

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF CONDITIONAL USE PERMIT 13-013 (PC RESOLUTION NO. 14-001) THAT HAS NOT BEEN EXERCISED TO CONSTRUCT SIX ATTACHED RESIDENTIAL UNITS WITHIN THE R-2 (LOW DENSITY MULTIPLE FAMILY) DISTRICT AND THE S (SUPPLEMENTAL USE OVERLAY) DISTRICT ON A PROPERTY LOCATED AT 1439 SOUTH PALOMARES STREET.**

**WHEREAS**, the City has initiated revocation of Conditional Use Permit No. 13-013 to construct six attached residential units within the R-2 (low density multiple family) district and the S (Supplemental use overlay) district on a property located at 1439 South Palomares Street (Assessor's Parcel Number 8333-022-018) because the Conditional Use Permit was not exercised and cannot be exercised due to a new residential development project to be constructed at 1439 South Palomares Street;

**WHEREAS**, on January 22, 2014, the applicant, Lawrence Chao, was issued a Conditional Use Permit to construct six attached residential units within the R-2 (low density multiple family) district and the S (Supplemental use overlay) district on a property located at 1439 South Palomares Street which was not initiated or a building permit was not issued and work did not commence and was not diligently pursued toward completion on the site;

**WHEREAS**, pursuant to the Pomona Zoning Ordinance, the approval of a Conditional Use Permit is required for the erection of buildings or structures in the S (Supplemental use overlay) district;

**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 13-013 (Planning Commission Resolution No. 14-001), has been initiated by the City of Pomona's Development Services Director due to Conditional Use Permit 13-013 having never been exercised, and the inability of such being able to be exercised in the future due to applicant seeking to construct a new project to be located at 1439 South Palomares Street;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on August 8, 2018, concerning the Revocation of Conditional Use Permit 13-013 (Planning Commission Resolution No. 14-001); 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 13-013 (Planning Commission Resolution No. 14-001) 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 CUP was never acted upon and is therefore in violation of the conditions contained in the original resolution that granted entitlement (Planning Commission Resolution No. 14-001). Specifically, Condition of Approval No. 2 states “This approval shall lapse and become void if the privilege authorized is not utilized within one (1) year from the date of this approval (January 22, 2015) in accordance with Pomona Zoning Ordinance section .580.I.”

**SECTION 4.** Based on the above finding, the Planning Commission hereby approves the revocation of the Conditional Use Permit 13-013 (Planning Commission Resolution No. 14-001), in its entirety.

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

PC Resolution No. 18-  
Revocation of Conditional Use Permit CUP 13-013  
*Planning Commission Resolution No. 14-001*  
1439 South Palomares Street  
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**APPROVED AND ADOPTED THIS 8<sup>TH</sup> DAY OF AUGUST, 2018.**

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LUIS M. JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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EMILY STADNICKI, AICP  
PLANNING COMMISSION SECRETARY

**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."