



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: June 24, 2020

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 013582-2020) (CONTINUED FROM JUNE 24, 2020)**: A request for a Conditional Use Permit to allow for the development of twelve (12) unit townhome on a .89-acre lot located at 961 E. Phillips Boulevard in the R-2-S (Low Density Multiple Family, S Overlay) Zone.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution to approve Conditional Use Permit (CUP 013582-2020), subject to conditions (Attachment 1).

PROJECT/APPLICANT INFORMATION

Address	961 E. Phillips Boulevard
Assessor's Parcel Number (APN)	8333-031-013
Lot Size	0.89 acre
General Plan Land Use Designation	Residential Neighborhood
Zoning District	R-2-S
Historic District	N/A
Specific Plan	N/A
City Council District	3
Applicant	Qiuying Liu
Property Owner	Qiuying Liu

RELATED ACTIONS

Historic Preservation	N/A
Code Enforcement	Admin Citation – Correction Notice Issued for homeless/junk/unsanitary conditions/ vacancy on November 13, 2019.
Building & Safety	N/A
Planning	MAJCOA 11397-2019 – To allow for the demolition of four (4) pre-1945 single family residences. (HPC hearing on April 3, 2019, June

5, 2019, and January 15, 2020. CC hearing on February 24, 2020, and March 16, 2020.)

PROJECT BACKGROUND & DESCRIPTION

The applicant is requesting a Conditional Use Permit (CUP) to allow for the development of twelve attached, 2,000 square-foot townhome units on a 0.89-acre lot. The project proposes four separate buildings consisting of three attached units each with three bedrooms, three bathrooms, kitchen, living room, den, attached two-car garage, and private open space area. The project also proposes approximately 6,160 square feet of common open space. Access to the site is provided from E. Phillips Boulevard via a 26-foot wide driveway approach. The site, which is located north of Phillips Street, south of Grand Avenue, east of Towne Avenue, and west of San Antonio Avenue, currently holds four vacated single-family residences with an estimated construction date of 1910, 1923, 1925, and 1924. To accommodate the project, all four residences are proposed to be demolished.

On June 24, 2020, the Planning Commission considered the request for a CUP and generally expressed support for the project as proposed. However, the Commission raised concerns with the current conditions of the property and its overall maintenance prior to and through construction. Recently, trespassers and accumulation of trash and debris have been observed on the property. The following provides a timeline of recent code violations and actions associated with the site:

- 11/13/2019 – The Code Enforcement Division received a complaint regarding the property being vacant, and trash and debris accumulating on the property.
- 11/22/2019 – Code officers responded to the location and observed trash and debris on the property as well as trespassing by homeless individuals and had police officers respond to clear the property. Officers arrived and cleared the property. The property manager was also contacted and advised of the site conditions. A notice of violation was also mailed to the property owner.
- 11/22/2019 - 4/30/2020 – Code officers received three complaints of the property being unsecured. Each time, the property manager was notified and the property was secured within a couple of days. A “No Trespassing” sign was also posted on the property. No new complaints of the property being unsecured have been received since 4/30/2020.

The Commission also expressed concern with an increase in recently approved projects throughout the City that are on vacant lots or lots that contain vacant structures where weeds, trash and debris have accumulated, and/or have been occupied by trespassers, becoming a nuisance to the surrounding neighborhoods. To ensure that the applicant addressed the current conditions of the site and is prepared to maintain the site clear of these issues prior to and during construction, the Commission continued the item, on a 4-2-1-0 vote to the July 8, 2020 Planning Commission meeting and directed staff to work with the applicant on a plan to address these concerns. For a full background and analysis of the requested CUP and compliance with the Pomona Zoning Ordinance (PZO), please see Attachment 2.

DISCUSSION

Following the Planning Commission meeting of June 24, 2020, staff met with the applicant to develop a timeline that tracks the clean-up of the property and anticipated steps of the permitting process through construction commencement as follows:

Date	Responsible Party	Description
6/29/2020	Applicant	Site clean-up/AQMD demolition notice released
6/30/2020	City	Salvage period ends
7/1/2020	City	Demolition permit issued
7/8/2020	City	Planning Commission hearing
7/9/2020	Applicant	Removal of salvage elements
7/10/2020	Applicant	Public views/pick up salvage elements (off-site)
7/13/2020	Applicant	Begin demolition
7/15/2020	Applicant	Submit construction plans to City
8/19/2020	City	Receive 1 st round of corrections
9/2/2020	Applicant	Submit revised plans
9/16/2020	City	Receive 2 nd round of corrections
9/30/2020	Applicant	Submit revised plans
10/14/2020	City	Issue construction permits
10/16/2020	Applicant	Begin construction

The applicant has already taken several steps to ensure that the site is secured and free of trash and debris. As of the writing of this report, the applicant has completed the clean-up of the site, secured the site with temporary fencing and obtained a demolition permit from the City (Attachment 3). In addition, the applicant filed a Trespass Arrest Authorization form with the Police Department on February 7, 2020 to allow the police to arrest trespassers (Attachment 4). Finally, as discussed at the Planning Commission meeting of June 24, the following conditions have been included to the draft resolution to encourage the applicant's full cooperation.

- Prior to, during, and until construction is completed, the subject property shall be maintained clean and free of debris, trash and clutter at all times, and monitored on a regular basis to ensure compliance with this condition and report any unauthorized trespassing onto the property to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation of this Conditional Use Permit.
- In order to monitor progress of the development and ensure compliance with the conditions of approval, approximately six months from the date of approval of this Conditional Use Permit, staff shall prepare a report for the Commission on the status of this project. The Commission may receive and file the report or direct staff to initiate revocation proceedings if applicant is deemed to be in violation of the conditions of approval.

ENVIRONMENTAL DETERMINATION

Pursuant to the Guidelines for Implementation of the Environmental Quality Act (CEQA), the proposed project meets the criteria for a Class 32 Categorical Exemption (In-fill development) pursuant to Section 15332, in that the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Therefore, no further environmental review is required and staff recommends that the Planning Commission adopt the Class 32 Categorical Exemption for the proposed project.

CONCLUSION

As discussed in the June 24th Planning Commission staff report (Attachment 2), the proposed project is consistent with the City's General Plan and meets or exceeds the minimum development standards of the Pomona Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with existing and adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods. Further, based on the information provided in the Discussion Section above, the site will be well maintained and secured prior to and during construction of the project. The applicant has already completed the clean-up of the site and ensured that it remains secured. Finally, the applicant has shown a good faith effort to get through the permitting process expeditiously and develop the site as soon as possible.

RECOMMENDED MOTION

Staff recommends the following motion:

- Move that the Planning Commission close the public hearing, find that the project is categorically exempt pursuant to State and Local CEQA guidelines, and approve the Conditional Use Permit (CUP-013582-2020), per staff's recommendation, subject to the findings and conditions included in the draft resolution.

Respectfully Submitted:

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Prepared By:

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ATTACHMENTS:

- 1) Draft PC Resolution (CUP 013582-2020)
- 2) Planning Commission Staff Report dated June 24, 2020
- 3) Site Photographs of Clean-up

- 4) Trespass Arrest Authorization