



# Planning Commission

## Planning Division Staff Report

**DATE:** September 13, 2023  
**TO:** Chairperson and Members of the Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Zoning Clearance Procedure in new Pomona Zoning Ordinance

### **SUMMARY**

As part of the Public Review Draft of the Pomona Zoning Ordinance, Staff has been analyzing how to improve the zoning clearance process for Business License applications in the City.

### **Existing Procedure**

The procedure for a business license application in the City of Pomona today includes a Zoning Clearance application (Attachment 1). The Planning Division intakes and reviews Zoning Clearance application and clears each one to enable an applicant to continue through the BUsiness License application process. Without a Zoning Clearance, a business license cannot be issued.

The Zoning Clearance application, process, and regulations are not specified in the Pomona Zoning Ordinance or Pomona City Code. There is reference to a zoning clearance made in Sec. 14-248 of the Business License Application process for vehicle operators, and within the cannabis regulations. The Business License itself does include procedures for application, issuance, denial, and revocation.

The advantage of the Zoning Clearance is for the City to have sufficient oversight on new land uses establishing in the City and to ensure compliance with existing zoning code regulations. The disadvantage to the existing procedure is that the clearance itself is not regulated, does not contain its own revocation and denial procedures, and does not correlate to permitted by-right uses in the Zoning Ordinance. This means that Planning Division staff has to rely upon actual Business License timelines and utility records to establish “start dates” for businesses for nonconforming and continuance purposes. As a Business License is not a land use permit, this diminishes the City’s ability to enforce on operators violating zoning and land use regulations.

### **Proposed Procedure**

Staff proposes establishing a formal zoning clearance procedure in the Pomona Zoning Ordinance. It can be formally added to the existing Administration chapter of the Draft. The procedure can include:

**Planning Commission**  
January 25, 2023

## **Pomona Zoning Code Update**

Page 2 of 2

1. Establishing a “by right ministerial permit,” which effectively would create the issuance of a clearance permit for any use identified as “P” or “P\*” in the current draft. This would take the place of the existing Zoning Clearance application.
2. Include within the permit application requirements for floor plans, operational plans, and other questions establishing the intended use.
3. Establish application, review and approval, denial, and revocation regulations related to the by right ministerial permit.
4. Consider tying the permit issuance to either the tenant/operator itself, or to the parcel.
5. Use the permit process to establish a “use start date” which can correlate to the Nonconforming sunset dates for prohibited uses.
6. For “P\*” uses, have applicants formally acknowledge and accept the use standards pertaining to their proposed use, to aid in enforcement and regulation.

### **COMMISSION FEEDBACK**

Staff will facilitate a discussion on the proposed procedure to improve the zoning clearance process. Staff would like to obtain feedback from the Planning Commission on the zoning clearance process.

#### **Submitted by:**



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#### **Prepared by:**



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#### **Attachments:**

1. Existing Zoning Clearance Application