

## **PC RESOLUTION NO. 18-**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF CONDITIONAL USE PERMIT 08-030 (PLANNING COMMISSION RESOLUTION NO. 08-053) ESTABLISHING A CAR RENTAL AGENCY WITH A RELOCATED FORMER AUTOMOTIVE SERVICE STATION BUILDING AND CANOPY STRUCTURE AT 1180 N. WHITE AVE.**

**WHEREAS**, the City has initiated revocation of Conditional Use Permit No. 08-030 to establish a car rental agency because the Conditional Use Permit can no longer be exercised due to a new restaurant use proposed on a subject site located at 1180 N. White Ave. (APNs: 8340-003-002, 8340-003-017);

**WHEREAS**, on October 22, 2008, the applicant, Mr. Jean Ndjongo, was issued a Conditional Use Permit to establish a car rental agency with a relocated former automotive service station building and canopy structure (from 1212 N. White Ave.) on a subject site with an approximate size of 11,630 square feet (.26 acre) located at 1180 N. White Ave.;

**WHEREAS**, Section .580-H of the Zoning Ordinance provides for revocation of a Conditional Use Permit if the granting body makes one or more of the required findings;

**WHEREAS**, the revocation of Conditional Use Permit 08-030 (Planning Commission Resolution No. 08-053), has been initiated by the City of Pomona's Development Services Director due to the inability of such use being able to be exercised in the future due to applicant seeking to establish a new restaurant use thus eliminating the car rental agency use identified in Conditional Use Permit 08-030;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on June 27, 2018, concerning the Revocation of Conditional Use Permit 08-030 (Planning Commission Resolution No. 08-053); 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, as follows:

**SECTION 1.** The Planning Commission, exercising their independent judgment, has determined that this action of revocation of Conditional Use Permit 08-030 (Planning Commission Resolution No. 08-053) has no possibility of having a significant effect on the environment, and is therefore not a project as defined under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines and, therefore, not subject to environmental review.

**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.** 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 Planning Commission hereby finds as follows:

*The permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in the violation of a law.*

The car rental agency is no longer active, a new use with a new floorplan has replaced the original proposal, and a new combination of uses is being proposed. Therefore the current proposal is in conflict with the conditions contained in the original resolution that granted entitlement (Planning Commission Resolution No. 08-053).

**SECTION 4.** Based on the above finding, the Planning Commission hereby approves the revocation of the Conditional Use Permit 08-030 (Planning Commission Resolution No. 08-053), 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 27<sup>TH</sup> DAY OF JUNE, 2018.**

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LUIS M. JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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EMILY STADNICKI, AICP  
PLANNING COMMISSION SECRETARY

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Revocation of Conditional Use Permit CUP 08-030  
*Planning Commission Resolution No. 08-053*  
1180 N. White Ave.  
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**APPROVED AS TO FORM:**

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ANDREW JARED  
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."