

UNOFFICIAL MINUTES
PLANNING COMMISSION
JANUARY 10, 2018

CALL TO ORDER: The Planning Commission meeting was called to order by Chairperson Juarez in the City Council Chambers at 7:00 p.m.

FLAG SALUTE: Commissioner Ramos led the flag salute

ROLL CALL: Roll was taken by Development & Neighborhood Services Director Lazzaretto

COMMISSIONERS PRESENT: Chair Juarez and Vice Chair Ursua; Commissioners Arias, Hemming, Brown, Grajeda, and Ramos

COMMISSIONERS ABSENT: None

STAFF PRESENT: Development Services Director Lazzaretto, Development Service Manager Stadnicki, Assistant City Attorney Jared, Associate Planner Khan, City Engineer Guerrero, and Supervising Water and Resources Engineer Garibay

ITEM D:
PUBLIC COMMENT:

Mr. Alfredo Edman inquired whether the property at 3530 Pomona Road and a property by Bonelli Park were owned by the City or the County as he felt those properties would be great for the Pomona Community.

ITEM E:
CONSENT CALENDAR:

1. Draft Planning Commission Meeting Minutes – October 11, 2017

Motion by Commissioner Hemming, seconded by Commissioner Brown, carried by a unanimous vote of the members (7-0-0-0), adopting the Draft Planning Commission Meeting Minutes of October 11, 2017.

ITEM F:
PUBLIC HEARING ITEMS:

F-1 PUBLIC HEARING – WIRELESS COMMUNICATION FACILITY PERMIT (WIRE 2662-2015) TO ALLOW THE CONSTRUCTION OF A +/- 46 FOOT TALL STEALTH, FREESTANDING WIRELESS COMMUNICATION FACILITY AND ASSOCIATED GROUND MOUNTED EQUIPMENT ON A PROPERTY LOCATED IN THE DOWNTOWN GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN

LOCATED AT 1600 WEST HOLT AVENUE. *Continued from
December 13, 2017*

Associate Planner Tam provided a staff report regarding a request for a wireless communication facility.

Commissioner Grajeda stated a concern about the orange crate labels design and suggested another design be chosen.

Commissioner Brown stated a concern regarding the maintenance of the site and requested the drainage issue be repaired as the parking lot was collecting water.

Chair Juarez opened the public hearing.

Ms. Lisa Desmond, representing Verizon Wireless, requested Condition No. 25 be amended to require crate labels on only two sides, north and south, of the tower rather than four and asked the Commission to approve.

Discussion ensued regarding the influx of towers being installed.

Chair Juarez closed the public hearing.

The Commission discussed and agreed the amendment of Condition No. 25 should be at the discretion of the Cultural Arts Commission.

Motion by Commissioner Grajeda, seconded by Commissioner Hemming, carried by a unanimous vote of the members (7-0-0-0), adopting the attached resolution, approving Wireless Communication Facility Permit (WIRE 2662-2015)

F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 7492-2017) TO ALLOW FOR THE CONSTRUCTION OF TWO DETACHED SINGLE-FAMILY RESIDENTIAL UNITS AND ASSOCIATED SITE IMPROVEMENTS AS WELL AS EXTERIOR ELEVATION IMPROVEMENTS TO AN EXISTING 1,046 SQUARE FOOT SINGLE-FAMILY STRUCTURE LOCATED AT 1455 S. WHITE AVENUE.

Associate Planner Tam provided a staff report regarding a request to construct two detached single family residential units.

Chair Juarez opened the public hearing.

Mr. Robert Graciano, the applicant, agreed with the conditions, but requested the approval for the Conditional Use Permit be a two year approval rather than one year.

Chair Juarez closed the public hearing.

Motion by Commissioner Arias, seconded by Commissioner Grajeda, carried by a unanimous vote of the members (7-0-0-0), adopting the attached resolution approving Conditional Use Permit (CUP 7492-2017).

F-3 PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 6656-2017) TO ALLOW FOR THE CONSTRUCTION OF A TILT-UP WAREHOUSE ON A PARCEL LOCATED IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT WITH AN S OVERLAY LOCATED AT 1831-1881 MOUNT VERNON AVENUE.

Associate Planner Khan provided a staff report regarding a request to construct a tilt-up warehouse.

Chair Juarez opened the public hearing.

Mr. Ray Lazar, representing the applicant, provided background on the applicant's company, agreed with the staff report, and asked the Commission to approve.

Commissioner Ursua inquired the amount of truck trips which would take place per day.

Mr. Ray Lazar stated there would be a total of 99 vehicle trips per day, 6am to 3pm, for this site utilizing Union.

Commissioner Brown mentioned meeting with the applicant and his previous concerns regarding warehouse projects due to the truck traffic, but he felt this project was different as it was in direct support of an existing important manufacture employer within the city.

Chair Juarez closed the public hearing.

Motion by Commissioner Grajeda, seconded by Commissioner Hemming, carried by a unanimous vote of the members (7-0-0-0), adopting the attached resolution approving Conditional Use Permit (CUP 6656-2017).

F-4 PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 8420-2017) APPLICATION TO PERMIT THE SALE OF BEER AND WINE (TYPE 42-ON SALE BEER & WINE-PUBLIC PREMISES) IN CONJUNCTION WITH A NEW ARCADE LOCATED IN THE MIXED-USE CENTRAL BUSINESS DISTRICT (MU-CBD) IN THE DOWNTOWN POMONA SPECIFIC PLAN LOCATED AT 396 S. THOMAS STREET.

Associate Planner Khan provided a staff report regarding a request for the sale of beer and wine.

Commissioner Hemming stated a concern the Downtown Specific Plan not allowing for arcades of any square footage in the Downtown without a CUP and inquired why there was not a request for two CUPs rather than one.

Associate Planner Khan stated staff felt it was appropriate to combine the two request into one CUP.

Chair Juarez stated a concern with the application having a number of issues which need to be addressed. He requested clarification of the Downtown and Overlay zone as he was not sure which was the latest. In addition, he stated the application required approval by the Planning Commission and by the City Council due to the extended uses of on-sale alcohol licenses as there was currently 20 in an area that only allowed for 3.

Assistant City Attorney Jared stated if the concern was the use turning into a bar, having two CUPs would support that more than keeping it as one CUP because the site plan was a material fact of how the application was approved. The exact location of tables could be some material to state the floor could not be cleared to turn into a dance area. He stated the conditions could be strengthened, but having two CUPs would assist with the site turning into a bar in the future.

Commissioner Brown mentioned ensuring all reports and resolutions adequately address the arcade.

Commissioner Ramos stated a concern regarding the existing licenses and inquired whether there was metrics or a threshold to support a cap on licenses.

Commissioner Hemming stated she accepted the City Attorney's reasoning regarding one CUP rather than two. In addition, she stated District 4 was not just the downtown therefore the crime stats were not applicable of the crime stats of the downtown. If we are going to discuss crime in the DT we should invite the PD so they can provide comments. She stated she believed the crime statistics should reflect what actually took place in the downtown and not the entire district.

Chair Juarez opened the public hearing.

Ms. Evelina Gamboa, the applicant, provided background on the proposed use such as the vintage arcade games, agreed with the staff report, and asked the Commission to approve.

Mr. Jason Forester provided his background on the use and asked the Commission to approve.

Chair Juarez invited the public for comments.

Art Jimenez stated his support for the request.

Chair Juarez closed the public hearing.

Commissioner Ursua and Ramos stated they had issues with the number of the licenses and the crime therefore they could not support the request.

Motion by Commissioner Hemming, seconded by Commissioner Arias, carried by a majority vote of the members (4-0-0-3), Commissioners Ramos, Ursua, and Grajeda denied, adopting the attached resolution approving Conditional Use Permit (CUP 8420-2017)

F-5

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 4764-2016) APPLICATION TO PERMIT THE SALE OF BEER, WINE, AND LIQUOR (TYPE 21-OFF SALE GENERAL) AND LIMITED INSTRUCTIONAL TASTING EVENTS (TYPE 86-INSTRUCTIONAL TASTING LICENSE) IN CONJUNCTION WITH AN EXISTING WAL-MART NEIGHBORHOOD MARKET LOCATED IN THE C-C (COMMUNITY SHOPPING CENTER) ZONING DISTRICT LOCATED AT 778 E. ARROW HIGHWAY.

Associate Planner Khan provided a staff report regarding a request for the sale of beer, wine, and liquor. In addition, he provided letters of support and Walmart security practices to the Commission.

Discussion ensued regarding the CUP being previously approved and revoked by the applicant.

Chair Juarez stated a concern with the nearby rehabilitation center not being listed as a sensitive uses in the staff report.

Chair Juarez opened the public hearing.

Mr. Page Gozley, representing Walmart stores, provided background on the use, agreed with the staff report and conditions, and asked the Commission to approve. In addition, he stated the previous CUP was withdrawn due to an appeal made by Councilmember Martin and an expansion of a neighboring Walmart.

Chair Juarez invited the public for comments.

Ms. Joyce Baker Smith, Pomona resident, spoke in support of the request due to having a store to complete all her shopping.

Ms. Roberta Perlman spoke against the request due to the close proximity to the high school.

Mr. Art Jimenez, Pomona resident, spoke against the request due to the large amount of murders in the area and mentioned the large amount of the community which spoke against the request when the request was previously before the Commission. In addition, he mentioned a license at the nearby Wing Stop which was not noted in the report and he stated a concern with the nearby rehab center being missed in the staff report.

Ms. Linda Yos, Pomona resident, spoke against the request and shared a personal story regarding the nearby rehab center.

Mr. Racz spoke against the request due to the close proximity to the high school and the current issues in the area.

Ms. Debra Martin submitted her opposition to the project.

Ms. Melissa Yala submitted her opposition to the project.

Mr. Yala submitted her opposition to the project.

Ms. Erin Runions submitted her opposition to the project.

Ms. Elinor submitted her opposition to the project.

Chair Juarez read three support letters into the record.

Chair Juarez closed the public hearing.

Assistant City Attorney Jared stated there were several statements made regarding the nearby rehab center, Prototypes, being a sensitive use, but the code did not determine the use to be a sensitive use. The use can be determined a sensitive use by the Commission, but it is not listed as so under the code. The staff report did not make an error. The staff report listed sensitive uses as stated by the code.

Chair Juarez stated due to the sensitive uses in the area and the request not being compatible to the area he could not support the request.

Commissioner Ursua stated he felt the data regarding licenses could support his approval and he felt a neighborhood store was different than a liquor store, but if he was to support the request he would like to remove the tasting portion of the CUP.

Commissioner Hemming stated she would also like to remove the tasting portion, but she did not have an issue with Walmart selling alcohol. She felt the City had created an unfair playing field as the sale of alcohol was allowed at every grocery store and if this was a Ralphs or Vons it would not be discussed.

Commissioner Arias stated this was not a high crime district, there was not an over concentration of licenses in the area, and he would rather have responsible retailers selling alcohol rather than liquor stores. He stated he would not support the tasting, but he could support the license.

Commissioner Brown stated he agreed with Commissioner Ursua the data was not there to support a denial. He agreed with the tasting request being removed from the CUP.

The Commission discussed and agreed to remove the instructional tasting events portion of the CUP.

Motion by Commissioner Brown, seconded by Commissioner Ursua, carried by a majority vote of the members (4-0-0-2), Commissioners Juarez, Grajeda, and Ramos denied, adopting the amended resolution approving Conditional Use Permit (CUP 4764-2016).

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner Ursua read a memo into the record regarding organizing a discussion of various issues and provided the memo to the staff.

Assistant City Attorney Jared reminded the Commission to be careful of statements made as they can be used against them in future litigations.

ITEM H:
DEVELOPMENT SERVICES COMMUNICATION:

ITEM I:
ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Juarez at 9:56 p.m. to the regular scheduled meeting of January 24, 2018 in the City Council Chambers.

Emily Stadnicki
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.