

PC RESOLUTION NO. 24-023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A CITY-INITIATED REQUEST TO REVOKE (REV 1295-2024) CONDITIONAL USE PERMIT (CUP 03-028), WHICH ESTABLISHED A WOOD RECYCLING FACILITY ON A LOT GREATER THAN ONE ACRE, ON A PROPERTY LOCATED AT 1313 EAST PHILLIPS BOULEVARD (APN'S: 8327-021-018, 8327-021-023, 8327-021-024, 8327-021-029) IN THE WORKPLACE DISTRICT 3

WHEREAS, the Planning Division has initiated the revocation (REV 1295-2024) of Conditional Use Permit (CUP 03-028) which allowed a wood recycling facility on a lot greater than one acre, due to abandonment of use, on the property located at 1313 East Phillips Boulevard (APN'S: 8327-021-018, 8327-021-023, 8327-021-024, 8327-021-029)

WHEREAS, the subject property is currently located within the Workplace District 3;

WHEREAS, the subject property is on a parcel designated as "Workplace District" on the General Plan Land Use Map;

WHEREAS, the subject property has a General Plan Transect Zone designation of "Special District" allowing up to a building height of nine floors and does not permit housing density;

WHEREAS, the subject site obtained the approval for a Conditional Use Permit for a wood recycling facility through City Council Resolution 2004-120 on May 17, 2004;

WHEREAS, the subject site's last active business license closed on June 30, 2023, and has remained inactive for more than 180 consecutive days;

WHEREAS, the Pomona Zoning and Development Code requires a two-step process for revocations due to abandonment of use, first requiring staff to schedule a discussion item before the Planning Commission prior to initiating the revocation, and second requiring staff to staff to schedule a hearing pursuant to the Public Hearings Section 1120 of the Pomona Zoning and Development Code;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a discussion on September 11, 2024, recommending staff to schedule a public hearing concerning the requested revocation of Conditional Use Permit (CUP 03-028); and

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on October 09, 2024 concerning the requested revocation (REV 1295-2024) of Conditional Use Permit (CUP 03-028); 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 of October 09, 2024.

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 proposed action request is not subject to CEQA. The City of Pomona, as lead agency, has conducted an environmental review on the proposed action per the California Environmental Quality Act (CEQA). Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and 15060(c)(3), which pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and activities that are not defined as a project under Section 15378, respectively, it has been determined that the action to revoke the Conditional Use Permit: 1) Will not result in a direct or reasonably foreseeable indirect change to the environment, and 2) Does not meet the definition of a project. Therefore, this action is not subject to CEQA, and no further environmental review is required.

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 1160.D.7.C. Revocation Due To Abandonment of Use of the Pomona Zoning and Development Code, the Planning Commission may determine a conditional use permit to be abandoned, based upon **one or more** of the following findings:

- The Conditional Use Permit has not had an active business license in more than 180 consecutive days;
- The Conditional Use Permit failed to obtain the necessary state or federal licensing;
- The Conditional Use Permit failed to obtain and finalize the necessary building permits required for said land use;
- The Conditional Use Permit was never exercised and the land use was never established according but not limited to the following records: business license, building permit, utility bills, other state or federal licensing required for said use.

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. *The Conditional Use Permit has not had an active business license in more than 180 consecutive days.*

The subject site's last active business license for a wood recycling facility closed on June 30, 2023, and therefore has remained inactive for more than 180 consecutive days. In

addition to the inactive business license, the current property owner has recently obtained approval for a Conditional Use Permit (CUP 0360-2024) for the establishment of an outdoor storage yard, and is no longer intending to use the site as a wood recycling facility, providing further evidence of abandonment of the entitlement for a wood recycling facility.

SECTION 4. Based on the above finding, the Planning Commission hereby approves the revocation (REV 1295-2024) of the Conditional Use Permit 03-028 (City Council Resolution No. 2004-120), in its entirety.

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

APPROVED AND ADOPTED THIS 9TH DAY OF OCTOBER, 2024

ALFREDO CAMACHO
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GEOFFREY STARNES
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO MARTINEZ

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1313 E. Phillips Boulevard
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ASSISTANT 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 1094.6.