

**RESOLUTION NO. 2017 -**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,  
CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP 11-002)  
FOR THE LEGALIZATION OF THE CONVERSION OF A GROUP  
CARE FACILITY TO AN ELEVEN UNIT ROOMINGHOUSE ON A  
16,600 SQUARE FOOT PROPERTY LOCATED AT 804 WILLIAM  
STREET IN THE R-2 (LOW DENSITY MULTIPLE FAMILY  
RESIDENTIAL) ZONING DISTRICT**

**WHEREAS**, the applicant, Michael Agron, has submitted an application for Conditional Use Permit (CUP 11-002) to legalize the conversion of a group care facility to an eleven unit roominghouse on a 16,600 square foot property located at 804 William Street;

**WHEREAS**, the subject property is currently located within the R-2 (Low Density Multiple-Family Residential) zoning district;

**WHEREAS**, the subject site is currently designated “Activity Center” by the City’s General Plan;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 11, 2012 concerning Conditional Use Permit (CUP 11-002) and continued to a date uncertain;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on January 25, 2017 concerning Conditional Use Permit (CUP 11-002) and voted 7-0-0-0 to deny the proposed project;

**WHEREAS**, an application for appeal was submitted by Russell Morse on behalf of the applicant on February 13, 2017 citing that the proposed project is consistent with the General Plan and Pomona Zoning Ordinance and should be approved;

**WHEREAS**, on March 8, 2017, the Planning Commission of the City of Pomona adopted a resolution denying Conditional Use Permit (CUP 11-002);

**WHEREAS**, the City Council considered the setting of this application for appeal on April 3, 2017 and voted 7-0 to approve setting the appeal public hearing on the project;

**WHEREAS**, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 5, 2017, concerning the requested appeal of the Planning Commission’s denial of the project application; and

**WHEREAS**, the City Council 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 City Council of the City of Pomona, California, as follows:

**SECTION 1.** The City Council, exercising their independent judgment, has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Section 15301, Class 1 (Existing Facilities) from further environmental review in that the proposed project involves the permitting and minor alteration of an existing private structure involving negligible or no expansion of use.

**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.** Pursuant to Section .580.B of the Zoning Ordinance, the City Council must make the five findings listed below in order to grant Conditional Use Permit (11-002). Based upon a 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 City Council hereby finds as follows:

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

The proposal will not contribute to the general well-being of the neighborhood and community, in that the proposal to legalize the roominghouse will be detrimental to the general well-being of the established residential neighborhood.

2. *Such use will not, under the circumstances of the particular case 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 project will be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity and detrimental to the use, valuation or enjoyment of property and improvements in the vicinity. Legalizing the roominghouse will likely introduce negative impacts on the subject site and would be disruptive to sensitive adjacent land uses such as residences and schools.

3. *The site of 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 with the land and uses in the neighborhood and make it compatible thereto;*

The site is not of adequate topography, size and shape to accommodate the use. The project does not meet the applicable development standards such as off-street parking requirements.

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use;*

The proposed project takes access from the existing street and alley (Hamilton Blvd). Additional access to the off-street parking facility for the proposed project from William Street was not proposed as part of the 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 General Plan designation of the subject site is Activity Center. The proposed use is inconsistent with the following goal for the Activity Center Place type:

***Goal 6A.G2:*** *Over time, concentration of retail investment in “activity centers” that provide a variety of shopping environments that conveniently serve the regional and local community.”*

Legalization the proposed conversion of a group care facility to a boardinghouse is not consistent with the goal stated above in that no retail investment related to shopping environments is being proposed.

**SECTION 4.** Based on the above findings, the City Council hereby denies Conditional Use Permit (CUP 11-002); and

**SECTION 5.** The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

**APPROVED AND PASSED THIS 5TH DAY OF JUNE, 2017.**

**ATTEST:**

**CITY OF POMONA:**

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Eva Buice, City Clerk

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Tim Sandoval, Mayor

Resolution No. (Denial)  
Conditional Use Permit 11-002  
804 William Street  
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**APPROVED AS TO FORM:**

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Arnold Alvarez-Glasman, City Attorney  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 5<sup>th</sup> day of June, 2017 by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

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Eva Buice, City Clerk

“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.”