

DRAFT MINUTES  
PLANNING COMMISSION  
SEPTEMBER 26, 2018  
Excerpt

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

FLAG SALUTE: Commissioner Hemming led the flag salute.

ROLL CALL: Roll was taken by Development Services Director Suarez.

COMMISSIONERS PRESENT: Vice-Chair Grajeda, Commissioners Arias, Juarez, Ursua, Hemming, and Kercheval, Chair Brown

COMMISSIONERS ABSENT: None

STAFF PRESENT: Development Services Director Suarez, , Assistant City Attorney Jared, Senior Planner Kahn Senior Planner Tam

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ITEM D:  
PUBLIC COMMENT:

None

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ITEM E:  
CONSENT CALENDAR:

Commissioner Hemming stated she needs to recuse herself from the August 8<sup>th</sup> meeting minute vote, because she was not present.

Commissioner Kercheval stated she needs to recuse herself from the May 9<sup>th</sup> meeting minute vote, because she was not present.

1. Draft Planning Commission Meeting Minutes – May 9, 2018

**Motion by Commissioner Arias, seconded by Commissioner Hemming, carried by a majority vote of the members present (6-0-0-1), Kercheval abstained, adopting the Planning Commission Meeting Minutes of May 9, 2018.**

2. Draft Planning Commission Meeting Minutes – August 8, 2018

**Motion by Commissioner Arias, seconded by Commissioner Juarez, carried by a majority vote of the members present (5-0-0-2), adopting the Planning Commission Meeting Minutes of August 8, 2018.**

3. Time Extension (EXT 1065-2018) request for a one-year time extension for Tentative Tract Map No. 72888 (TTM 14-008) to subdivide approximately 2.97 acres of property into 31 numbered lots for detached single-family residential units and two lettered lots for the accommodation of drive isles and private open space. The project site is located at 2160 S. Garey Avenue and is within the Neighborhood Parkway Segment of the Pomona Corridors Specific Plan (PCSP).
4. Time Extension (EXT 10450-2018) request for a one-year time extension for Tentative Parcel Map No. 73821 (TPM 2791-2015) which proposes to subdivide an existing 14.88 acre site into three lots. The project site is located at 55-65 Rancho Camino Drive in the Transit Oriented District- Neighborhood zone within the Phillips Ranch Specific Plan area.

**Motion by Commissioner Juarez, seconded by Commissioner Arias, carried by a unanimous vote of the members present (7-0-0), to approve items E-3 and E-4 of the consent calendar.**

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ITEM E:  
HEARING ITEMS:

E-1 GENERAL PLAN AMENDMENT (GPA 9043-2017) TO APPROVE OF DRAFT RESOLUTION FOR RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF POMONA APPROVAL OF THE REVISED DRAFT HOUSING ELEMENT AND FURTHER RECOMMEND TO DIRECT STAFF TO RELEASE DRAFT PRIOR TO OCTOBER 24, 2018 COMPLYING WITH TOMMY SINGLETON AND NORTH CHRISTIAN CHURCH SETTLEMENT AGREEMENT, SIGNED JUNE 26, 2018, 120 DAY DEADLINE.

Mario Suarez, Development Services Director, provided a brief update on the status of the litigation and provided a brief overview of project deadlines and noted that this Revised Draft Housing Element is a preliminary review of the document prior to releasing the official draft on or prior to October 24, 2018. He introduced Veronica Tam of Veronica Tam and Associates as the Housing Element Consultant presenting the details of the Revised Draft Housing Element.

Ms. Veronica Tam presented the Revised Draft Housing Element details. She stated approving today's draft, does not rezone and a zoning code amendment will still be required. She noted this is scheduled to go to City Council next month in an effort to create a public draft and Certifiable Housing Element by the beginning of 2019.

Development Services Director Suarez stated the next meeting for this item will be on October 15, 2018, and tonight staff is seeking suggestions or recommendations from the Planning Commission to the City Council.

Commissioner Juarez inquired about reducing parking requirements. He commented a reduction of the parking requirement would be productive for the City of Pomona.

Ms. Tam responded that the term "reduced" is not accurate; the plan is to align the R3 parking requirements to be the same R4.

Commissioner Juarez asked for real numbers to be provided in the draft; and stated a one bedroom should have two parking spaces.

Ms. Tam responded the numbers will vary by the size of the unit. She stated she can rework the language for future leeway and when the revisions to zoning code come back to the Planning Commission there can be more discussion.

Commissioner Juarez asked why the City would want to remove the Conditional Use Permit requirement for mobile home parks and asked if the State of California was the overseer.

Ms. Tam replied that yes the State of California is the overseer; she spoke about the value of land today and infrequent new mobile home developments. She clarified the language is written "to consider" removal, however, it doesn't say to remove. She suggested in place of the Conditional Use Permit to write specific development standards in such a way that meets the City's requirement for quality of housing. She noted the Commission has the ability to revisit when rezoning.

Assistant City Attorney Jared stated the settlement agreement is attempting to remove barriers to affordable housing, if the Commission were to eliminate the Conditional Use Permit requirement the idea would be to put those types of conditions in the code, codify it and then when someone is able to abide by those rules that are stated in the code they are issued a permit. It would eliminate months and weeks and hearing and appeals before this body, but it would still provide all the things you would normally have in a Conditional Use Permit to protect and mitigate against the impacts of mobile home parks. He responded to Commission Juarez question about the oversight of mobile home parks; he

stated Pomona code enforcement does not oversee code compliance issues, that is done by the State of California, and there is just a handful of inspectors statewide working with a seven year inspection cycle.

Commission Juarez asked about the minimum density of 40 dwelling units an acre and what a TOD site is in the Downtown.

Ms. Tam responded TOD is Transit Oriented Development Site and 40 units per acres is what is stated in the Downtown Specific Plan and right now the Corridor Specific Plan doesn't have a minimum density, so they are just being consistent.

Commissioner Ursua asked if Pomona is being mandated to produce housing at higher levels because of the lawsuit. He commented that Pomona is beginning with a population of people in the very low and low -moderate demographic and now is being required to provide more.

Ms. Tam responded that the adequate sites requirement does not relate to the lawsuit, it is the fundamental concept of the Housing Element, and based on the regional housing needs allocation developed by the State distributed by the Southern California Association of Governments at the regional level, every city gets a number and once the allocation been adopted there isn't any flexibility.

Commissioner Ursua responded that Pomona has more homeless people living on the streets than the surrounding ten cities combined and inquired if this is why Pomona must provide ten times more than everyone else.

Ms. Tam responded, yes, that's the state law. She stated each city has to provide adequate capacity (one emergency shelter) for a potential emergency shelter to accommodate the unsheltered population. She commented that there is a lot of debate about that the more you do, the more you are required to do, and change can only be done at the legislative level.

Ms. Tam noted she worked with the City of San Clemente, a city that is not poor and does not have a large unsheltered number, and they had exactly the same lawsuit Pomona faced and have had to go through this same process.

Assistant City Attorney Jared clarified the discussion started with a RHNA number discussion and then went to SB2, which are two separate and distinct items. RENA is established from SCAG, while, SB2 numbers by the "point in time" count established by LASA in January of each year.

Commissioner Grajeda inquired why the sensitive use parcels are only 300 feet away from parks and schools. He stated he feels this is too close and expressed a need to protect the City's kids.

Ms. Tam responded that SB2 does not allow distance requirements, other than a 300 radius from another shelter. Therefore, they are using a 300 foot radius because that is a number acceptable to the State. She stated San Clemente tried a 500 radius which resulted in a battle and within this larger radius the City is left with minimal site options. She reported they recently redid this analysis (after September 13, 2018) and excluded more parcels; however, the City must allow a certain number of parcels and is seeking an approval by the State. She noted they selected the Corridor Specific Plan because these parcels are generally away from sensitive uses.

Commissioner Kercheval asked if there was a requirement on the size or number of beds per unit in the emergency shelters.

Ms. Tam responded the Commission can amend the ordinance to establish a maximum size or number of beds. She spoke about calculating enough beds and sites for the unsheltered population.

Commissioner Kercheval asked about services at the proposed sites to transition people to next step, she requested this be more outlined.

Ms. Tam responded this can be outlined in the amended the ordinance, but not in the Housing Element. She stated SB2 allows the City to establish a maximum number of beds and management operation; however, supportive services (although usually offered by the operating non-profit) cannot be mandated in the City's ordinance.

Commissioner Hemming stated the Planning Commissioners previously established emergency shelter sites and these were not displayed tonight in this ES (Emergency Shelter) overlay. She questioned who and how the areas in the presentation were selected. She spoke about the work done at the Committee level (Homeless Advocacy Group) on site selection and discouraging small bed locations due to inadequate staff. She reported mobile home parks are still being built as Tiny Home Developments and she support giving up a Conditional Use Permit requirement. She stated she supports a minimum of 40 units per acre is a Transit Oriented Development and commented that Downtown there is the capacity for 5-6 story buildings and this calculates out to less than 10 units per floor and with a parking structure that wouldn't be an issue.

Assistant City Attorney Jared responded to Commissioner Hemming, stating the SB2 sites before the Commission tonight are not the sites previously selected. The two previously chosen are not sufficient; because they are City owned and discretionary review is required. SB2 sites need to be "by right" and it's not "by right" if the City has to agree to allow someone to have a lease.

Ms. Tam stated the sites were selected through GIS buffering analysis to identify additional sites within the Corridor Specific Plan to be designated "by right", so instead of targeting any one single parcel they established a zone. She noted by excluding properties that are too close to schools, parks and single family houses very little is left, so they selected areas that have some vacant properties and contiguous areas. She clarified that they are not saying every single parcel is eligible, but rather an emergency shelter could be developed if a non-profit comes up with the financial capacity to purchase and operate.

Commissioner Hemming stated she does not agree with any of the proposed locations of the ES Overlay.

Chair Brown clarified if amended version included the removal of sites that were deemed to be too close to Lopez Elementary School.

Development Services Director Suarez confirmed the numbers presented tonight reflect that change, as well as, the map.

Commissioner Ursua stated one of the goals of the Housing Element is to conserve, stabilize residential neighborhoods, enhance livability, and increase opportunities for home ownership; however, it seems the Commission is being told a whole other set of goals is taking precedent. He asked about the current percentage of home ownership in the City and stated that 2010 statistics were being used and it states that only 36% of the housing in the last decade has been single family.

Ms. Tam responded that is the reason the Corridor and Downtown Specific Plan are focusing growth in certain areas, particularly in the Downtown, to keep the single family neighborhoods intact. She reported the Housing Element includes programs for preserving and encouraging home ownership. She reported she was charged to respond to the litigation and comments from the State, however, there other items included in this document.

Commissioner Arias asked if the zones have to be contiguous.

Ms. Tam responded that zoning practice should be contiguous; otherwise you see spot zoning, which could be considered targeting.

Commissioner Arias asked how the City will prove they considered removal of the mobile home park Conditional Use Permit requirement.

Ms. Tam responded that in the Housing Element program, it is scheduled in 2019 for staff to bring this item back to the Commission as a task. At that time a study session will take place to evaluate the issue.

Commissioner Grajeda asked City Attorney Jared if a Housing Element is mandated by the State or if the City has any say.

Assistant City Attorney Jared responded that the State requires cities to have a Housing Element, with certain standards. A city could create something more permissive than what is being proposed here, however, what's being proposed is staff professional opinion of what will withstand another legal challenge and be approved by the State Housing and Community Development (HCD).

Commissioner Hemming stated a home for Veterans and extremely low income residents was not included on the ES Overlay map. She stated it was supposed to go toward the City's requirement for housing and inquired why it was excluded.

Assistant City Attorney Jared responded that the map Commissioner Hemming reference is for SB2 emergency shelter developments and the AMCAL development is not an emergency shelter, however, it will apply to the RHNA numbers. He reiterated that emergency shelters must be allowed "by right" and do not include rental apartments.

Commissioner Hemming asked how many beds the City needs to accommodate in the new zone for SB2.

Ms. Tam responded this number is unknown because every year the LASA "point in time" count of the unsheltered population varies.

Commissioner Hemming stated she thought the count taken in 2016-2017 was frozen, for a certain time period.

Ms. Tam and Assistant City Attorney Jared responded this is not true.

Assistant City Attorney Jared stated the "point in time" count occurs the 3<sup>rd</sup> or 4<sup>th</sup> week of January each year is published in late June or July. He noted the count was 390 in 2017 and 585 in 2018, it varies. He reported 585, is more of a normal number for Pomona over the past decade.

Ms. Tam stated SB2 as passed in 2007 and became effective in 2008 and every single year you have a new unsheltered population that requires a zone with enough capacity to accommodate that fluctuation, so we discussing a theoretical capacity.

**Chair Brown opened up public hearing, limiting speakers to two (2) minutes each.**

**Mitch Elias**, 204 E. Jefferson, asked the Commission to remove the revised ES overlay. He stated the City is doing their part by building the shelter on Mission and to put this ES Overlay zone in our main corridors is counterproductive to progress in the City. He expressed concerns that Pomona will become a mecca for the Homeless of L.A. County and suggested the City have at least 3 years of data on the shelter on Mission, before zoning additional sites.

**Ann Tomkins**, 405 Lincoln Ave., spoke about being a member of the Homeless Advisory Committee and the time spent assessing the needs in the community for homeless shelters and services. She reported this Committee determined a centralized service center and shelter would have less of an impact on the community. She stated she reviewed Housing Element and it does not state one has to use the "point and time" count to determine housing need but rather meet the needs the community. The Homeless Advisory Committee did was a demographic survey and found 53% of the homeless had ties to Pomona and therefore that number should be used to determine shelter beds and if so Pomona already has sufficient beds for our community and we would not be obligated to zone for additional shelters.

**Paula Lance**, 458 E. Jefferson, spoke about the areas zoned for emergency shelter, she encouraged the Commission to not to increase that space in the immediate Downtown area, in and around, Mission and Garey crossroads; she expressed concerns about parking requirements and stated they need to be adjusted. She urged the Commission to look at the issue of manufactured housing and stated in the Housing Element the term was interchangeable with mobile homes.

**Judith St. John**, asked the Commission to change the parking for Senior Citizen Housing to one parking space per unit. She stated the zoning reads a minimum of .5 per unit, therefore, half of the units will not have a place to park. She noted Senior Citizen is defined at age at 55, which is typically not an age when someone stops driving, plus asking a senior to use a bus service carrying bags of groceries home is not a good idea.

**Ed Tessier**, 1180 N. Palomares St., echoed Commissioner Ursua's comments that Pomona is being penalized for its charity. He expressed concerns that the map of the sheltered zones was displayed too quickly and about putting 90 acres of shelter zones into Pomona, as it contradicts the economic advice the City has received about how to develop the Downtown. He stated putting shelters in that area will be an inhibitor to new development and urged the Commissioners to vote no.

**Chair Brown closed the public hearing.**

Assistant City Attorney Jared stated there were a number of issue raised during public hearing that staff needs to clarify on the record on.

Chair Brown agreed with Mr. Tessier that the ES Overlay map was not displayed well for the public and requested it be .displayed again for the public to review while staff is elaborating.

Chair Brown provided an opportunity for staff to give additional clarification on points.

Development Services Director Suarez stated staff has noted all concerns about the methodology utilized for the proposed ES overlay and will look to reduce the size in the Downtown area. He reiterated the proposed areas are potential sites for future of a shelter, not a specific site to build and sites must be permitted “by right”. He clarified that the “point in time” count is what the State finds as an acceptable methodology and the City does not have another choice if they want to move forward. He stated staff is trying to address the issues as best possible with the using “sensitive uses” analysis to address State requirements and the Settlement agreement.

He reiterated that this proposal does not approve zoning; it recommends zoning to address compliance with housing law. He reported staff will come back to the Planning Commission with an ordinance related to mobile home parks and parking. At that time there will be a chance to discuss what is best for Pomona and look at the specific language to ensure the City is meeting the intent of the program as we move forward with compliance with the Housing Element. He stated Pomona had a Housing Element that did not work the first time around and because of that staff has created a new document that addresses the concerns of the various homeless groups that put together a lawsuit.

Assistant City Attorney Jared went on the record stating he does not disagree with Mr. Tessier’s comment that Pomona appears to be singled out for its charity; nevertheless there is a legal requirement from the State and it is Staff’s opinion that this draft meets all of those legal requirements. He stated using a larger buffer zone in selection process will raise some concerns and open the City up for legal challenge and HCD will not approve and then Pomona will not have a Housing Element. He spoke about the original Housing Element being invalid because the City designated two spots as SB2 zones that were owned by the City and reported the case brought against the City was settled because there were not SB2 compliant areas and the cost of the trial. In the Settlement Agreement the City agreed to was addressing an SB2 need of 515, and the 2018 “point in time” count came out higher than that, so to say we didn’t represent you well, we came in 70 below that, and are not adding to the requirement because we expect this count of fluctuate. He stated the “point in time” count is a highly regarded tool and what HCD, as well as, the 9<sup>th</sup> circuit court, as demonstrated in the case, where they expressly stated the “point in time” count is that HUD uses. He stated staff is using a number that is scientific, neutral and cannot be criticized and will not result in further litigation. He stated they are unable to remove the overlay zone; it is a state legal requirement to have a zone. He reported the opposition suggested a zoning overlay for emergency shelters by right in the R3, R2 zones and this resulted in a lengthy negotiation process from June 2017 through May 2018. He clarified that the centralized service center shelter at 1400 is a way to get people actually off the streets, however because it is a City operated Facility it does not count towards the SB2 requirements. He agreed with Ms. Lance that there is a need to differentiate manufactured housing, tiny home and trailers. He noted tonight was about policy guidance to move towards that in the future; zoning details would come sometime in the Spring.

Development Services Director Suarez stated this item is scheduled for City Council on October 15, 2018 and staff would like to take a recommendation from the Planning Commission.

Staff has included as a resolution for you to consider and will look at incorporating suggestions before the release of the actual draft for a 30 plus day comment period, which would be on or before October 24<sup>th</sup>. He clarified this is the draft before the draft.

Assistant City Attorney Jared spoke about it being a compressed timeline because the City has been out of compliance for four years and it took two years litigating and then another year on Settlement terms. He reported the Settlement states if items are not completed by certain deadlines the City must return to Court face Draconian measures, allowed under the government code, to prevent the issuance of building permits, first being on Commercial and then on the mixed use areas. He stated if the Commission cannot approve the draft as is, he encourages a specific recommendation of what needs to be incorporated into the resolution and to pass it along to the City Council for consideration, otherwise, the penalties against the City could be quite serious.

Chair Brown asked about the consequences if the Commission does not approve and if this item would still go to City Council.

Assistant City Attorney responded yes, this is a recommendation, so you should provide a recommendation with specific modifications, as that would be productive and constructive for City Council (and staff) to move towards addressing issues and away from the threat of litigation. A straight denial or inaction would not be constructive.

Commissioner Kercheval asked if there would be a lapse in zoning if the Commission decides to remove the mobile home park Conditional Use Permit and make new zoning for manufactured home and mobile homes.

Development Services Director Suarez responded no, an ordinance would have to be put together and reviewed by the Planning Commission and City Council before removing the Conditional Use Permit.

Commissioner Kercheval asked if the methodology for determining how many people you have to shelter is based on case law.

Assistant City Attorney Jared responded that there was a recent decision in 9<sup>th</sup> circuit Court , Martin vs. City of Boise, and in that case, the City of Boise Idaho in 2007 went about enforcing no camping ordinances, the 9<sup>th</sup> circuit gave its decision last week (11 years out of litigating that matter), and referenced the “point in time” count as the verified way to identify what a homeless population is and that bolsters what HCD does in looking at Housing Elements to see what is that localities demand now. He stated the “point in time count” is highly recognized by HCD.

Commissioner Kercheval commented that the map was really low resolution and there was not a key.

Assistant City Attorney Jared clarified the map in discussion was on page 10-54.

Commissioner Kercheval spoke about mobile home communities as being an unstable environment, and that manufactured homes option are very affordable product. She expressed concerns about the unsheltered population, providing services and stated she wants people to be transitioned and is in support of reducing the property.

Commissioner Hemming inquired about the legal requirement and fairness of this request. She asked why the State is not looking at LaVerne, San Dimas, Claremont or Montclair. She asked if this was happening because of the lawsuit.

Assistant City Attorney Jared clarified that every city in California is required to have a Housing Element. Pomona had a Housing Element that was non-compliant and we were sued by a Plaintiff's group called Public Counsel, a housing advocate, on behalf of a homeless individual who identified he had problems because of this non-compliance, and then a service provider, North Town Christian Church.

Commissioner Hemming spoke about more homeless coming to Pomona because of the bed and inquired how much more space the City will have to come up with every year.

Assistant City Attorney Jared responded Pomona is addressing the solution proactively by providing services to address individual needs, and put people who are not otherwise in the system into permanent housing in touch with folks who can help.

Commissioner Hemming inquired about about San Diego's transitional housing plan which contains schools on site and Pomona's 300 foot radius.

Assistant City Attorney Jared responded there is a differentiation between, SB2 emergency shelter and transitional housing.

Ms. Tam stated SB2 covers three types of housing; 1) Emergency Shelter, 2) Transitional Housing, 3) Supportive Housing. Emergency shelters is defined as housing for the homeless that has to be a year round shelter, permanent facilities for homeless persons that stay up to 180 days. Whereas Transitional Housing under SB2 defined in the government code is a regular residential use that allows someone to live up to two years and they must participate in a program that helps them transition into independence; Supportive Housing is regular residential use that has no limits in the length of stay, typically a person who requires continual supportive services, such as someone with a disability.

Commissioner Juarez asked since Pomona has 204 beds coming online in November could the City decrease the “point in count” number down to 311. He suggested reducing the size of ES overlay zone based on that number.

Assistant City Attorney Jared, responded people don’t necessarily leave, they go from one category to a different category, and they are still residing in Pomona on the street and need to transition into something else, more permanent.

Commission Juarez spoke about the role 1390 is going to have on real numbers.

Assistant City Attorney 1400 and 1390 do not count for SB2 zoning purposes.

Commissioner Juarez stated with some adjustments to the ES overlay zone, taking into consideration ARC and real bed numbers; he would support pushing this draft forward.

Development Services Director Suarez stated this is an excellent comment; if this is something the Commission feels should be part of your recommendation than Staff will send that message to Council. He spoke about implementing a program to monitor SB2 sites.

Commissioner Brown spoke about the importance of having an approved Housing Element to the future of the City and encouraged his colleagues to provide recommendations to forward this resolution in some way, shape or form to City Council. He spoke about not get mired in details of zoning tonight. He stated the ES overlay zone, is far from ideal, he understands the logic and the rationale that was used to identify those areas, but does not understand the acreage. He suggested staff provide better rationale to Council. He expressed concerns with a lack of transparency in this process, noting he has been on the Commission almost two years and this hasn’t been the subject of any substantive discussions, nor were they provided any updates and then he was given a 100 page Housing Element, a 47 page appendix last week and told the Commission must approve or there will be Draconian measures for the City. The perception is they are hiding something and have not been given adequate time to deliberate. He stated he will vote to approve some kind of Housing Element tonight because the consequences of not supporting it are far too great.

Commissioner Ursua spoke about having broad discussions on the larger purpose of the Planning Commission and in opposition of the Housing Element as proposed. He commented that staff is using the Commissioner as a sounding board, but this has been bad policy for a long time. He spoke about half-way houses, on the corner of 9<sup>th</sup> Street and Hamilton, impacting the neighborhood since 1980 and nothing being done and now the City is paying the consequences. He stated City Council’s has to make the tough decisions regarding the law suit and he only has complaints about the Housing Element. He called the plan a “road to serfdom” based on a book written in the 1940’s by F.A. Hayek and noted this plan is creating a city of transients with high end apartments, low end apartments and shelter properties. He agreed with Mr. Arias that if the City provides the opportunity, non-profits will come because there is a lot of money in homeless housing, multi-family housing. He commented this Housing Element falls short of creating single family opportunities and thinks the interests of the tax payers and homeowners are being jeopardized.

Chair Brown clarified that an approved Housing Element is stipulated in the lawsuit, so they are connected.

Assist City Attorney Jared responded that is correct.

Commissioner Ursua restated he does not support the Housing Element.

Commissioner Arias reiterated that this process has been too rushed and the Commissioners should have been updated during the negotiation phase. He noted that developing the Housing Development doesn’t happen quickly and is of great magnitude, so the Commission should have had at least one study session.

. Commissioner Hemming spoke about not being allowed to consider the financial dollar amount for projects, only allowed the land uses, but tonight the Commission has to consider the loss of development and tax dollars for the City if they don’t make a decision in time. She stated she cannot suggest to Council that they approve this with a removal of the mobile home Conditional Use Permit or the map ES overlay as it sits on Mission. This is an area the City is trying to gentrify to look like the other cities that also share Holt and Mission. She stated she will vote in favor as long as staff communicates the concerns.

Commissioner Arias inquired how the Commissions thoughts and concerns will be forwarded to the Council.



Development Services Director Suarez summarized the comments as follows:

- Further explain the rationale behind the acreage of the overlay.
- Explore a better way to monitor in the future.
- Review removing some of the ES overlay from the downtown area and look at other areas.
- Arrange future study sessions with the draft that is going to be released.

He responded this is part of the transparency and that the original version was released 15 days ago. He stated this pre-draft which staff will present to Council for more comments, then staff will make more adjustments, create an official draft and there will be an additional 30 days and time to schedule a study session. The comments received during the 30 day official release of the draft will be addressed before putting together the final document that must be sent to HCD, by December 7, 2018.

Commissioner Hemming commented she didn't understand that this was separate from SB2 and the actions they did to comply with SB2 could not be counted; she asked if October 24<sup>th</sup>, 2018 was a drop dead date by the court.

Assistant City Attorney Jared stated October 24 is the date to supply what is called "the draft"; what is being presented to the Commission is a "draft of, the draft", a proposal staff is asking the Commission for feedback on. He noted City Council reviewed the ES overlay two weeks ago, which was not required by State Law or Settlement Agreement, but is good practice. It was something that needed to be discussed in public and they provided input and tweaks were made at that time.

Chair Brown made a motion to approve the Housing Element with additions to the resolution that Director Suarez summarized; to include providing Council with a justification of the size and location of the shelter overlay, the feasibility of a monitoring program that can adjust that zone over time and a recommendation to not eliminate the Conditional Use Permit for mobile home parks.

Discussion about including parking and services in the motion versus addressing later during zoning ensued.

Development Services Director Suarez added a request for staff to provide a study session and report back on the draft to fully explain and educate the Commission and the public.

Commissioner Juarez suggested Commissioner Ursua outline his issues and provide them to the Planning Director. He commented that when the Planning Commission presents something as a recommendation it's highly regarded by the City Council and often takes effect. He spoke about move this item forward to avoid any further legal action and stated he will approve with these considerations extrapolated in the next draft.

Commissioner Hemming, seconded the motion made by Chair Brown and commented she would be willing to use her two minutes at public comment to express the Commission's concerns.

Assistant City Attorney Jared clarified that Mr. Juarez is requested the Commissioner Ursua send some comments to the City Council independent.

Commissioner Ursua stated he was already going to do that.

**Motion by Chair Brown, seconded by Commissioner Hemming, carried by a majority vote of the members present (5-1-0-1), approving a draft resolution to approve the recommendation of approval of the revised draft Housing Element to the City Council of the City of Pomona, with additions and modifications communicated by the Planning Commissioners to staff as follows; to include providing City Council with a justification of the size and location of the shelter overlay, the feasibility of a monitoring program that can adjust that zone over time, a recommendation to not eliminate the Conditional Use Permit for mobile home parks and for staff to provide a study session, and further recommend to direct staff to release draft prior to October 24, 2018 complying with Tommy Singleton and North Christian Church Settlement Agreement, Signed June 26, 2018, 120 day deadline.**