

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE REVOCATION OF CONDITIONAL USE PERMIT (PC RESOLUTION NO. 7548) TO CONSTRUCT 11 CONDOMINIUM UNITS IN THE R-2 (LOW DENSITY MULTI-FAMILY) ZONE AT 1472 AND 1476 SOUTH SAN ANTONIO AVENUE.

WHEREAS, the City has initiated revocation of previously approved Conditional Use Permit Resolution No. 7548 to construct 11 condominium units because the Conditional Use Permit was not exercised;

WHEREAS, on February 13, 1991, the applicant, Pete Volbeda, was issued a Conditional Use Permit to construct 11 condominium units in the R-2 (Low Density Multi-Family) zone on property located at 1472 and 1476 South San Antonio Avenue which was not initiated;

WHEREAS, pursuant to the Pomona Zoning Ordinance, the approval of a Conditional Use Permit is required for projects of 10 dwelling units or more;

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. 7548), has been initiated by the City of Pomona's Development Services Director due to Conditional Use Permit (Resolution No. 7548) having never been exercised, and the inability of such being able to be exercised in the future due to a new property owner developing a project on the site;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on August 14, 2019, concerning the Revocation of Conditional Use Permit (Planning Commission Resolution No. 7548); 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 conditional use permit was never acted upon and is therefore in violation of the conditions contained in the original resolution that granted entitlement (Planning Commission Resolution No. 7548). Specifically, Condition of Approval No. 3 states “That the project authorized by this Conditional Use Permit be initiated within one year of the date of approval.”

SECTION 4. Based on the above finding, the Planning Commission hereby approves the revocation of the Conditional Use Permit (Planning Commission Resolution No. 7548), 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 14TH DAY OF AUGUST, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GUSTAVO N. GONZALEZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

PC Resolution No.
Revocation of CUP (Reso No.7548)
1472 & 1476 South San Antonio Avenue
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MARCO A. MARTINEZ
DEPUTY 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."