

PC RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF CONDITIONAL USE PERMIT 13-007 (PC RESOLUTION NO. 13-024) ON A PROPERTY LOCATED AT 1199 EAST HOLT AVENUE (APN 8323-016-018) IN THE CITY GATEWAY SEGMENT ZONE OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the City has initiated revocation of Conditional Use Permit No. 13-007 to allow an outdoor automotive storage yard as an expansion to an existing automotive repair facility. A proposed subdivision of APN 8323-016-018 was received. The approval of the proposed subdivision has rendered the previously approved Conditional Use Permit (CUP 13-007), PC Resolution No. 13-024 invalid.

WHEREAS, on November 13, 2013, the applicant, Mr. Steve Wuo, was issued a Conditional Use Permit to modify an existing automotive repair facility by expanding with an outdoor automotive storage yard on a property located at 1199 E. Holt Avenue in the C-4 (Highway Commercial) zoning district (Former Zoning Designation prior to adoption of Pomona Corridors Specific Plan in March of 2014);

WHEREAS, pursuant to the Pomona Zoning Ordinance, the approval of a Conditional Use Permit is required for the construction and modification of automobile repair facilities. Section .361.F.6. establishes development standards for automobile repair facilities;

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 13-007 (Planning Commission Resolution No. 13-024), has been initiated by the City of Pomona's Development Services Director due to Conditional Use Permit 13-007 becoming invalid as a result of the approval of a proposed subdivision of APN 8323-016-018;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on March 27, 2019, concerning the Revocation of Conditional Use Permit 13-007 (Planning Commission Resolution No. 13-024); 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 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.

Specifically, Condition of Approval No.1 states “...Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans.” The approved subdivision of APN 8323-016-018 constitutes a major modification to the approved plans.

SECTION 4. Based on the above finding, the Planning Commission hereby approves the revocation of the Conditional Use Permit 13-007 (Planning Commission Resolution No. 13-024), 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 27TH DAY OF MARCH, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

Revocation of CUP 13-007
1199 E. Holt Avenue
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ATTEST:

ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
INTERIM 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."