

DRAFT MINUTES
PLANNING COMMISSION
SEPTEMBER 26, 2018

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

ITEM D:
PUBLIC COMMENT:

None

ITEM E:
CONSENT CALENDAR:

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

Commissioner Kercheval stated she needs to recuse herself from the May 9th 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 (6-0-1-0), 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 (5-0-2-0), 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 (7-0-0-0), to approve items E-3 and E-4 of the consent calendar.

ITEM F:
HEARING ITEMS:

F-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 Commissioner 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.

Commissioner 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. RHNA 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 3rd or 4th 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 advise 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 9th circuit court, as demonstrated in the case, where they expressively 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 24th. 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 9th 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 9th 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 a 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 Commission as a sounding board, but this has been bad policy for a long time. He spoke about half-way houses, on the corner of 9th 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 24th, 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 (5-1-1-0) Commissioner Ursua denied and Commissioner Grajeda abstained to 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.

F-2

CONDITIONAL USE PERMIT (CUP 7353-2017) AND TENTATIVE PARCEL MAP (PARCELMAP 7354-2017) NO. 82035, TO ALLOW THE DEVELOPMENT OF APPROXIMATELY 16,732 SQ. FT. OF NEW RETAIL SPACE IN TWO NEW BUILDINGS AND ONE EXISTING BUILDING (THAT WILL BE RECONFIGURED) ON A 1.45 ACRE LOT; AND A TENTATIVE PARCEL MAP (TPM) NO. 82035 TO COMBINE TEN LOTS INTO THREE PARCELS LOCATED AT 888 W. MISSION BOULEVARD IN THE MIDTOWN SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN AND THE MIXED-USE ARTERIAL RETAIL ZONE IN THE DOWNTOWN POMONA SPECIFIC PLAN.

Commissioner Kercheval made a motion to move F-7 because of the number of people in attendance for that item.

Commissioner Hemming responded there are a lot of people here for this Item F-2, as well.

Chair Brown stated because of the constituency and the makeup of the vote for that item we need to put that at the end.

Ata Khan, Senior Planner, provided presentation on the item.

Commissioner Hemming stated she likes the architecture but wanted to know if the uses of a Dollar Store and Laundromat are locked in

Senior Planner Khan stated it does not have to be those two uses, the applicant indicated those were the potential tenants, in addition to a 7-Eleven and the restaurant. The pads will be subject to the use regulations of the Corridor and Downtown Specific Plans which does allow a variety of retail.

Commissioner Hemming expressed concerns with another Dollar Store and Laundromat at this particular location and commented it's a very visible corner at the entrance to South Pomona,

Commissioner Juarez commented the architecture great but the uses are not ideal.

Commissioner Ursua asked about the Hours of Operations for the development.

Senior Planner Khan responded staff doesn't have Hours of Operation for the Laundromat, Dollar Store or restaurant, but the proposed 7-Eleven would be 24 hours with the alcohol sales from 6 a.m. to 2 a.m. as regulated by ABC.

Commissioner Arias asked if there was discussion with the applicant at application submittal about another Laundromat being located not even a block away and another Dollar Store just east.

Senior Planner Khan responded when the City takes in applications, staff considers uses. There is a consideration of cumulative uses for specific types such as industrial or other "nuisance" uses, however, staff does not dictate the types of uses for this type of development. He added the Corridor Plan its principally a form based code, so what is critical for staff to evaluate what the Corridor mandates (building be brought to the front of the street, parking is the rear, certain building length and massing requirements), which is the reason for the architecture. He noted staff does not look at the number of laundromats in the area, however, they did look at this project in relationship to off-sale and on-sale alcohol as the Commission will see in the next item.

Commissioner Grajeda stated he observed the parking lot for the Laundromat in the rear is very close to Lopez Elementary and expressed concerns for the kids. He inquired if the Commission could suggest the applicant find another type of business.

Commissioner Brown opened the public hearing, limiting comments to two (2) minutes per speaker.

Josh Golchek, the applicant, spoke about working for the best interests of Pomona and working with the existing building to retro-fit and maintain its "quasi" historical nature in addition to developing the other pieces to be leasable. He clarified that it's not a dollar store, it's a variety store and they have a signed lease for that space with Family Dollar. He stated it was difficult to work with the Corridor Specific Plan, spending a lot of time with the architecture group and the the City on the design and building layout. He reported the other two spaces are not leased out, he put a patio by 7-Eleven, near the 1800 square foot pad to entice a restaurant user. He commented the Laundromat is the only interest he has been able to generate so far and he is open to local operations, not all national retailers in the back building.

Commissioner Grajeda commented he is happy to hear the Laundromat is not a set operation and he support a 7-Eleven He suggested a bicycle rack behind the dollar store. He inquired about a security plan for the 7-Eleven and about the possibility of providing a crossing guard at the start and end of school for the kids of Lopez Elementary due to increased traffic.

Senior Planner Khan responded that condition #13 in the resolution draft stated that prior to issuing a certificate of occupancy that the applicant is required to put two permanent commercial bike racks on either one of the pads.

Josh Golcheh responded that 7-Eleven provides a heavy amount of security, including high tech security cameras. He noted tapes from other have been useful for Police.

Commissioner Arias asked how long Mr. Golcheh has owned the property and inquired about regular maintenance and leases signed.

Mr. Golcheh stated over two years and that they have maintained it as much as we can. He commented it is very hard to maintain vacant buildings. He confirmed they have leases signed.

Commissioner Arias asked if leases are signed how it is possible that you are not maintaining the property.

Josh, clarified the lease is for when the development is completed and tenants are moved in. It provides for very extensive maintenance.

Commissioner Arias spoke about being in tune with the community and bringing a quality product, but the applicant not answering how he specifically maintains the property.

Josh Golcheh responded they have a porter, but unfortunately they have a lot of break-ins and vandalism. He reported they have tried to board up the buildings as much as possible and put a fence around the entire premises to take measures, but it's hard to fully maintain. He noted what is done for a vacant building is not nearly to the level of an operating building, which is part of the reason they are very anxious to start construction.

Commissioner Arias expressed concerns about the current appearance of the property and how it reflects on future maintenance. He noted the existence of overgrown weeds and dry plants, which has minimal cost to remove.

Mr. Golcheh responded that is completely understandable and added they have been waiting to come before the Planning Commission for about 18 months, which is part of the reason why this property is in the state it is. He noted they had a lease with another grocery store that lapsed because they were unable to get in front of Planning Commission.

John Clifford, 182 Monroe, spoke in favor of this project. He commented that he was encouraged that the developer decided to honor and preserve the mid-century architecture. He stated preservation is the greenest way to build and he asked the developer to consider preserving items of a historic nature, such as the Pomona Tile and a hidden Paul Darrow mural.

Paula Lance, 458 E. Jefferson, commended the developer on the architecture and expressed concerns about the maintenance of this property and the other property they own just north of LaVerne Rd., next to Dollar Store. She inquired when there will be actual construction. She expressed concerns about the Laundromat, Dollar Store and 7-Eleven on such an important corner and nearby a school and noted there are several very problematic 7-Elevens in town because they are not well managed or maintained.

Elias Alanini, spoke in opposition to this project; he stated he collected over 400 signatures on a petition against this development and the liquor license.

Chair Brown inquired if the Planning Commission has the petition with 400 signatures.

Senior Planner Khan stated the petition was specifically for the next item (F-2) and will be provided when that item is introduced, along with any other letters received.

Chair Brown closed the public hearing.

Commissioner Hemming spoke about being excited about the architectural drawings and under impressed with the uses of the buildings and the way that the property has been maintained at such a prominent corner. She stated she doesn't have a problem with the 7-Eleven, but rather a problem with some of the owner/operators we have in this City.

Chair Brown asked staff to confirm Ms. Lance comments about this being the same property owner that owns the property on Garey Ave.

Development Services Director Suarez confirmed that information is correct and he has spoken to the applicant about the maintenance issue. He noted staff will be recommending conditions of approval to address the concerns related to maintenance and other issues.

Commissioner Hemming requested graffiti film be added to Condition #11.

Senior Planner Khan responded he will make note of this and asked if it would be a good opportunity for staff to review the potential conditions.

Chair Brown stated he would like to continue with Commissioner comments first.

Commissioner Arias expressed concerns with the uses and with this developer owning another piece of property in the City that is not fully developed and not maintained. He stated if this item is approved he wants to see the conditions built in regarding the cleanliness of the property.

Senior Planner Khan clarified the conditional use permit doesn't allow a particular use to go in, it is for the shopping center that must comply with the Downtown and Corridor Plans development standards.

Assistant City Attorney Jared confirmed Senior Planner Khan's statement and asked the Commission what are the impacts you need to mitigate. He stated the Commission could look at the impacts directly related a Laundromat since they are proposing that, but there is nothing that is going to keep them from putting a different allowed use for this zone in the future.

Commissioner Kercheval inquired if the stipulations applied to the property in North Pomona.

Development Services Director Suarez responded no, only to this subject property. He noted staff will continue to pursue property maintenance through code enforcement on the north Pomona site.

Commissioner Kercheval echoed concerns of the other Commissioners about the upkeep of the other properties.

Commissioner Juarez clarified that its an anti graffiti paint that goes on clear and he would suggest using that for the all the hard surfaces.

Chair Brown echoed the concerns about the state of the current maintenance. He spoke about a requirement for street trees on Mission Blvd and asked if this could be expanded to include the four streets around the development (White, Cypress and Sixth).

Senior Planner Khan answered from a planning perspective the Specific Plan calls for certain landscaping, parkway improvements on the Mission frontage and not Cypress or Sixth.

Chair Brown responded we have a draft street tree plan that is currently being considered by another Commission, he would like to see a requirement for this property to provide street trees as designated by the arborist as this development has four roads that are worthy of that kind of amenity.

Commissioner Arias asked staff to display the sitemap with entrances and exits. He expressed concerns for the residences about having entrances and exits in locations that will create more car traffic. He asked for the reasoning on this decision.

Rene Guerrero, City Engineer responded that there was a traffic impact study completed for this project and the mitigation measures called for additional conditions to make the driveway on Mission and on White right in, right out only and so because of that, it is best to keep these other two driveways to provide additional options for those entering and exiting the property.

Commissioner Arias asked if this project was noticed and if the City had received any communication from people living in these properties.

Development Services Director Suarez stated, not as it relates to this item, but the next item (F-3) yes.

Commissioner Kercheval asked if there was enough room on the front of Mission between the strip of trees and the building for wheelchair access and how wide that is.

Development Services Director Suarez responded there is sufficient room and the project will go to building code to make sure that those details are ironed out.

Commissioner Arias asked Assistant City Attorney Jared if arguments could be made the entrance, exits and uses are detrimental to the existing neighborhood or it would hinder the existing properties.

Assistant City Attorney Jared responded. He stated as Mr. Guerrero explained projects come to the City as a set of plans. He noted the City is not proposing these entrances and exits, the applicant is, however, staff analyzed it, in this case a traffic consultant provided analysis and there are some practical limitations. He stated to redesign the project at the dais would be problematic and puts into question all of that analysis; however you can ask staff to go back and do more analysis to bring back the Conditional Use Permit for this project at a later date.

Chair Brown invited staff to share suggestions of conditions that could be introduced to address the concerns raised.

Senior Planner Khan read these suggestions into the record;

- To address the comment about salvage opportunities he stated the Historic Preservation Commission, when issuing a Major Certificate of Appropriateness for demolitions, typically adds a condition that the property owner would have an open house and send in a mailer to the historical groups and the neighboring properties about the opportunity to visit the site to see if there is anything of value to salvage. He stated this would be appropriate given the “quasi” historical nature of this property.
- To address concerns about property maintenance the Commission may craft a condition of approval as part of the use permit to the affect that the applicant within ten (10) days of approval must fully maintain the property ongoing and remove the weeds and trash immediately, per review of the Development Services Director.
- The Commission may consider adding a condition for more street trees.

Assistant City Attorney Jared stated the need to note the addition of graffiti film on the windows to condition #11 and he would suggest striking the verbiage “and City Council ordinance 3939” in condition #17, as there are numerous that deal with the noise in the city code.

A motion was made by Commissioner Ursua to approve, as stipulated, with all the conditions.

Chair Brown clarified the conditions include salvage opportunities, fully maintaining the site, street trees, graffiti film.

Commissioner Ursua stated yes; he commented he understand the limitations and that we all want improved tenants but we are voting on a basic shopping center scenario, and unfortunately the market and economics around the area seem to limit these things.

Development Services Director Suarez reminded the Commission they need to bring the applicant back up to make sure he understands and agrees with the modified conditions.

Chair Brown invited the applicant to respond to the conditions.

Mr. Golcheh asked for clarification on the street trees.

Assistant City Attorney Jared, stated the street trees on White, Sixth and Cypress would be added per recommendation of the City Arborist.

Mr. Golcheh asked if they would be the same trees specified to go in on Mission.

Assistant City Attorney Jared responded the trees would be per the recommendation of what the appropriate tree would be in the scope and based on a consultation with the Public Works Department about views for traffic coming in and out.

Josh Golcheh responded he agrees with the beautification of the site.

Chair Brown clarified the motion is for the arborist recommendation of trees, so the Commission will proceed and if there are issues the applicant can take it up with the City at that time.

Motion by Commissioner Ursua, seconded by Commissioner Juarez, carried by a majority vote of the members present (5-2-0-0), Commissioner Hemming and Commissioner Kercheval denied to approve Conditional Use Permit (CUP 7353-2017) and Tentative Parcel Map (PARCELMAP 7354-2017) No. 82035, to allow the development of approximately 16,732 sq. ft. of new retail space in two new buildings and one existing building (that will be reconfigured) on a 1.45 acre lot; and a Tentative Parcel Map (TPM) No. 82035 to combine ten lots into three parcels located at 888 W. Mission Boulevard in the Midtown Segment of the Pomona Corridors Specific Plan and the Mixed-Use Arterial Retail Zone in the Downtown Pomona Specific Plan, with additional conditions as specified by the Planning Commission and Staff to include; salvage opportunities at the time of demolition, ongoing property maintenance, additional street trees per recommendation of the City Arborist, graffiti film and the striking language from Condition #17 “and City Council ordinance 3939”.

The Planning Commissioners took a two (2) minute break.

MIDTOWN SEGMENT OF THE POMONA CORRIDORS SPECIFIC
PLAN.

Item continued from September 12, 2018.

Development Services Director Suarez reported staff is requesting that this item be continued to the next meeting in October in order to review the various correspondences the City Staff has received with regards to the project. He stated there was an agreement with the property owner, however, he is not the applicant, the applicants are 7-Eleven and at this point they are in objection to having it continued and so the only other option is to hear this item later tonight, if we consider moving up Item 7.

Chair Brown clarified that because new information has been received, in terms of petitions and so forth related to this item (F-3), and the ABC permit staff is requesting to continue this item to the next Planning Commission Meeting, October 10, 2018.

Chair Brown opened the public hearing and asked for a motion to continue this item.

Motion by Commissioner Arias, seconded by Commissioner Hemming, carried by a unanimous vote of the members present (6-0-0-0), to continue the approval of conditional use permit (CUP 9509-2018) to October 10, 2018.

Commission Member Ursua left the meeting before discussion commence for Item F7.

F-7

CODE AMENDMENT (CODE 9778-2018) REVIEW OF CITY COUNCIL AD HOC COMMITTEE'S DRAFT CODE AMENDMENT (CODE 9778-2018) TO AMEND SECTION .435. "F" FAIRGROUNDS ZONING DISTRICT, GENERALLY LOCATED AT 601-1101 W. MCKINLEY AVENUE AND 2250 FAIR AVENUE.

Motion by Commissioner Juarez, second by Commission Kercheval, carried by a unanimous vote of the members present (6-0-0-0), to move Item 7 after Item 3.

Development Services Director Suarez, Development Services Director, provided a presentation on the item. He stated the Commission may recommend denying, approving, providing an alternative version or making other recommendations. He spoke about actions taken to address the operational issues by the Fairplex during the 2018 annual Fair to be a good neighbor (traffic controls, Uber/Lyft drop off points, additional signage) and provided additional analysis for the Commission and public to review.

Commissioner Kercheval asked if staff spoke with the County about doing an EIR and was wondering how the County responded.

Development Services Director Suarez replied that call wasn't made; he stated Commissioner Kercheval's concerns about L.A. County being for or against an EIR, relates directly to the project which hasn't been defined and the idea of a CEQA document is a little early.

Commissioner Juarez asked if currently only buildings or projects that are 30,000 square feet or larger come through a Conditional Use Permit process.

Development Services Director Suarez responded yes.

Commissioner Juarez inquired if there was a specific change in the F-code amendment pertaining to that Conditional Use Permit.

Development Services Director Suarez responded that has not recommended. It's at the discretion to the Commission and could be added as a modification to Item B.

Commissioner Juarez clarified if traffic in the Memorandum of Understanding refers to adjacent neighborhoods or the logistics of ingress and egress.

Development Services Director Suarez responded it is a comprehensive look at all traffic issues as it relates to all events related to the Fair.

Commissioner Juarez reported it took him an hour this Saturday to get from the Fair to the street. He asked if the Commission could we request specific items to be addressed in the Memorandum of Understanding other than the noise, traffic, trash and lighting.

Development Services Director Suarez responded absolutely, the Commission can add additional terms to the Memorandum of Understanding and then get feedback from the Fairplex about they feel about. He noted it would be the preferred way to get that dialogue going.

Chair Brown opened the public hearing; limited speakers to two minutes or less.

Miguel Santana, CEO Fairplex, thanked the Commission for its thoughtful and objective approach. He stated the Fairplex is requesting the Planning Commission recommend to City Council to deny the proposed amendment to the F-zone and engage the Fairplex to develop a Memorandum of Understanding based on the term sheet created in collaboration with the Planning Department to deal with the specific issues of trash, noise, traffic and lighting. He reported the Fairplex has already begun working on those issues based on input from neighbors and will continue doing so regardless of the outcome. He shared efforts engaged so far include improvement of traffic patterns along McKinley by creating a special drop-off zone, sending out crews to clean the streets, and engaging on reducing sound during the periods of time people are sleeping. He stated the Fairplex would also like to pursue a Specific Plan working with the County and the City to think about the future of the complex, conducting an EIR, various traffic studies and additional mitigations as projects evolve.

Alfredo Fraijo, Jr., Counsel for Fairplex, stated the Fairplex supports the adoption of resolution C and D as was acknowledged by Mr. Suarez. He noted resolution C is the preferred option. He summarized the correspondence submitted to the Commission for consideration regarding the development of a Specific Plan as a long term solution that will realize Fairplex Strategic Plan goals while also addressing stakeholder groups concerns. He reported the Fairplex is already collaborating with staff to draft a term sheet for the creation of a Memorandum of Understanding. He commented the Commission has already expressed support for resolution C at the August 8th Committee meeting, per meeting minutes and the adoption of an F-zone amendment now will not only contradict the Planning Commission's recommendations.

Joyce Change, County of Los Angeles, stated the County supports approval of options C and D, which denies the F-zone amendment. She commented the proposed F-zone amendment is confusing and will negatively impact this important County asset. She stated the County supports a Memorandum of Understanding between the City and Fairplex to specific target issues related to traffic, noise, trash and lighting and a Specific Plan process will address planning issues at Fairplex in a thoughtful and transparent manner, in which, the County would have an opportunity to participate. She provided a statement from Supervisor Hilda Solis's representative, Norma Martinez.

Thomas Faughnan, Senior Assistant County Counsel, County of Los Angeles; stated the County supports the approval of options C and D proposing denial of the F-zone amendment and recommending a Specific Plan process and a Memorandum of Understanding with the Fairplex to address immediate concerns over traffic, noise, trash and lighting. He commented that both proposed ordinances unfairly restrict long standing permitted uses of the property which will likely have significant economic impacts on the Fairplex, County

and the City if enacted. The County believes the community concerns voiced to date regarding traffic, noise, trash and lighting can and should be addressed by Fairplex in the proposed Memorandum of Understanding and land use concerns should be addressed in a transparent Specific Plan process that would involve all stakeholder groups including the County of Los Angeles.

Walter Marquez, Vice-President Fairplex, spoke in opposition and for Option C being developed through a collective process of discussion and that this option is a no vote to the F-zone amendment and a recommendation to supports the Memorandum of Understanding until a Specific Plan is adopted. He noted the idea of a Specific Plan and Memorandum of Understanding was not originated by Fairplex, but through a shared conversation with City staff and selected community members. He requested the Commission vote no on the F-zone amendment, vote no on the F-zone amendment modification and recommend City Council adoption the Memorandum of Understanding and the Specific Plan for the Fairplex campus.

Judith St. John, spoke in support of an approval. She stated the Conditional Use Permit process gives the City the best ability to have oversight over the land use. She stated parking problems and trash issues could be eliminated with a Conditional Use Permit process requiring parking be included in the ticket price and once the City establishes that a certain type of event works well you can give the Fairplex a permanent Conditional Use Permit. She spoke about the importance of having a traffic study and expressed concerns with parking on Canyon Way.

Mario Ramos, spoke in support of option A (or B), and noted A is preferable. He expressed concerns with the Memorandum of Understanding just addressing operational items that City should already be handling and stated he doesn't understand its relevance of if it legally binding. He spoke about the process taking a long time (300 days, almost 10 months), so to be venturing to some other long term analysis would be unfair to our community. He commented that this is 500 acres of land, a big issue for everybody and Conditional Use Permit's make sense.

Jesus Campos, not present.

Denise Marquez, spoke in support of 7-A, and noted 7-B is a strong alternative; She commented the Ad-Hoc Committee is part of the City Council, and the City Council answers to the community, therefore, they have a vested interest in doing what's best for the people of Pomona. She noted the Fairplex will continue to be successful and she supports having oversight in writing. She requested clarification for the public if the Memorandum of Understanding is a legally binding document.

Stella M Ibarra, not present, supports.

Edward Sevilla, not present, supports.

Susan Tantee, not present, supports.

Judy Phillips, 799 Yorba Drive, spoke in support of F-A. She shared her experience living behind the maintenance area and expressed concerns with a lack of "no parking" signage by her home, that the Fairplex was charging \$25 for handicapped to park, calling it the VIP section and about maintenance starting too early, especially on Sundays. She spoke about wanting to know what's happening behind her house to protect her privacy and security.

Jack Phillips, not present, supports.

Elda Sevilla, not present, supports.

Brenda Morris, does not wish to speak, support

Berry Anderson, Yorba Drive, spoke in support of 7A. He commented the City Council should have revoked the F-zone ordinance when the L.A. times investigation and government audits exposed financial abuses and deadly raves.

Tina Loza, Vice-Chairman of the Board at the Fairplex, 1111 Oak Knoll Rd, Ganesha Hills. Spoke in opposition. She urged the Commission to vote no on the F-zone amendment and spoke in support of a Memorandum of Understanding to move forward on the issues of trash, noise, traffic and lighting and requested the City work with the Fairplex and the County to come up with a Specific Plan.

Dr. Cid Pinedo, Chairman of the Board at Fairplex, spoke in opposition. He supports Item C and about his desire to work with the Planning Commission, City Council and staff to develop a comprehensive plan of how to move forward. He requested the Commission deny the F-zone amendment and support a Memorandum of Understanding and Specific Plan. He commented working together collaboratively in a transparent process is what's best for the City and the Fairplex.

Lucas Rivera, not present, opposes.

Amos Young, spoke in opposition and in support of a Memorandum of Understanding, a Specific Plan and the denial of the current text amendment language. He stated theses processes provide stakeholders (City, Staff, Planning Commission, elected and shareholders and nearby residents) the continued opportunity to address the issues and to ensure that our fellow partners, LA County and the Fairgrounds are included. He shared her had a conversation with US Senator Diane Feinstein and that as a ranking member of the judiciary committee she stated she would do all she can to support a blue print for success for the City of Pomona. He stated a blueprint must include all stakeholders including institutions which he feels would be found through a Specific Plan and a denial of the current text amendment language.

David McElwain, Chairperson of the Board of Directors Pomona Chamber of Commerce; spoke in opposition. He supports of a no vote on the current proposed F-zone amendment, because it limits the ability of Fairplex to serve as a premier destination for entertainment, commercial events and cultural celebrations. He stated the Pomona Chamber of Commerce supports the Fairplex as a unique and indispensable part of Pomona's history and future and feels they are working to address resident concerns. He noted the business community relies upon the synergy of Fairplex as an economic engine and a partner.

Ron Vandermolten, spoke in support of a Specific Plan. He encouraged the Planning Commission to have an all encompassing discussion about what the Fairplex means to the City and what the City means to Fairplex and the County.

Patricia Anderson, spoke in support. She spoke about the history of the land being given by ranchers for agricultural type of programming and the loss of oversight and local control, since the changing of the F-zone in 2004. She expressed concerns the Fairplex has not been open with the community and mentioned the results of the investigation, the Fairplex non-profit status and a master plan that includes transitional housing

Sol Gara, spoke on behalf of Diana Contreras in support. She urged the Commission to support a the ordinance provided by City Council. She stated the Memorandum of Understanding may not be legally binding and City already has language to resolve these issues in ordinances. She requested in the future that it be noted within public comments, if someone was in support or opposition.

Efren Herrera, not present, supports.

Reyna Garcia-Ramos, not present, supports.

Daniel Betanzos, not present, supports.

Yolanda Gomez, not present, supports.

Brian Brooks, shared he lives 184 feet south of Gate 19 and has been there 31 years. He spoke in support of A, B and C. He shared he likes the rules and living in Mountain Meadows with a Specific Plan and commented that a Memorandum of Understanding should include enforcement provisions or it doesn't mean a thing.

Juana Marquez, not present, supports.

Hilario Marquez, not present, supports.

James Gayles, not present, supports.

Lisa Gomez, not present, supports.

Deanne Puetthong, not present, supports.

Tania Vasquez, not present, supports.

Kathryn Have, not present, supports.

John Mendoza, 1602 N. Park Ave, she spoke in support of oversight of the Fairplex and urged the Planning Commission to put the ordinance in affect. She commented that Miguel Santana will not be here forever and the City Council will eventually change.

Anne Henderson, Yorba Drive; spoke in opposition. She supports a no vote for Item A and B and requested the Commission adopt the Memorandum of Understanding between the City and Fairplex to address the trash, lighting, traffic and the noise and go with the Specific Plan which is a thoughtful and deliberate process with all of the stakeholder involved.

Erica Frausto, not present, opposes.

Michael Driebe, 1528 Hillcrest Dr., Spoke in support of Option D and C and the denial of the proposed F-zone amendment and its modifications. He requested the City enter into a Memorandum of Understanding with Fairplex and create a Specific Plan.

He stated the amendment as proposed by the Ad-Hoc committee and the modification as proposed by the City staff would hobble one of the City's greatest assets doing irreparable damage to a business that generates more than that 2.7 million dollar in direct taxes.

Ann Tomkins, not present.

Ed Tessier, not present, opposes.

Margaret Purnell, does not wish to speak.

Nicholas Warren, not present, opposes.

Elizabeth Brooks, not present, opposes.

Chair Brown read into record the names of those not wishing to speak.

- Richard Eaz, support for 7A
- Erik Sanchez, support for 7A
- Jane Brooks, supports 7A

- Karen Loehr, opposes
- Julie Mestas, opposes
- Patricia Newton, opposes
- Chris Faull, opposes
- Rikky Fine, opposes
- Rick Debruyne, opposes
- Jason Warren, opposes

Joe Silva, Protect our Neighborhood, spoke in supports of A. He commented that his response is based on the Fairplex letter of 9/21/18 circulating their neighborhood about traffic, noise and trash. He commented this small stuff is deflecting from the management of the Fairplex association. He spoke about a mission statement in the articles of incorporation dated December 13, 1940 which lists the purposes of the Fair, which are mainly education and agriculture and expressed concerns that the policies in the staff report do not comport with this list. He noted the Protect our Neighborhood would gladly meet with the Fairplex Board or Association, but not the staff or lawyers.

Chair Brown closed the public hearing.

Commissioner Hemming reported the Commission already recommended resolution C to City Council and they somewhat disregarded any suggestion of a Memorandum of Understanding or a Specific Plan. She stated Council said they wanted a yes or no on this code amendment; therefore she makes a motion for Item D, denial, but feels that would be neglecting the Commissions duty, so she would also like to include resolution C to give a positive direction to the Council.

Assistant City Attorney Jared clarified the Memorandum of Understanding provides a basis for deal points on the Specific Plan, but in and of itself, it is not enforceable. He stated only a Specific Plan, zoning code amendment or development agreement would be enforceable. He noted a development agreement is one option that hasn't been mentioned here but is alluded to in the Planning Commission alternative recommendations as Option E.

Commissioner Hemming stated that is why she thought the Memorandum of Understanding was combined with the Specific Plan, so the two documents would work together. She commented the commission is not given the option of "and/or" and asked if she could eliminate the Memorandum of Understanding from Item C.

Assistant City Attorney Jared responded the Memorandum of Understanding component is incorporated so that there is some continuity of language and proposals that have been gone back and forth from Fairplex to staff on that issue.

Commissioner Hemming stated her motion stands as she made it.

Development Services Director Suarez stated Commissioner Hemming made a good point and maybe somewhere in improvement of Item C they could include additional language to have staff explore the option of a development agreement as part of the entire package of Item C.

Commissioner Juarez asked if a Conditional Use Permit process is developed within a Specific Plan or does it forego with the Conditional Use Permit processes.

Development Services Director Suarez responded yes that's possible. He stated the Specific Plan can do many things, it depends on how its developed, usually if the process is successful and everybody is in agreement there are agreed upon processes for a use permit or other mechanisms.

Commissioner Juarez spoke about adding land uses and asked if there would be a Conditional Use Permit process placed in that Specific Plan.

Development Services Director Suarez responded yes, that's a process that can be utilized.

Commissioner Juarez asked if this would only impact the developments that are 30,000 square feet and above.

Development Services Director Suarez replied no it would be starting from scratch (with a whole new code).

Commissioner Kercheval asked about a previous Memorandum of Understanding with Fairplex or the Sheraton regarding payment.

Development Services Director Suarez replied he can't say for sure, he thinks it was a Conditional Use Permit.

Commissioner Kercheval commented she appreciates that the Fairplex is making moves to do the traffic patterns, however, there haven't been any specific numbers or studies therefore the Commission really know when traffic becomes a problem. She spoke in support of move forward with A or B. She expressed concerns with the Memorandum of Understanding not being a fair and open process and stated leadership changes and could impact the Memorandum of Understanding.

Chair Brown spoke in support of the motion made by Commissioner Hemming for a Specific Plan and Memorandum of Understanding. He stated it is his belief that working towards a Specific Plan is the best solution for the community and the Fairplex because it allows the opportunity to be more specific about land use decisions by their geographic location in relationship to neighborhoods. He commented he understand that the Memorandum of Understanding has limitations and many of the issues it proposes to address are enforceable by other nuisance ordinances that exist, however, the Memorandum of Understanding is an important good faith effort for both sides to come together.

Motion by Commissioner Hemming, seconded by Commissioner Arias, fails by a vote of the members present (3-2-1-0), Commission Members Ursua and Juarez voted to Deny and Grajeda voted to abstain, to approve a recommendation of resolution C and D to City Council.

Assistant City Attorney Jared advised the Commissioners that an alternative motion could be made. He reminded the Commission that the request by the City Council was to act on this matter failure to act would be deemed an approval of the proposed ordinance.

Motion by Chair Brown, seconded by Commissioner Hemming, approved by a majority vote of the members present (3-2-1-1) with Commission Members Juarez and Kercheval voting to deny, to approve a recommendation of resolution D to City Council.

F-4

TENTATIVE TRACT MAP (TRACTMAP 4852-2016) TO APPROVE APPLICATION FOR A TENTATIVE TRACT MAP TO DEVELOP NINE CONDOMINIUM UNITS IN THE R-2 (MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 1535 SOUTH RESERVOIR STREET.

Continued from September 12, 2018.

Ata Khan, Senior Planner, provided presentation on the item.

Senior Planner Khan confirmed yes, and staff also did a reach out to them on two occasions to let them know there was a hearing and that if there was any concern they could contact staff and staff did not hear back by the time of this meeting.

Chair Brown opened the public hearing.

Margarita Rios, the applicant with Veronica Rios as acting translator, stated Ms. Margarita Rios is available to answer any questions.

Juan Carlos Lomeli, the property manager for the shopping center, here on behalf of the property owner to encourage an approval of this item. He noted the space has been vacant for many years now and they are hopeful they can operate with the Commission's approval this evening.

Chair Brown closed the public hearing.

Development Services Director Suarez clarified Commissioner Hemming's question about the Conditional Use Permit. He stated the older alcohol license related to Beer and Wine was not on file and this general license would put in a new Conditional Use Permit that will transfers with the property, not the person.

Motion by Commissioner Hemming, seconded by Commissioner Kercheval, carried by a unanimous vote of the members present (6-0-0-0), to approve conditional use permit (CUP 9756-2018) to permit the sale of beer, wine, and distilled spirits for onsite consumption and beer and wine for offsite consumption (Type 47-On Sale General-eating Place) in conjunction with a new restaurant located at 3272 North Garey Avenue in the Neighborhood Center segment of the Pomona Corridor Specific Plan.

Development Services Director Suarez stated it comes with a 20 day appeal period.

F-6

CONDITIONAL USE PERMIT (CUP 7880-2017) TO ALLOW THE CONSTRUCTION OF A FOUR-LEVEL, 101,957-SQUARE-FOOT PARKING STRUCTURE; AND A MINOR DEVIATION VARIANCE (MINDV 8810-2017) TO ALLOW REDUCTION IN OFF-STREET PARKING, DRIVE AISLE WIDTH, AND PARKING STALL DIMENSION REQUIREMENTS, ON A DEVELOPED 4.51 ACRE SITE IN THE M-1 LIGHT INDUSTRIAL DISTRICT FOR THE PROPERTY LOCATED AT 1937 WEST MISSION BOULEVARD.

Vinny Tam, Senior Planner, provided presentation on the item.

Development Services Director Suarez commented this is a unique case of economic development and the applicants have an interesting story. He reported they send dentistry products throughout the United States will be making a 90 million dollar investment to this property and are proposing going from 200 to 500 employees. He stated the applicants have been provided conditions of approval and if they agree then the City can move forward.

Commissioner Juarez asked about the minor deviation in relation to the number of parking spaces.

Senior Planner Tam responded the modifications to the drive aisles allow the building to be made a smaller, so not necessarily for more parking, but to allow the footings to be placed appropriately in proximately to the existing structure, as well as, to the property line on the Western portion of the property.

Chair Brown opened the public hearing.

Craig Morrison, ARB Structures, the design build contractor for the Parking Structure, responded to Commissioner Juarez's question about the variance. He stated that reducing the drive aisle width and parking space dimensions by a foot was an effort to pull the structure in, width and length wise from the existing building and foundation system, so they could build a new foundation system for the parking structure. He noted this pulled the structure away from the west and south property lines.

Chair Juarez asked if the applicant has have that deviation number.

Mr. Morrison responded yes, otherwise we'd be outside the property line.

Chair Juarez asked what's the minimum amount of cars that you want to park.

Mr. Morrison the total amount is 294.

Chair Juarez asked if they are going to utilize all of those spaces.

Mark Valiquette, Director of Supply Chain for KaVo Kerr, responded initially they will only use it to a density of 60-65%, however, there are new products coming into the area and the company will be hiring and growing the business, so they are trying to anticipate future growth by building once and finishing it.

Commissioner Kercheval clarified what if it was going to be narrower when you drive through and asked where the one foot was taken from.

Mr. Morrison responded when we place Pomona City standards and the dimensional sizes of parking spaces both standard, compact and drive aisle widths, on the site the structure was over the property line, at that time Planning Staff recommended applying for a variance, which they did about 18 months ago, to reduce the width of the drive aisle and the length of the parking spaces for both standard and compact. He reported on the west side they are 10 feet away from the property line which allows for more landscaping and beatification, as well as, added landscaping to the existing landscaping at the south side and it also helps with circulation in and out of the parking structure on the south side.

Chair Brown closed the public hearing.

Motion by Commissioner Grajeda, seconded by Commissioner Hemming, carried by a unanimous vote of the members present (6-0-0-0), to approve conditional use permit (CUP 7880-2017) to allow the construction of a four-level, 101,957-square-foot parking structure; and a Minor Deviation Variance (MINDV 8810-2017) to allow reduction in off-street parking, drive aisle width, and parking stall dimension requirements, on a developed 4.51 acre site in the M-1 Light Industrial district for the property located at 1937 West Mission Boulevard.

Development Services Director Suarez stated there is a 20 day appeal period.

ITEM G:
PLANNING COMMISSIONER COMMUNICATION:

Commissioner Juarez reported the delineator lights on Garey Ave and Towne Ave, southbound, are very difficult to see at night, until you get to Phillips or just before Philadelphia on Towne Ave. He stated he couldn't see lines dividing the lanes on these major thoroughfares. He requested the Planning Department make a very solid effort get another Wells Fargo ATM in South Pomona, as the existing machine by Target has long lines (10-20 people) and sometimes it doesn't work.

Commissioner Grajeda expressed concerns about real estate signs posted on Fridays, Saturdays, Sundays throughout the Phillips Ranch area on public sidewalks, specifically through Rio Rancho, from the 71 and the 57. He noted there is a sign on the corner of Village Loop and Willow Brook that blocks the view of cars getting out into the street and he is concerned that a bad accident will occur.

Development Services Director Suarez responded to Commissioner Grajeda, this is an area which he has requested to have reviewed and apparently not sufficiently enough, therefore he will have the Development Services Manager call him to get specifics

Chair Brown reminded staff about the revocation of Conditional Use Permit's for a couple of out of business recycling facilities (one on 9th street and one on Mission Blvd.) and requested staff put together a revocation of those Conditional Use Permit's and add them to an upcoming agenda.

Development Services Director Suarez responded he will work on these as soon as he finishes the Housing Element.

ITEM J:

DEVELOPMENT SERVICES MANAGER COMMUNICATION:

Nothing to report.

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Juarez at 12:17 a.m., September, 27, 2019, to the regular scheduled meeting of October 10, 2018 in the City Council Chambers.

Mario Suarez, AICP
Development Services Manager

Jessica Thorndike, Transcriber

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