



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: August 14, 2019

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **TIME EXTENSION (EXT 12293-2019):**
Request for a second one-year time extension for Conditional Use Permit (CUP 4607-2016) which approved a 14-unit residential condominium development on a property located at 1198-1236 S. San Antonio Avenue within the R-2 Low Density Multiple Family with Supplemental Use Overlay (R-2-S) zone.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission approve Time Extension No. 12293-2019 granting a second one-year time extension for Conditional Use Permit No. 4607-2016, subject to the conditions of City Council Resolution No. 2017-119 approved on August 7, 2017 (Attachment 1).

PROPERTY & APPLICANT INFORMATION

Address	1198-1236 S. San Antonio Avenue
Assessor's Parcel Number (APN)	8327-005-007 & 8327-005-008
Lot Size	46,550 SF (1.06 Acre)
General Plan Land Use Designation	Residential Neighborhood
Zoning District	R-2-S
Historic District	N/A
Specific Plan	N/A
City Council District	District 3
Applicant	Shahram Tork
Property Owner	Tork Inc.

PROJECT DESCRIPTION & BACKGROUND

On April 12, 2017, a public hearing was held to request that Planning Commission consider a request to allow a Tentative Tract Map (TRACTMAP 4947-2016) and Conditional Use Permit (CUP 4607-2016) consisting of a 14-unit condominium development on a 46,550 square foot (1.06 acre) lot. Ultimately, no decision was reached based on a 3-2 vote result.

On April 26, 2017, the applicant submitted a request for an appeal of the Planning Commission's Non-Action. On May 15, 2017, the request for a public hearing was considered by City Council. City Council approved the request for a public hearing and set the item for a public hearing.

On June 19, 2017, a public hearing was held for consideration by City Council. After consideration and discussion, the project was continued to August 7, 2017 to allow the applicant time to work with staff to redesign the project plans. Subsequently, on August 7, 2017, a public hearing was held to present City Council with revised plans and a shade and shadow analysis provided by the applicant. The proposed Tentative Tract Map (TRACTMAP 4947-2016) and Conditional Use Permit (CUP 4607-2016) were approved unanimously on a 7-0 vote.

On April 2, 2019, the applicant submitted a request to the Planning Division for a one-year time extension for Tentative Tract Map No. 4947-2016 and Conditional Use Permit No. 4607-2016. Due to delays encountered during the plan check review process, the applicant was unable to exercise the Conditional Use Permit (CUP 4607-2016) by the August 7, 2018 deadline. Prior to the August 7, 2018 expiration date, the applicant had been meeting with Planning Division staff to coordinate timing of project completion. In addition, the applicant specified that additional time was necessary to secure funding for the project. The applicant submitted the application after the August 7, 2018 deadline for Conditional Use Permit No. 4607-2016; however, staff accepted the application based on the intention of the property owner to complete the project and a desire to see the vacant lots developed. On April 24, 2019 the Planning Commission granted a one-year time extension to extend the expiration date of the Tentative Tract Map (TRACTMAP 4947-2016) to August 7, 2020 and a one year time extension to extend the expiration date of the Conditional Use Permit (CUP 4607-2016) to August 7, 2019.

On July 18, 2019 (Attachment 2) the applicant submitted a request for a second one-year time extension for Conditional Use Permit No. 4607-2016. The applicant has specified that additional time is necessary due to unforeseen delays in securing project financing.

Prior to the granting of a second time extension, the Planning Commission must find that all of the following exist:

1. *The applicant has made a consistent, progressive, good-faith effort to exercise the Conditional Use Permit within the one-year period following its initial extension.*

The applicant has initiated the plan check review process by submitting plans to the Building & Safety Division and is working with the reviewing departments to meet all of

the necessary requirements.

2. *The applicant has been prevented or otherwise inhibited in their efforts to exercise such conditional use permit beyond his control. Such conditions may include, but not necessary be limited to, requirements imposed by Substantial evidence does not currently exist which would justify revocation of the conditional use permit.*

The applicant did not initially anticipate delays with procuring the necessary project financing, however the applicant is taking the necessary measures to ensure future deadlines will be met.

3. *Such evidence must not have existed at the time of approval of the original conditional use permit or, if such evidence did exist, it must not have been capable of production at that time with the exercise of reasonable diligence.*

The recent financing delays did not exist at the time of the original approval of Conditional Use Permit (CUP 4607-2016).

4. *The conditional use permit will not be contrary to or in violation of any currently adopted policy, ordinance, rule or regulation;*

The proposed project will conform to the requirements of the Pomona Zoning Ordinance and will be consistent with the conditions of approval outlined in City Council Resolution No. 2017-119.

5. *Only the applicant (owner or developer) who originally received approval for the conditional use permit may be granted a second extension (Ord. No. 3673,§3.)*

The applicant, Shahram Tork, originally received the approval of Conditional Use Permit (CUP 4607-2016) and has also submitted the request for a second one-year time extension.

Staff supports Time Extension No. 12293-2019 because the approved use conforms to the development standards of the R-2-S Zone. Additionally, the proposed project (Attachment 3) will remain consistent with the conditions of City Council Resolution Nos. 2017-119, which was approved on August 7, 2017.

RECOMMENDATION

Staff recommends that the Planning Commission approve Time Extension No. 12293-2019 granting a second one-year time extension from August 7, 2019 to August 7, 2020 for Conditional Use Permit No. 4607-2016, subject to the conditions of City Council Resolution No. 2017-119.

With the granting of a second one-year time extension for the Conditional Use Permit (CUP 4607-2016), the expiration date will be August 7, 2020.

Respectfully Submitted by:

Prepared by:

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PC ATTACHMENTS:

- 1) City Council Resolution Nos. 2017-119
- 2) Applicant's Time Extension Application, Submitted on July 18, 2019.
- 3) Approved Project Plans

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