

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Wednesday, January 22, 2020

7:00 PM

Council Chambers

Planning Commission

Chair Dr. Kyle Brown
Vice-Chair Ron VanderMolen
Commissioner Jorge Grajeda
Commissioner Alfredo Camacho
Commissioner Gwen Urey
Commissioner Richard Bunce
Commissioner Kristie Kercheval

PLEASE NOTE:

Members of the Planning Commission and the public are reminded that they must preserve order and decorum throughout the Meeting. In that regard, Members of the Planning Commission and the public are advised that any delay or disruption in the proceedings or a refusal to obey the orders of the Planning Commission or the presiding officer constitutes a violation of these rules.

- The conduct of Planning Commission meetings is governed by the portion of the California Government Code commonly known as the "Brown Act" and by the Pomona Planning Commission Rules of Procedure.
- The Planning Commission meeting is for conducting the City's business, and members of the audience must obey the rules of decorum set forth by law. This means that each speaker will be permitted to speak for three minutes to address items that are listed on the Planning Commission agenda or topics which are within the jurisdictional authority of the City.
- No profanity, personal attacks, booing, cheering, applauding or other conduct disruptive to the meeting will be permitted. Any person not adhering to the Rules of Procedure or conduct authorized by the Brown Act may be asked to leave the Council Chambers.
- All comments directed to the Planning Commission or to any member of the Planning Commission must be directed to the Chairperson (or Vice Chairperson if the Chairperson is absent). We ask that you please respect the business nature of this meeting and the order required for the proceedings conducted in the Council Chambers.

A. CALL TO ORDER:

Chairperson Kyle Brown

B. PLEDGE OF ALLEGIANCE:

Chairperson Kyle Brown

C. ROLL CALL:

Chairperson Kyle Brown, Vice-Chairperson Ron VanderMolen, Commissioner Jorge Grajeda, Commissioner Alfredo Camacho, Commissioner Gwen Urey, Commissioner Dick Bunce and Commissioner Kristie Kercheval.

D. PUBLIC COMMENT:

1. At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings, or other items under the jurisdiction of the Planning Commission. Comments from the public of any nonagenda items will be limited to three (3) minutes in accordance with City policy.
2. Any applicant or member of the public wishing to speak on any item that is listed on the agenda is requested to adhere to the following protocol procedures/guidelines:
 - a) Prior to the meeting, or during the meeting prior to an agenda item being discussed, any person wishing to address the Planning Commission shall complete a speaker card and submit it to the Planning Manager. Speaker cards are available in the foyer of the City Council Chambers and from the Minutes Clerk.
 - b) When called upon, the person shall come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. Whenever any group of persons wishes to address the Planning Commission on the same subject matter, the Chairperson may, at his/her discretion, request that the group choose a spokesperson to address the Commission.
 - c) All remarks should be addressed to the Planning Commission as a whole, and not to individual Commissioners. Questions, if any, should be directed to the presiding Chairperson who will determine whether, or in what manner an answer will be provided.
3. Together the Planning Commission members, City Staff and public honor Pomona's important City meeting values:
 - a) To speak and to listen to everyone with respect and courtesy; to honor fairness and our cherished democratic process.

b) To affirm Pomona's dedication to lead as a Compassionate City.

Thank you all for keeping these values and this commitment to act with them ever present in our minds as we proceed with the meeting together.

E. CONSENT CALENDAR:

All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

F. HEARING ITEMS:

1. Modification of Conditional Use Permit (CUP 12727-2019)

Project Address: 1648 Indian Hill Blvd., Suite C

Project Applicant: Miguel Contreras

Project Planner: Gustavo N. Gonzalez, Planning Manager

Council District: 4

A request for modification of a conditional use permit to allow an upgrade from a Type 41 Alcohol License (on-sale beer and wine) to a Type 47 Alcohol License (on-sale general) for on-site alcohol consumption in conjunction with an existing full-service restaurant (Mariscos 701), located in the C-3 (General Commercial) Zone.

In accordance with the California Environmental Quality Act (CEQA) guidelines, the proposed project, under the Modification of Conditional Use Permit request, would be categorically exempt under Article 19, Section 15301 (Class 1 - Existing Facilities), because the proposed project will utilize existing structures with no interior or exterior modifications.

Recommendation:

Staff recommends that the Planning Commission adopt the attached PC Resolution approving Modification of Conditional Use Permit (CUP 12727-2019), subject to conditions.

Attachments:

[Staff Report](#)

[Attachment 1 - Draft PC Resolution](#)

[Attachment 2 - Location Map & Aerial Photograph](#)

[Attachment 3 - Project Plans](#)

[Attachment 4 - ABC Licenses Data](#)

[Attachment 5 - Crime Statistics by Police Reporting District](#)

[Attachment 6 - Sensitive Land Uses](#)

[Attachment 7 - 400-foot Radius Map & Public Hearing Notice](#)

2. Recommendation to Rescind Various Prohibitions on Commercial Cannabis Activity in the Pomona Zoning Ordinance (CODE 12052-2019, SPA 13311-2020)

Project Address: Citywide

Project Applicant: City of Pomona

Project Planner: Ata Khan, Senior Planner

Council District: All

Recommendation:

The Planning Division recommends the Planning Commission recommend to City Council rescinding the portions of Ordinance No. 4096 which prohibit the establishment and operation of medical marijuana dispensaries citywide; fully rescind Ordinance No. 4215, which prohibits the cultivation of marijuana citywide; and fully rescind Ordinance No. 4241, which prohibits commercial cannabis activity citywide. The proposed action will be considered under CEQA exemption 15061(b)(3), which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

Attachments:

[Staff Report](#)

[Attachment 1: Draft Resolution \(Amending Ord. 4096\)](#)

[Attachment 2: Draft Resolution \(Rescinding Ord. 4215\)](#)

[Attachment 3: Draft Resolution \(Rescinding Ord. 4241\)](#)

[Attachment 4: Ordinance 4096](#)

[Attachment 5: Ordinance 4215](#)

[Attachment 6: Ordinance 4241](#)

[Attachment 7: Proof of Publication of Public Hearing Notice](#)

3. Code Amendment (CODE 13241-2020)

Project Address: City-wide

Project Applicant: City of Pomona

Project Planner: Vinny Tam, Senior Planner

Council District: All

A city-initiated request to amend the City of Pomona Zoning Ordinance (PZO) for the purpose of regulating Accessory Dwelling Units (ADUs) in accordance with State law. The request will include amending sections .5809-26 Accessory Dwelling Units, .5809-13 Historic Preservation, .580 Conditional Use Permits, and .560 Variances of the City of Pomona Zoning Ordinance pertaining to Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations in order to comply with new ADU laws imposing new limits on local authority to regulate ADUs and JADUs that have taken effect January 1, 2020.

Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law. In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory

structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. This environmental review will be considered by the Planning Commission at the public hearing for this project scheduled for January 22, 2020.

Recommendation:

The Planning Division recommends the Planning Commission adopt the attached draft Resolution recommending the City Council approve Code Amendment (CODE 13241-2020).

Attachments:

[Staff Report](#)

[Attachment 1 - Draft Planning Commission Resolution](#)

[Attachment 1\(A\) - Exhibit A - Draft Ordinance](#)

[Attachment 2 - California Government Code Section 65852.2](#)

[Attachment 3 - California Government Code Section 65852.22](#)

[Attachment 4 - Proof of Publication and Hearing Notice](#)

G. PLANNING COMMISSION COMMUNICATION:

H. DEVELOPMENT SERVICES DIRECTOR/PLANNING MANAGER COMMUNICATION:

I. DISCUSSION:

ADJOURNMENT:

The City of Pomona Planning Commission is hereby adjourned to the next regularly scheduled meeting of February 12, 2020 starting at 7:00 p.m. in the City Council Chambers.

CERTIFICATION OF POSTING AGENDA:

I, Gustavo N. Gonzalez, AICP, Planning Manager for the City of Pomona, hereby certify that the agenda for the January 22, 2020 meeting of the Planning Commission was posted in City Hall, near the door of the City Council Chambers, and on the City's website www.ci.pomona.ca.us on January 16, 2020. I declare under the penalty of perjury that the foregoing is true and correct.

/s/Gustavo N. Gonzalez, AICP, Planning Manager