



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: September 23, 2020

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **TIME EXTENSION (EXT 014232-2020):** A request for a one-year time extension for Conditional Use Permit (CUP 007353-2017) to allow the development of approximately 16,433 square feet of new retail space in two new buildings and one existing building on a 1.45 acre lot; and a Tentative Parcel Map (PM 7354-2017) to combine ten lots into three parcels located at 888 W. Mission Boulevard in the Midtown Segment of the Pomona Corridors Specific Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Time Extension No. 014232-2020 only for the one-year time extension request for Tentative Parcel Map (TPM 007354-2017) and deny the one-year time extension request for the Conditional Use Permit (CUP 007353-2017)

PROJECT/APPLICANT INFORMATION

Address	888 W. Mission Boulevard
Assessor's Parcel Number (APN)	834-201-3020 & 834-201-3021
Lot Size	60,669 SF (1.39 Acre)
General Plan Land Use Designation	Residential Neighborhood
Zoning District	Pomona Corridors Specific Plan – Midtown Segment
Historic District	N/A
Specific Plan	Pomona Corridors Specific Plan
City Council District	District 2
Applicant	ATC Design Group
Property Owner	Mission White Capital, LLC

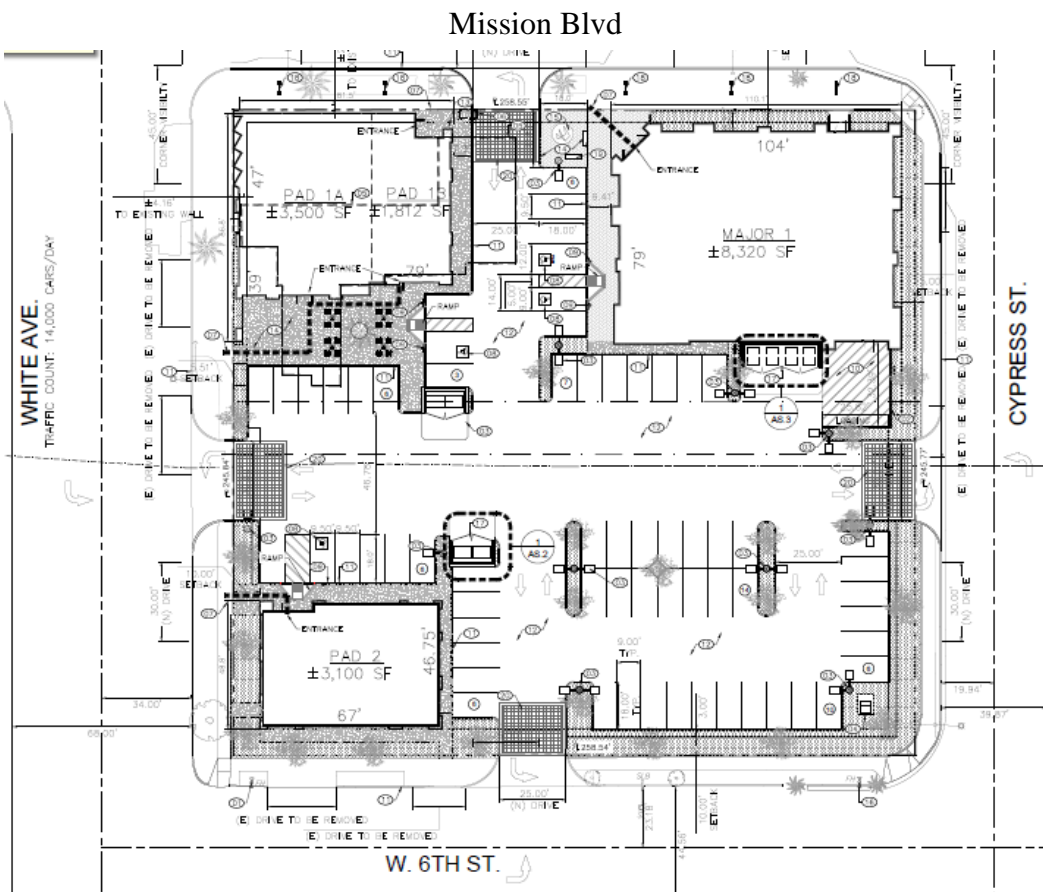
PROJECT DESCRIPTION & BACKGROUND

On September 26, 2018, the Planning Commission approved Conditional Use Permit (CUP 007353-2017) to allow the development of approximately 16,433 square feet of new retail space in two new

buildings and one existing building on a 1.45 acre lot, and Tentative Parcel Map (PM 7354-2017) to combine ten lots into three parcels located at 888 W. Mission Boulevard The project was approved on a 5-2-0-0 vote.

On June 14, 2020, a fire occurred at the subject property, which led to the total loss of the only remaining building on-site, formerly known as the Mission Family Diner. The structure located at the corner of Mission Boulevard and White Avenue was a 1957 “Googie style” restaurant identified as a potential historic resource per the California Environmental Quality Act (CEQA) in the General Plan Environmental Impact Report (EIR). The approved project proposed to retain most of the original portions of the street-facing façades of the structure with the south and east façades proposed to be modified and reconfigured (Attachment 2). The proposed project would have consisted of three one-story retail buildings as follows:

Building/Unit	Square Footage	Specific Plan	Proposed use
Major 1	8,320 SF	PCSP	Family Dollar
Pad 1A	3,500 SF	PCSP	7-11 convenience store
Pad 1B	1,812 SF	PCSP	Restaurant space
Pad 2	3,100 SF	PCSP	Laundromat



The following table provides an overview of the permits filed by the applicant to date.

Permit	Application Date	Issue Date
Partial Demolition (before fire)	04/16/2020	05/07/2020
Plan Check (all three buildings)	08/12/2019	-
Infrastructure	04/02/2020	-
Grading	05/04/2020	-
Full Demolition (after fire)	05/28/2020	-

In addition, the City has issued the applicant several citations and fines over the past six months for violations associated with the subject property. The following table provides an overview of the active Code Enforcement cases associated with the property.

Violation	Opened Date	Status
Junk, Trash and Debris	03/05/2020	Open
Adequate and Proper Maintenance of Property	03/05/2020	Open
Building Permits Required	06/17/2020	Open
Fences, Hedges and Walls Maintenance	06/17/2020	Open

The applicant has also provided the following timeline for project completion:

- *Site cleaned up by October 9, 2020*
 - The owner has submitted all of the required documentation, application and reports to the Southern California Air Quality Management District (AQMD). He is currently waiting on approval and the permit for the site clean-up. He has a HAZMAT contractor under contract to start immediately after receiving the AQMD approval.
- *Grading Permits by October 9, 2020*
 - Grading permits are expected to be obtained at the same time that the site clean-up is completed on October 9th. Building permits are expected to be issued upon pad certification.
- *Parcel Map finalized by fall 2020*
 - All Parcel Map plan check comments have been satisfied and will provide the remaining items required for City Council approval of the final map by October 30, 2020. Those items include bonding of the offsite improvements, monumentation bond and final subdivision guarantee.
- *Development Plan Review (DPR) submittal for new building by October 30, 2020*
 - The owner is working on a new building design to replace the former restaurant.

Conditional Use Permit

In accordance with Condition of Approval number seven of Resolution 18-033 (Attachment 3), the approval of the Conditional Use Permit (CUP) lapse and became nullified because the privilege authorized was not utilized within one year from the date of the CUP approval (September 26, 2019) and the applicant failed to file a time extension application at least 30 days before the expiration of the CUP. As such, the CUP is not eligible to receive a time extension, and a new discretionary review would be required for any future development of the site. It should be noted that, as a matter of policy, the Planning Commission has approved retroactive time extensions for CUPs that have expired.

In addition, the underlying zoning of the subject property was changed in 2019 to Midtown Segment of the Pomona Corridors Specific Plan (PCSP) in its entirety as part of the Downtown Pomona Specific Plan (DPSP) Update, whereas the site was previously split between the DPSP and the PSCP. Any new discretionary review for the site would require a Development Plan Review (required under the PCSP), as opposed to a CUP.

Tentative Parcel Map

The Tentative Parcel Map (TPM) is set to expire on September 26, 2020. The deadline to submit a time extension request was on August 26, 2020, which would extend the expiration date of the TPM to September 26, 2021. The applicant submitted the time extension application on August 3, 2020 (Attachment 1). Therefore, the TPM is eligible for a one-year time extension.

Staff has been diligently working with the applicant over the past several years to bring this project to fruition, yet the applicant has failed time and again to address the property maintenance issues and timely obtain the necessary permits to begin construction of the project. In addition, the recent fire has exacerbated the safety concerns of the site onto the surrounding neighborhood given that the fire introduced asbestos to the area. On several occasions the applicant has communicated to staff that the necessary AQMD permits were imminent and that the cleanup would begin by no later than August 27. However, in mid-August staff communicated with AQMD who advised staff that there was no record of active application on file. To date, the site continues to be a major eyesore and, more importantly, a public safety concern for the area.

Staff has concerns that the applicant may only develop the two buildings approved by the CUP and never develop the former restaurant site. To avoid the risk of the applicant only developing a portion of the overall project site, staff recommends that the Planning Commission deny the time extension request for the CUP but approves the request to extent the TPM. This would require the applicant to submit a new DPR for the entire project site and ensure the entire project is developed at the same time.

Prepared and Respectfully Submitted by:

Gustavo N. Gonzalez, AICP
Planning Manager

ATTACHMENTS

- 1) Applicant's Time Extension Application
- 2) Approved Project Plans
- 3) PC Resolution No. 18-033
- 4) PC Resolution No. 17-043