

City of Pomona

505 S. Garey Ave.
Pomona, CA 91766



Regular Meeting Agenda

Wednesday, June 23, 2021

7:00 PM

Via Video Conference

Planning Commission

Chair Alfredo Camacho
Vice-Chair Kristie Kercheval
Commissioner Yesenia Miranda Meza
Commissioner Gwen Urey
Commissioner Carlos Gomez
Commissioner Ron VanderMolen
Commissioner Kyle Brown

*****IMPORTANT NOTICE DUE TO COVID-19*****

On March 16, 2020, the City Council declared a local emergency in response to the global COVID-19 outbreak. Preserving the health and safety of our employees and the public is our top priority.

In accordance with California Governor's Executive Order N-25-20 regarding the Brown Act and guidance from the California Department of Public Health on gatherings, please note the following:

On June 23, 2021, at 7:00 p.m., the Planning Commission meeting will occur via video conference. There will be no in-person public meeting location.

To watch and participate by video conference

- Visit <https://zoom.us/join>.
- Type in Webinar ID 844 2262 2099 and click "Join".
- Enter Webinar Password 754997 and click "Join Webinar".
- You can also access the meeting by copying and pasting the link below to your web browser to join the webinar:
- <https://us02web.zoom.us/j/84422622099?pwd=M0FObmxiOEtsZVZDVnNUbjdxeit1QT09>

To participate by telephone

- Dial (669) 900-9128
- Enter Webinar ID 844 2262 2099 followed by #
- For Participant ID, press #
- Enter Password 754997 followed by #

To submit comments by email

- Comments for public participation or for a specific item on the agenda will be accepted by email.
- Comments will be read into the record by the Planning Commission Secretary.
- The deadline to submit your comments is Wednesday, June 23 by 6:00 p.m.
- Please email your comments to DevServicesComments@ci.pomona.ca.us.
- Comments must be limited to 200 words.
- Please title your email "Planning Commission Public Comment 6-23-2021" and indicate if you are commenting on a specific agenda item.

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.
- 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.

A. CALL TO ORDER:

Chairperson Alfredo Camacho

B. PLEDGE OF ALLEGIANCE:

Chairperson Alfredo Camacho

C. ROLL CALL:

Chairperson Alfredo Camacho, Vice Chairperson Kristie Kercheval, Commissioner Yesenia Miranda Meza, Commissioner Gwen Urey, Commissioner Carlos Gomez, Commissioner Ron VanderMolen and Commissioner Kyle Brown.

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) When called upon, the person shall 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.

b) 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.

Speaker Times:

After the public hearing is opened, the chair will first call upon the applicant or their representative(s) to speak. The applicant has up to eight (8) minutes to address the Commission.

After the Applicant has had an opportunity to speak, the Chair will call upon any members of the public wishing to speak on the item. Each person speaking either in favor or in opposition shall be allowed to speak for not more than three (3) minutes, provided that, due to the number of speakers, the Chair, with the consensus of the Commission, may reduce the time each speaker is allowed to speak.

After all speakers have had an opportunity to speak, the Applicant shall have up to five (5) minutes for rebuttal of any opposition raised.

The Planning Commission may permit the applicant to exceed the preceding time limits if the Commission determines that the proposed project's complexity requires additional time for the applicant to make an adequate presentation.

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.

1. Approval of Draft Planning Commission Action Minutes meeting of June 9, 2021.

Attachments: [PC Action Minutes 6-9-2021](#)

F. HEARING ITEMS:

1. Code Amendment (CODE 14672-2020)

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 hillside areas and in accordance with State law as well as to codify policy interpretations issued in December of 2020 by the California Department of Housing and Community Development. The request will include amending section .5809-26 Accessory Dwelling Units of the PZO pertaining to Accessory Dwelling Unit (ADU) regulations. 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 Junior Accessory Dwelling Units (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, the City Council finds that 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 June 23, 2021.

Recommendation:

Staff recommends that the Planning Commission adopt the attached draft Resolution recommending the City Council approve Code Amendment (CODE 14672-2020).

Attachments: [Staff Report](#)
 [Attachment 1 - Draft Reso. 21-019](#)
 [Attachment 2 - Exhibit A](#)
 [Attachment 3 - Gov. Code 65852.2](#)
 [Attachment 4 - Gov. Code 65852.22](#)
 [Attachment 5 - HCD ADU Handbook 12/2020](#)
 [Attachment 6 - Proof of Publication for Public Hearing Notice](#)
 [Attachment 7 - Presentation](#)

G. PLANNING COMMISSION COMMUNICATION:

H. DEVELOPMENT SERVICES DIRECTOR/PLANNING MANAGER COMMUNICATION:

I. DISCUSSION:

1. Discussion of a city-initiated request to amend the Pomona City Code (PCC) to establish a registration and maintenance program of abandoned, vacant and/or defaulted mortgage properties. The proposed request would not require future Planning Commission action as it would amend PCC, but would establish regulations on private property.

Attachments: [Draft Ordinance](#)
 [Presentation Slides](#)

ADJOURNMENT:

The City of Pomona Planning Commission is hereby adjourned to the next regularly scheduled meeting of July 14, 2021 starting at 7:00 p.m., which will occur via video conference.

CERTIFICATION OF POSTING AGENDA:

I, Ata Khan, Planning Manager for the City of Pomona, hereby certify that the agenda for the June 23, 2021 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 June 17, 2021. I declare under the penalty of perjury that the foregoing is true and correct.

/s/Ata Khan, Planning Manager