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# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** September 9, 2020

**TO:** Chairman and Members of the Planning Commission

**FROM:** Planning Division

**SUBJECT:** **TIME EXTENSION (EXT 014350-2020)**: A request for a second (six-month) time extension for Conditional Use Permit (CUP 5668-2016) and Tentative Tract Map No. 74049 (TRACTMAP 5669-2016) for the development of eleven condominium units and retention of one historical unit located at 737 & 763 Lewis Street within the R-2 Low Density Multiple Family Zone.

### RECOMMENDATION

Staff recommends that the Planning Commission approve Time Extension (EXT 014350-2020) granting a second (six-month) time extension for Conditional Use Permit (CUP 5668-2016) and Tentative Tract Map No. 74049 (TRACTMAP 5669-2016) subject to the conditions of PC Resolution No. 17-042 and PC Resolution No. 17-043 approved on September 13, 2017 (Attachments 4 and 5).

### PROJECT/APPLICANT INFORMATION

<b>Address</b>	737 & 763 Lewis Street
<b>Assessor's Parcel Number (APN)</b>	8357-003-036 & 8357-003-035
<b>Lot Size</b>	60,669 SF (1.39 Acre)
<b>General Plan Land Use Designation</b>	Residential Neighborhood
<b>Zoning District</b>	R-2
<b>Historic District</b>	N/A
<b>Specific Plan</b>	N/A
<b>City Council District</b>	District 1
<b>Applicant</b>	Angie Yu
<b>Property Owner</b>	AJ Development Group, LLC

### PROJECT DESCRIPTION & BACKGROUND

On September 13, 2017, the Planning Commission held a public hearing to consider a request for Conditional Use Permit (CUP 5668-2016) and Tentative Tract Map No. 74049 (TRACTMAP 5669-

2016) to develop eleven new two-story residential condominium units with two-car garages, and to retain an existing historical single-family residence on site (Attachment 2). The Planning Commission approved the project on a 5-1-0-1 vote.

Since the entitlement approval, the project civil engineer fell ill and was no longer able to complete the project. The applicant contracted a new civil engineer and is now working on addressing the remaining few conditions of approval by the Public Works Department and Planning Division. The approval for the Conditional Use Permit and Tentative Tract Map approached the end of a two-year approval period, ending on September 13, 2019, as conditioned in the approved resolution. The applicant submitted a request for the first time extension on August 8, 2019, prior to the deadline of September 13, 2019 for consideration, with the Planning Commission granting this request on September 25, 2019.

Since the approval for the first time extension, the COVID-19 pandemic has adversely impacted the project's timeline for completion. The approval for the first-time extension is approaching the end of its one-year approval period on September 25, 2019. The applicant submitted an application for a second time extension on August 19, 2020, prior to the deadline of September 13, 2020. The applicant is in the final stages of approval and is only requesting a six-month extension to begin construction. The applicant anticipates to obtain building permits within the next two weeks (Attachment 3). The following table provides a brief timeline of project completion as anticipated by the applicant:

- September 15, 2020 – Obtain all building permits
- October 1, 2020 – Begin demolition
- October 10, 2020 – Begin construction
- March 1, 2021 – Complete construction and obtain occupancy

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 his 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 civil engineer working on this project expectantly fell ill and was no longer able to complete the project. Furthermore, the project has been adversely impacted by the COVID-19 pandemic. The applicant is diligently working to address the last few conditions of

approval.

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 civil engineer working on the project fell ill after the approval of the Conditional Use Permit (CUP 5668-2016) and Tentative Tract Map No. 74049 (TRACTMAP 5669-2016). In addition, the COVID-19 pandemic impeded on the progression of the project. These unforeseen occurrences delayed the project.

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. 17-042 and No. 17-043.

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 originally received the approval of Conditional Use Permit (CUP 5668-2016) and Tentative Tract Map 74049 (TRACTMAP 5669-2016) and is submitting a request for a second (six-month) time extension, as conditioned in the resolution.

## CONCLUSION

Staff supports Time Extension (EXT 014350-2020) as the approved development conforms to the development standards for R-2 Low Density Multiple Family Zoning. Additionally, the proposed project remains consistent with the conditions of PC Resolution No. 17-042 and PC Resolution No. 17-043 (Attachment 4 & 5), which was approved by the Planning Commission on September 13, 2017.

Respectfully Submitted:

Prepared by:

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## **PC ATTACHMENTS:**

- 1) Applicant's Time Extension Application, Submitted on August 19, 2020
- 2) Approved Project Plans (8½" x 11" Reductions)
- 3) Applicant's Progress Report and Construction Timeline, Submitted on August 12, 2020
- 4) PC Resolution No. 15-042
- 5) PC Resolution No. 17-043