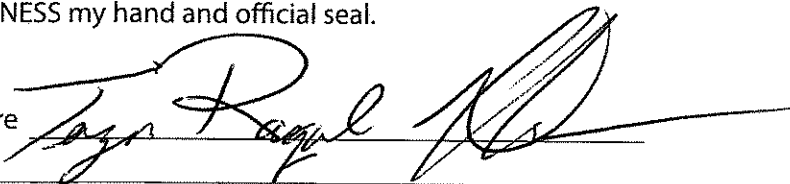
personally appeared Catherine Tessier

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

## Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of \_\_\_\_\_

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)  
☐ Attorney-in-Fact  
☐ Corporate Officer(s) \_\_\_\_\_  
Title(s) \_\_\_\_\_

- ☐ Guardian/Conservator  
☐ Partner - Limited/General  
☐ Trustee(s)  
☐ Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Person(s) or Entity(ies) Signer is Representing

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

#### Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐ \_\_\_\_\_