

Brown – I would like to agree with Chair Hemmings comments. I understand the crime concerns, but I feel a well lite hotel will assist better than a vacant lot.

Arias – I would like to agree with Chair Hemming and Commission Brown.

Ursua – Can we discuss lighting? Do you see major impacts to the residential?

Lee – The applicant is required to submit a lighting plan and it will have to meet conditions of approval and city code in terms of adequate lighting.

Ursua – I believe there may be some long term traffic issues as the entire site is not developed and it currently has traffic issues. In addition, I would ask the makers of the motion to amend their motion to allow the resident to speak for an additional 2 minutes.

Jared – After a motion has been presented, I do not believe the public hearing could be reopened.

Arias and Hemming withdrew their motion.

The Commission discussed and agreed to reopen the public hearing

Hemming – reopened the public hearing.

Fry – A sign was not posted advertising the project. The traffic is already an issue. This will have a negative impact on my neighborhood due to the traffic and additional lighting which is already an issue. I also do not feel adequate noticing was provided. I feel this will attract additional crime.

Hemming – we have this issue regarding noticing at each hearing.

Lee – A sign is not required to be posted by city code.

Motion by Vice Chair Arias, seconded by Chair Hemming, carried by a majority vote of the members present (5-1-0-1), Commissioner Ramos denied and Commissioner Juarez excused, adopting the attached resolution approving Conditional Use Permit (CUP 5490-2016).

F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 4607-2016) FOR THE DEVELOPMENT OF FOURTEEN MULTIPLE-FAMILY RESIDENTIAL UNITS AND TENTATIVE TRACT MAP (TTM 4947-2016) TO SUBDIVIDE TWO LOTS TOTALING APPROXIMATELY 46,550 SQUARE FEET IN SIZE INTO FOURTEEN CONDOMINIUM UNITS ON A PROPERTY LOCATED IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE.

Development Services Manager Johnson provided a staff report regarding a request for the development of two attached single-family residential units. In addition, as previously requested by the Commission when the item was first presented, a shade analysis video, provided by the applicant, was shown to the Commission. Development Service Manager Johnson stated additional letters regarding shade studies were provided to staff earlier.

Hemming inquired whether the other studies received today were done by licensed companies.

Johnson – staff was not able to properly investigate the submittals, but one seemed to be performed by a resident and another did have a cover letter from a company.

Brown – The design did not change?

Johnson – the only change was the doors were removed from one of the bedrooms to make a loft rather than a bedroom. They changed the amount of bedrooms and added parking.

Open public

Maryium xxx, developer of the project, discussed issues raised at the last meeting and mitigations provided by the applicant. One being parking which we mitigated by providing three times the parking required by code and added a clause to the CC&Rs which requires each homeowner to register each car with the homeowners association. If not registered, the car will be towed at the expense of the owner. She stated the area is zoned R2 which the applicant has complied with. She addressed the shade issue previously raised by providing a shade analysis video and by stating the development will not be located near the neighboring garden. She stated the neighboring property was purchased in 2016 and her project began the planning process in 2012 so she feels her neighbor was well aware of her development. In addition, she provided copies of her neighbor's website selling crops and holding events without permits and pictures of her neighbor providing his own shade for his property. She stated she had the support of the Police Department and Code Enforcement regarding assisting with cleaning up the area. She provided a petition to the Commission of over 100 signatures in the area which are in support of her project.

Ursua – you mentioned the CC&Rs, are you going to limit the number of cars each tenant owns? Or those who buy to rent to others.

Maryam – two car garages will be provided. If they have an overflow of that each car will need to be registered with the homeowners association. We can work with the city to require buy to live.

Ursua – How will you police the area for parking?

Maryam – I cannot guarantee they will not park where they should not but if caught they will be towed.

Hemming – Can red curbs be added and signs be installed stating city codes will be complied.

Lazzaretto – City staff will not be able to police the complex. Fire can site those parked in red areas.

Johnson – The statement that the applicant can work with staff regarding buy to live, staff cannot require buyers to live in the resident. Also, this is not a gated community.

Brown – I have concerns regarding the shade analysis provided as I noticed the site plan provided for the shade analysis is significantly different than the actual development plan. Also the correct setbacks were not provided in the shade analysis. The site plan does not properly align with the shade analysis.

Maryam – This is out of my expertise. I have to trust what is provided by a licensed company. In addition, if you go with the neighbors shade analysis he is shading the area he states would not like to be shaded.

Brown – While reviewing the shade analysis you provided I researched from a book and from the internet and it was not consistent with your analysis, but it was consistent with the analysis provided by the neighbor. I regret you paid for this analysis as it is not correct and it appears to be manipulated.

Maryam – I feel the shade analysis purpose is to show whether I am going to disturb my neighbor which I feel it shows I will not.

Brown – I have concerns with development negatively impacting any neighbors.

Ramos – Staff, a property cannot be required to be owner occupied.

Lazzaretto – No California State Law prohibits that. I believe the applicant was referring to working with the city on first time buyer programs, but we will still not be able to require buyers to occupy the units.

Invite the public for comments.

Fresha Gonzales – Pomona resident, work for a non-profit who works with the neighboring property regarding healthy food. Spoke regarding the many benefits of urban agriculture can assist with the communities by creating safe spaces, access to land, builds social capital, education opportunities, and cultural integration.

John Barkman - I am a renter in the area. My wife and I are gardeners. We eat most of our crops. Shade does hurt our flowers/crops as we are shaded from the east side and we would not like to add shade from the west side. We do not believe the changes would improve our neighborhood. We are R2 and not R3. It would be a wonderful site for 5 to 6 units, but not more. I do have some concerns regarding the shade analysis provided by the applicant.

Aaron – opposed project, did not speak

Eleanor Cuginzy – Resident at neighboring property. Spoke against the development due to the negative impacts she felt it would cause to the area. She asked the commission to deny the request.

Hemming Does this project require CEQA.

Johnson - No

Andrea Torres – provided crops from the garden. Spoke against the development as the garden has changed her life and others and she would not like to negatively impact the area.

Santiago Noblin – Pomona resident, volunteer at the farm, spoke against the development as she felt it would negatively impact the garden which he feels heals and helps many. He feels it is important to preserve the agriculture in the city.

Karen L. – Pomona Resident, spoke against the development and stated concerns regarding how the earth is being taken care of. She stated trees should be preserved and growing should be local.

Loretta – Pomona resident, spoke against the development as she felt it would negatively impact the garden which she felt educated the community and provided many benefits. In addition, she requested an arborist inspect the oak trees on the property to ensure the development would not harm them.

Ingred C – opposed, but did not wish to speak.

Lynn F – Pomona resident, spoke against the development and stated the shade analysis provided by the applicant was not correct. Please deny the CUP or redesign to one story buildings to preserve the garden.

E, for applicant, spoke in support of the project as he feels it will improve the city by causing better housing.

Richie kumar – owner of the neighboring property, spoke in opposition of the development and provided background on his garden.

Brown – A shade analysis was mentioned by Mr. Kumar. Has that been seen by the Commission.

Johnson – No, that was received this afternoon.

Tracy W – attendee of the garden, spoke against the development. Garden is educational and brings the community together.

Freeman Allen – Claremont resident, spoke against the project as it would negatively impact the garden and the garden provides many benefits

Randy Beck – Speaking as an urban farmer and the founder of the garden Mr, Kumar operates. Spoke regarding the benefits of farming and the sense of community it provides. He asked everybody to work together to find a solution for all.

Arthy rack – provided a shade analysis, read a letter submitted by the company who performed the shade analysis, and spoke regarding the support of the garden.

Sara So – spoke against the development as she felt urban gardening was beneficial to the community.

Chica Cond – volunteer at the garden, submitted a comparison of the two shade analysis provided and the inaccuracies of the shade analysis provided by Tork Inc.

Jan – spoke in support of the garden and stated concerns regarding the projects proposed layout and density. If approved, she asked for conditions to be added addressing fencing and tools used during construction and a conditioning ensuring the lofts stay as lofts, and

Mike admary - Lending company, spoke regarding being approached by the developer regarding first time buyer and veteran programs for the community. Asked the Commission to approve.

Dr. Fox – attendee of garden, spoke against the project due to the negative impacts it would cause on the garden. Shade structure mentioned has been provided for the gardens baby plants which require shade during early stages.

Charles Young – Claremont resident, spoke against the development and in favor of the garden due to the benefits provided by the garden.

Mandy Kumar – provided a presentation regarding the garden to the Commission and spoke against the development.

Katherine Lewis – spoke in favor of the garden and against the development as the garden provides many benefits.

W Mason – Claremont resident, spoke in favor of the garden and against the development as the garden provides many community benefits.

1196 San Antonio is garden address.

Jamil Ali – spoke in favor of the development as she felt it would improve the area and increase the property values in the area.

Maryam – currently fighting cancer so if anyone would promote a garden it would be me. I feel as if all the speakers in favor of the garden are speaking as if this development is pushing them out. We are not pushing them out. I visited this site this morning at 7am and there was not any cars parked on the street, but within 30 mins the streets were lined with cars due to this garden. The residents park on the grass. We are not trying to cover their garden. We are only reducing their shade at times of the day, we are not completely blocking their land. There are many areas gardens can be produced, but not in the middle of a city where development is needed.

Close public hearing

City Attorney Jared – It would be beneficial for the Commission to deliberate. Much has been said about the garden, but the decision must be made based on the findings in terms of the development.

Hemming – I want to thank the speakers. The R2 zone spells out the specifics of the zone in which the development adheres to.

Brown – I want to thank the speakers. I am frustrated by this project because we do not see to come into in agreement as to how the sun moves across the sky and I am also frustrated because I want this vacant lot to be developed. This is in the R2 zone which suggest there can be some density, but it also permits the raising of crops. I feel this lot is not as narrow as others so it should be scrutinized a bit more as far as the development plan. I am concerned with the current development plan as I feel it causes adverse impacts to the surrounding area. I cannot support this.

Ursua – This property was purchased and so we come to an issue of property rights. This development is affordable housing which is needed in California. The developer made revisions. I understand all comments made tonight, but this is an R2 zone if we were to say shade rights override property rights we would have an issue all over the city.

Jared – I have been researching shade rights and California Courts usually side with development rights.

Ursua – Why is the third structure set back.

Marium – to allow for fire department access.

Arias – The project is consistent with the GP and the R2 zone.

Ramos – I have met with community leaders who were impressed with this community garden and they are looking into grants due to the benefits provided by community gardens. I do not believe affordable housing needs to look like this, it could be developed in the correct way. I feel this will stick out in the community. I feel they could have done more to reduce the density. I cannot support this.

Hemming – I feel the developer

Grajeda – I am not happy with the density of the project and I am also not in agreement with running a business without a permit which is what is being done by Mr. Kumar. Does the R2 zone allow for raising chickens? I am also not in agreement with running a business without a permit and without providing parking.

Johnson – R2 does not allow for over 14 chickens and it does not allow for rosters as shown in the picture.

Ursua – Could you have flipped the plot plan.

Maryium – we tried that, but it would cause a parking issue and take away from the green space.

Grajeda – Why 16 units?

Maryium – this zoning allows for 16 units, but we are only developing 14 which was suggested by staff as they had a density concern.

Grajeda – maybe you can remove unit 8 and redesign some units to one story.

Motion by Chair Hemming, seconded by Vice Chair Arias, failed (3-2-1-1), Commissioners Brown and Ramos denied, Commissioner Grajeda abstained, and Commissioner Juarez excused, adopting the attached resolution approving Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (ITM 4947-2016).

Johnson – applicant has 20 days to appeal the decision.

Ursua – I would like to make a motion to allow the developer to work with staff, before the 20 days elapses, on a redesign. When the 20 days lapses the original motion will stand.

Brown – I feel like we are moving down a slippery slope of never coming to a final decision on this project which I feel is problematic for the long term of the planning commission.

Grajeda – I feel like we should attempt to work with all parties.

Brown – I feel like we attempted to do that when the project original came before us and we did not see much of a change.

Motion by Commissioner Urusa, seconded by Commissioner Grajeda, failed (3-3-0-1), Commissioners Brown, Hemming, and Ramos denied, and Commissioner Juarez excused, adopting the attached resolution approving Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (ITM 4947-2016)

Grajeda I would like to make a motion to deny based on the density of the project.

Due to the lack of a second the motion failed.

City Attorney Jared no action has been taken by the Planning Commission. The applicant has 20 days to appeal to the City Council with the first day beginning tomorrow.

ITEM G:
NEW BUSINESS:

1. Memo for Continued Accessory Dwelling Unit Workshop

The Commission discussed and agreed to continue the item.

ITEM H:
PLANNING COMMISSION COMMUNICATIONS:

ITEM I:
DEVELOPMENT SERVICES MANAGER COMMUNICATIONS:

ITEM J:
ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Hemming at 11:24 p.m. to the regular scheduled meeting of April 26, 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.
