

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF CONDITIONAL USE PERMIT (PLANNING COMMISSION RESOLUTION NO. 17-001) TO ALLOW THE DEVELOPMENT OF TWO SINGLE-FAMILY RESIDENCES, ON TWO SEPARATE LOTS ON PROPERTY LOCATED AT 1422 AND 1428 WEST TENTH STREET IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.**

**WHEREAS**, the City has initiated revocation of Conditional Use Permit No. 4850-2016 (PC Resolution No. 17-001) to allow the development of two single-family residences, on two separate lots on property located at 1422 and 1428 West Tenth Street in the R-2-S Low Density Multiple Family zoning district;

**WHEREAS**, on January 11, 2017, a Conditional Use Permit was issued to allow the development of two single-family residences, on two separate lots located at 1422 and 1428 West Tenth Street;

**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. 17-001), has been initiated by the City of Pomona's Development Services Director due the permit being expired and unused;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on July 24, 2019, concerning the Revocation of Conditional Use Permit (PC Resolution No. 17-001); 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 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.*

Previous entitlement was approved on January 11, 2017. However, the previous owner was unable to issue building permits within one year time frame and the permit consequentially expired. A new owner is proposing a similar development; therefore, the following finding of fact is applicable to the previous entitlement.

**SECTION 4.** Based on the above finding, the Planning Commission hereby approves the revocation of the Conditional Use Permit (Planning Commission Resolution No. 17-001), 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 24TH DAY OF JULY, 2019.**

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DR. KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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ANITA D. GUTIERREZ, AICP  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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MARCO A. MARTINEZ  
ASSISTANT CITY ATTORNEY

1422 & 1428 W. Tenth Street  
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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."