

PC RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF A CONDITIONAL USE PERMIT TO ADD A DRIVE-THROUGH TO ARBY'S RESTAURANT (PC RESOLUTION NO. 5974) ON A PROPERTY LOCATED AT 1175 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 to allow the addition of a drive-through to an Arby's Restaurant. The existing restaurant has been in operation since approximately March 2013 and does not include a drive-through on the existing structure;

WHEREAS, on August 8, 1984, the applicant, Goldbar Enterprises, Inc., was issued a Conditional Use Permit to allow the addition of a drive-through to an Arby's Restaurant on a property located at 1175 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 .580-J, the approval of a Conditional Use Permit was required for a drive-through use;

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 Planning Commission Resolution No. 5974 has been initiated by the City of Pomona's Development Services Director due to Conditional Use Permit PC Resolution No. 5974 no longer being utilized;

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 Planning Commission Resolution No. 5974; 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.

The existing structure is no longer designed to accommodate a drive-through restaurant. In addition, any new exterior façade renovations that change the character of existing street facing facades or facades that are clearly visible from the public right of way are subject to a Development Plan Review Hearing pursuant to the Pomona Corridors Specific Plan.

SECTION 4. Based on the above finding, the Planning Commission hereby approves the revocation of the Conditional Use Permit, Planning Commission Resolution No. 5974, 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

ATTEST:

ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

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1175 E. Holt Avenue
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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."