

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF CONDITIONAL USE PERMIT 05-035 (PC RESOLUTION NO. 05-092) THAT HAS NOT BEEN EXERCISED TO CONSTRUCT A NEW 17,362 SQUARE FOOT INDUSTRIAL BUILDING AT AN EXISTING INDUSTRIAL FACILITY WITHIN THE M-1 (LIGHT INDUSTRIAL) ZONE ON PROPERTY LOCATED AT 750 SOUTH RESERVOIR STREET.

WHEREAS, the City has initiated revocation of Conditional Use Permit No. 05-35 to construct a new 17,362 square foot industrial building at an existing industrial facility within the M-1 (Light Industrial) zone on property located at 750 S. Reservoir St. (Assessor's Parcel Number 8327-013-001) because the Conditional Use Permit was not exercised and cannot be exercised due to a new industrial development project to be constructed at 650 -690 S. Reservoir St.;

WHEREAS, on December 14, 2015, the applicant, Halex Corporation, was issued a Conditional Use Permit to construct a new 17,362 square foot industrial building at an existing industrial facility within the M-1 (Light Industrial) zone on property located at 750 South Reservoir Street which was not initiated or submitted for building permits;

WHEREAS, pursuant to the Pomona Zoning Ordinance, the approval of a Conditional Use Permit is required for industrial facilities of over 20,000 square feet of gross floor area or lot greater than one acre in size;

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 05-035 (Planning Commission Resolution No. 05-092), has been initiated by the City of Pomona's Development Services Director due to Conditional Use Permit 05-035 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 at 650 - 690 S. Reservoir St. thus eliminating access and required parking identified in Conditional Use Permit 05-035;

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 10, 2018, concerning the Revocation of Conditional Use Permit 05-035 (Planning Commission Resolution No. 05-092); 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:

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Revocation of Conditional Use Permit CUP 05-035
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SECTION 1. The City Council, exercising their independent judgment, has determined that this action of revocation of Conditional Use Permit 05-035 (Planning Commission Resolution No. 05-092) 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 City Council 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. 05-092). Specifically, Condition of Approval No. 2 states “This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval.”

SECTION 4. Based on the above finding, the City Council hereby approves the revocation of the Conditional Use Permit 05-035 (Planning Commission Resolution No. 05-092), in its entirety.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution and shall cause same to be posted as required by law, and this Resolution shall take immediately.

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APPROVED AND ADOPTED THIS 10TH DAY OF SEPTEMBER, 2018.

ATTEST:

CITY OF POMONA:

Marie Michel Macias, Interim City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, MARIE MICHEL MACIAS, INTERIM CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was approved at a regular meeting of the City Council of the City of Pomona held on the 10th day of September, 2018, and adopted on the _____ day of _____, 2018 by the following vote:

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

Marie Michel Macias, Interim City Clerk