

UNOFFICIAL MINUTES
PLANNING COMMISSION
JANUARY 25, 2017

CALL TO ORDER: The Planning Commission meeting was called to order by Chairperson Hemming in the City Council Chambers at 7:11 p.m.

FLAG SALUTE: Commissioner Grajeda led the flag salute

ROLL CALL: Roll was taken by Development Services Manager Johnson

COMMISSIONERS PRESENT: Chair Hemming and Vice Chair Arias; Commissioners Brown, Grajeda, Juarez (arrived at 7:22pm), Ramos, and Ursua

COMMISSIONERS ABSENT: None

STAFF PRESENT: Development Services Director Lazzaretto, Development Services Manager Johnson, Assistant City Attorney Jared, Associate Planner Bechet, Associate Planner Lee, Senior Planner Lin, Assistant Planner Session-Goins, City Engineer Guerrero, and Minutes Clerk Casey

ITEM D:
CITIZEN PARTICIPATION:

ITEM E:
CONSENT CALENDAR:

1. APPROVAL OF PC MINUTES:
 - Draft Minutes 9-28-16
 - Draft Minutes 10-12-16
 - Draft Minutes 10-26-16
 - Draft Minutes 11-9-16

Motion by Chair Hemming, seconded by Vice Chair Arias, carried by a vote of the members present, approving all PC Minutes listed on the consent calendar

ITEM F:
PUBLIC HEARING ITEMS:

F-1 PUBLIC HEARING – WIRELESS COMMUNICATION FACILITY PERMIT (WIRE 4071-2016) TO ALLOW THE CONSTRUCTION OF A 60-FOOT HIGH FREESTANDING WIRELESS COMMUNICATION FACILITY DISGUISED AS A BROADLEAF TREE AND RELATED GROUND EQUIPMENT ON A PROPERTY LOCATED IN THE CITY GATEWAY

SEGMENT OF THE CORRIDOR SPECIFIC PLAN LOCATED
AT 625 E. FOOTHILL BOULEVARD. *(Continued from January 11,
20167)*

Chair Hemming opened the public hearing to continue the item.

Motion by Chair Hemming, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (6-0-0-1), Commissioner Juarez absent, continuing Wireless Communication Facility (WIRE 4071-2016).

F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 11-002) REQUEST TO LEGALIZE THE CONVERSION OF A GROUP CARE FACILITY TO AN ELEVEN UNIT ROOMING HOUSE ON A 16,600 SQUARE FOOT PROPERTY LOCATED AT 804 WILLIAM STREET IN THE R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT.

Associate Planner Lee provided a staff report regarding a request to legalize the conversion of a group care facility to an eleven unit rooming house. Commissioner Grajeda inquired on the current use of the site and stated concerns regarding the nearby school. Development Services Manager Johnson stated the site was a long ongoing case with the City. The site was scheduled several years ago to come before the Planning Commission and the applicant at that time attempted to withdraw the application by continuously continuing the item. He stated the current applicant was in the process of selling the property and there was concerns from potential buyers as to whether there was a conditional use permit filed with the city. A final determination of the property type had not been made and there have been many lengthy meetings with the City and attorneys regarding the property. Commissioner Brown stated a parking concern as the site had eleven bedrooms, however was only providing ten parking spaces. Development Services Manager Johnson stated staff had visited the site several times and there have only been as many as two cars parked at the site. Staff did not feel there would be a parking issue. Commissioner Grajeda stated confusion with the need for a conditional use permit and stated a concern with the conditional use permit remaining with the land should it be granted.

Commissioner Juarez joined the meeting at 7:22 pm.

Vice Chair Arias inquired whether the new buyer would be required to come before the Commission. Development Services Manager Johnson stated the new buyer would not need to come before the Commission, but would be required to adhere to the granted conditional use permit. Chair Hemming opened the public hearing. Dr. Michael Agron, owner of the property, stated the property had been utilized as many different uses in the past. When he purchased the home, the previous owner was operating the site as a sober living facility and he later realized the site was not properly licensed. He stated he met with the city to inquire what needed to be done to ensure the property was compliant and he thought he had completed the steps to operate with proper licensing. He stated before taking over the property, there had been between thirty and forty police calls per year on the site, but since he had taken over this past year there have only been three police calls. He stated he rents to individuals on a month to month basis and he does not have tenants for less than a month as he prefers for tenants to stay long term. At the present time the

tenants are senior citizens from a church and the tenants do not cause trouble. He stated he believed the home fell into a level 1 home or a group facility. He stated the interested buyers stated concerns regarding the conditional use permit. They would like a CUP on the property for a rooming house. He explained that he thought he had been running a successful operation in comparison to the previous owners and he was under the impression that he had a grandfathered conditional use permit and was operating legally. Chair Hemming inquired on the amount of tenants and vehicles currently at the site. Dr. Michael Agron stated there are eleven tenants and typically one to two cars. Commissioner Grajeda inquired whether the home would be sold as a single family home or as a facility. Dr. Michael Agron stated the home would be sold as a rooming house. Development Services Manager Johnson stated if more than three rooms are being rented, a conditional use permit is required. Commissioner Ramos inquired whether there was a guarantee the new buyer would keep the current tenants. Development Services Manager Johnson stated there is not a guarantee. Ms. Andrews, the Real Estate Agent, stated the home would be listed as a rooming house. The interested buyer would like to keep the current tenants. The potential buyer did not have any issues so he was requesting a clear title with the City. Chair Hemming invited the public for comments. Ms. Alexandra Lopez, employee at the nearby low income housing complex, stated there were two sex offenders living at the subject site. She stated concerns regarding the nearby elementary school and the large amount of children that live in the area. Chair Hemming inquired whether background checks were performed on the tenants or whether there was an age requirement to rent a room at the rooming house. Dr. Michael Agron stated background checks were not performed and there was not an age requirement to rent a room. Ms. Guadalupe Banuelos, a nearby resident, stated concerns with cars pulling up to the property for a quick transaction which she felt were drug transactions and concerns regarding her children as she does not know if sex offenders were in fact living at the home. She stated the neighborhood cleaned the alley behind the property and often found syringes. Ms. Estela Nava stated all of the neighborhood agreed with the previous speakers and many of them have the same concerns. Chair Hemming closed the public hearing.

The Commission stated concerns regarding the CUP running with the land and possibility of the future owners not being as responsible as the current owner, the facility not providing background checks or having an age requirement, a CUP allowing for 20 plus individuals to live in the home, and the property not meeting the parking requirements set for the site.

Motion by Chair Hemming, seconded by Vice Chair Arias, carried by a unanimous vote of the members present (7-0-0-0), denying Conditional Use Permit (CUP 11-002).

Development Services Director Lazzaretto stated the decision made on the item could be appealed by any individual not in agreement within 20 days with the 20 days beginning tomorrow.

F-3

PUBLIC HEARING – CODE AMENDMENT (CODE 6026-2016) WATER EFFICIENT LANDSCAPE ORDINANCE AND GUIDELINES: A REQUEST TO UPDATE THE CITY'S WATER EFFICIENT LANDSCAPE REQUIREMENTS BY AMENDING SECTION .503-J ("LANDSCAPING /IRRIGATION"), SECTION .280 ("R-2 LOW DENSITY MULTIPLE-FAMILY ZONE") SECTION .290 ("R-3 MEDIUM DENSITY MULTI-FAMILY ZONE"), SECTION .300 ("R-4 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE") OF THE CITY OF POMONA ZONING ORDINANCE (PZO),

AND TO ADOPT GUIDELINES FOR THE IMPLEMENTATION OF THE CITY OF POMONA WATER EFFICIENT LANDSCAPE ORDINANCE, IN ORDER TO UPDATE WATER EFFICIENCY LANDSCAPING REQUIREMENTS FOR ALL DEVELOPMENT TYPES IN CITY IN COMPLIANCE WITH STATE REQUIREMENTS PROMULGATED BY GOVERNOR'S EXECUTIVE ORDER B-29-15.

Development Services Manager Johnson stated staff received concerns from other city departments as they would like to review the ordinance a bit closer and provide input before a formal action was taken. Staff recommended continuing the item.

The Commission discussed and agreed to open the public hearing to continue the item.

Motion by Chair Hemming, seconded by Vice Chair Arias, carried by a majority vote of the members present (6-0-1-0), continuing Code Amendment (CODE 6026-2016).

ITEM G:
NEW BUSINESS:

1. GENERAL PLAN CONFORMITY ASSESSMENT (GPC 6197-2016):

Finding of General Plan Conformity Assessment for proposed Alley Vacation (GPC 6197-2016) located between North Gordon Street and North Main Street, between Commercial Street and Monterey Avenue.

Development Services Manager Johnson provided a staff report regarding an approval resolution and a denial resolution for a proposed Alley Vacation due to transient issues. Chair Hemming inquired whether the City Council discussed vacation of alleys. Development Services Manager Johnson stated a pilot program was presented to the City Council for possible action. The City Council denied the pilot and requested any further requests for vacation of alleys go through this type of process where 100% of the owners on the block would have to agree to the vacation, file an application, and follow the application process. Development Services Director Lazzaretto stated the pilot program presented to the City Council requested the alley not to be vacated, gates to be installed at both ends of the alley, the property owners hold keys to the gates, and the City continue to fund the maintenance of the alley. City Council decided they would consider full vacation of alleys, but not cases where the city would remain liable for the alley and continue to fund the maintenance of the alley. Commissioner Juarez stated the findings for denial are what the Commission should be trying to succeed. He stated he would like the vacation of the alley to be temporary, such as 4 years with a review by the Planning Commission after the 4 years. He stated he did not believe the City should give away land. Commissioner Grajeda stated he believed at Monday's City Council meeting it was determined that it is illegal to close alleys and not allow the community to utilize the alley. Therefore anyone would have the right to a key to the gates if a gate were to be installed. In addition he stated a concern with the City being liable for anyone being hurt by crime or illegal dumping in the alley. Development Services Director Lazzaretto stated Monday night's request was not a request for an alley vacation as an alley vacation would remove the liability from the city and place it on the property owners. Commissioner Brown stated concerns regarding the request not conforming to the General Plan and he felt there may be other ways of dealing with the issues such as security cameras. Commissioner Ursua stated he would not want the vacation to

be permanent or for alley vacations to be the norm. Chair Hemming stated she felt the gates could be done in an artistic way so it could look nice. She felt alley vacation assists with crime issues. She felt this was a maintenance issue and the property owners could maintain the land and if they were using their own funds they should own the property. Deputy City Attorney Lee reminded the Commission the objective was to find or not find conformance to the General Plan and whether to permanently or temporarily vacate the alley was not being considered tonight. Chair Hemming stated a motion the Commission find General Plan conformance for the item and have it go before the City Council for consideration.

Motion by Chair Hemming, seconded by Commissioner Ursua, carried by a majority vote of the members present (5-2-0-0), Commissioners Brown and Grajeda denied, approving Resolution No. 17-005, approving General Plan Conformity (GPC 6197-2016).

ITEM H:
PLANNING COMMISSION COMMUNICATIONS:

Commissioner Ursua mentioned a concern with not having definitive answers or accurate data for housing in the City which made it difficult to make a solid decision on tonight's special needs housing item.

ITEM I:
DEVELOPMENT SERVICES MANAGER COMMUNICATIONS:

ITEM J:
ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Hemming at 9:25 p.m. to the regular scheduled meeting of February 8, 2017 in the City Council Chambers.

Brad Johnson
Development Services Manager

Maureen Casey, Transcriber

The minutes of this meeting are filed in the Planning Division of City Hall, located 505 South Garey Avenue, Pomona, CA, 91766.
