

UNOFFICIAL MINUTES
PLANNING COMMISSION
FEBRUARY 13, 2019

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 Vander Molen led the flag salute.

ROLL CALL: Roll was taken by Acting Development Services Director Gutierrez.

COMMISSIONERS PRESENT: Chair Brown; Commissioner Grajeda, Camacho-Gonzalez, Urey, Bunce, and Vander Molen.

COMMISSIONERS ABSENT: Commissioner Kercheval (sick)

STAFF PRESENT: Acting Development Services Director Anita Gutierrez, Senior Planner Vinny Tam, Senior Planner Ata Khan, City Attorney Marco Martinez

ITEM D:
PUBLIC COMMENT:

None

ITEM E:
CONSENT CALENDAR:

1. Draft Planning Commission Minutes for August 22, 2018 meeting.

Chair Brown reported Commissioner Grajeda and he were the only ones present today who were at that meeting. He reminded his fellow Commissioners that they can vote to affirm the minutes per Chair Brown and Commissioner Grajeda's recommendations. He stated he does not have any suggested changes to the minutes.

Motion by Commission Grajeda, seconded by Commissioner Brown, carried by a unanimous vote of the members present (6-0-0-1), to approve the Draft Planning Commission Minutes for August 22, 2018.

ITEM F:
HEARING ITEMS:

F-1

PUBLIC HEARING – REVOCATION OF ENTITLEMENTS; A REQUEST FOR REVOCATION OF A CONDITIONAL USE PERMIT TO DEVELOP A SCRAP METAL PROCESSING PLANT AND RELATED EQUIPMENT (PC RESOLUTION NO. 2830); REVOCATION OF A CONDITIONAL USE PERMIT MODIFICATION TO ALLOW THE RECYCLING OF GLASS AND PAPER AS WELL AS METAL (PC RESOLUTION NO. 2830-A); REVOCATION OF MODIFICATION OF CONDITIONAL USE PERMIT (CUP 94-044) TO ALLOW EXPANSION OF THE RECYCLING FACILITY TO INCLUDE THE ADJACENT PROPERTY AT 1326 EAST NINTH STREET; REVOCATION OF MODIFICATION OF CONDITIONAL USE PERMIT (CUP 95-026) TO ALLOW THE EXPANSION OF AN EXISTING BUILDING AND CONSTRUCTION OF A NEW BUILDING; REVOCATION OF MODIFICATION OF CONDITIONAL USE PERMIT (CUP 00-032) TO ALLOW THE COLLECTION AND RECYCLING OF PLASTIC, THE CONSTRUCTION OF A NEW BUILDING, AND AN

EXTENSION TO THE HOURS OF OPERATION; REVOCATION OF MODIFICATION OF CONDITIONAL USE PERMIT (CUP 07-009) TO MODIFY TWO EXISTING CONDITIONS OF APPROVAL RELATING TO ON-SITE STORAGE OF MATERIALS AND HOURS OF OPERATION FOR AN EXISTING RECYCLING CENTER; ON A PROPERTY IN THE M-2(GENERAL INDUSTRIAL) ZONING DISTRICT; LOCATED AT 1326-1352 E. NINTH STREET.

Ata Khan, Senior Planner, provided a presentation on this item.

Chair Brown provided background, sharing that when the Durham Conditional Use Permit was before the Planning Commission last Spring the Commission asked staff to prepare this revocation.

Chair Brown opening the public hearing. He reported there were no requests from the public wishing to speak. Chair Brown closed the public hearing.

Chair Brown asked staff if charter cities are authorized to revoke Conditional Use Permit's when the permitted use has been suspended for a period (i.e. six months) or add an expiration. He shared he has worked in other jurisdictions in other states and this helped avoid sleeper entitlements that may exist unbeknownst to neighbors or City Officials.

Acting Development Service Director Gutierrez replied the City can put expirations and some of their Conditional Use Permits have that, but in speaking with legal counsel on this case, staff was advised that the cleanest option was the revocation of the Conditional Use Permit, especially in this instance where it's a prohibited use.

City Attorney Martinez reiterated that the cleanest situation is to revoke. He stated staff are thinking about how to remove the possibility of phantom entitlements lingering when a new entitlement comes up.

Chair Brown asked if the thinking would be that would be to do it Conditional Use Permit by Conditional Use Permit or if it would be something in the revocation language of the zoning ordinance.

City Attorney Martinez responded when a new Conditional Use Permit comes before the Commission, they can add a reasonable condition to require the surrender of the prior Conditional Use Permit on a case by case basis, however, as a rule the City can also put in a six-month expiration if there is lack of use. He stated he doesn't think that changes with charter, however, he will confirm with the legal office and get back to Planning.

Chair Brown asked if staff were aware of the other closed Mission recycling facility.

Acting Development Service Director Gutierrez responded staff are aware and she believes that item will be scheduled for the next Planning Commission meeting.

Commissioner Grajeda commented the City ordinance ties the Conditional Use Permit with the land, which means no matter what comes after, the Conditional Use Permit that's established would have to be terminated by the Commission.

Acting Development Service Director Gutierrez responded that is what she was referring to earlier. She stated in speaking with legal, there is still an argument someone could make, even if you have a six-month expiration that the entitlement is still valid because it runs with the land, so the cleanest mechanism to ensure that all rights have been exhausted would be to pursue a revocation.

Motion by Commission Camacho-Gonzalez, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (6-0-0-1), to approve the revocation of Entitlements; A request for revocation of a Conditional Use Permit to develop a scrap metal processing plant and related equipment (PC Resolution No. 2830); revocation of a Conditional Use Permit Modification to allow the recycling of glass and paper as well as metal (PC Resolution No. 2830-A); revocation of Modification of Conditional Use Permit (CUP 94-044) to allow expansion of the recycling facility to include the adjacent property at 1326 East Ninth Street; revocation of Modification of Conditional Use Permit (CUP 95-026) to allow the expansion of an existing building and construction of a new building; revocation of Modification of Conditional Use Permit (CUP 00-032) to allow the collection and recycling of plastic, the construction of a new building, and an extension to the hours of

operation; revocation of Modification of Conditional Use Permit (CUP 07-009) to modify two existing conditions of approval relating to on-site storage of materials and hours of operation for an existing recycling center; on a property in the M-2(General Industrial) zoning district.

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner Grajeda asked staff if the Commission can make a recommendation for a new ordinance or if that must come from City Council.

Acting Development Service Director Gutierrez replied if the recommendation was for a Planning or Land Use related ordinance, then that is something the Commission can direct staff to pursue and bring forward. She stated the Commissioner would need to bring the item up as a discussion item and if the Commission votes to direct staff to prepare an ordinance that is something they would work on.

Commissioner Grajeda spoke about the city cleanups organized by Mayor Sandoval and the fantastic work has been done. He thanked Commissioner Vander Molen for being part of that group. He expressed concern that not a lot of change has been made and suggested an ordinance where businesses must help by maintaining the front of their stores, streets, sidewalks. He stated the businesses along the main arteries of Holt Ave and Huntington are not helping. He shared he became very discouraged after cleaning on Holt one day when some kids came by and threw trash in front of them during a cleanup.

Acting Development Service Director Gutierrez asked Commissioner Grajeda if this was something, he would like to agendized as a future discussion item.

Commissioner Grajeda responded he was just providing an explanation of what was on his mind. He stated at this time he would much rather see other back-logged business on the agenda. He noted he brought this item up because there was a light agenda this evening.

Commissioner Urey invited her fellow Commissioners, staff and all those present tonight to the Dale Prize event hosted by Cal Poly Pomona on Wednesday, March 20, 2019. She shared her department will be bringing a scholar and a practitioner together to discuss a topic and this year's theme is "From Blueprint to Resilience Planning with Change in the Norm". She distributed information cards.

Commissioner Vander Molen responded to Commissioner Grajeda comments about the cleanup ordinance. He shared he has had similar discussions with Mayor Tim Sandoval, as well as, with one of the councilmembers about making cities more attractive and how to do so with small and rough looking businesses. He suggested there be a joint discussion and or a planning session with City Council to define what the scope of cleanup means in Pomona. He spoke about it taking time to change perceptions, but it's been building, and he is very excited to be involved. He commented he is hopeful through ordinances and code enforcement they will be able to keep properties clean.

Commissioner Camacho Gonzalez gave kudos to the Public Works and Planning Staff for getting the ATP funds for the City of Pomona. He shared he works in active transportation and has been hearing a lot people talking about bikes and pedestrian safety and everything that comes with it.

Chair Brown urged his fellow Commissioners and the Planning Staff to make note of an action taken by the City Council last month of modifying the truck routes in the City. He stated this ordinance was not part of the zoning code and thus not part of the purview of the Planning Commission, however, he believes it has implications for their work. He reported the ordinance goes into effect at the end of this month and eliminates over twenty miles of designated truck routes in the City. He noted Holt, Mission and Garey will no longer be truck routes. He stated by doing this City Council is affirming the General Plan which proposed making such modifications to protect neighborhoods and at the same time encouraging high tech R&D and clean light industrial uses in our industrial areas and phasing out heavy industrial and environmentally harmful uses. He shared numerous studies have shown that excessive truck traffic contributes significant environmental and public health harm. He suggested the Commission keep the policies of the General Plan foremost in their minds along with the consideration of access to new truck route designations as they consider the appropriateness of Conditional Use Permit's or other discretionary actions in the workplace districts. He

stated the Commission needs to scrutinize projects to ensure that proposed uses are not just compliant with all performance standards but are also consistent with the important tenants of the General Plan.

Commissioner Vander Molen suggested a future study session on the General Plan to educate all the new commissioners.

Commissioner Urey thanked Commissioner Brown for his work on the truck route business.

ITEM H:
PLANNING MANAGER COMMUNICATION:

Acting Development Service Director Gutierrez reported the Fairplex will be undergoing an ULI national level study for the potential uses of the Pomona Fairplex. She shared they will be engaging city staff and Commissions in an exercise to determine potential uses. She stated she will be reaching out to the Commission at a future meeting to elect a representative to participating in the study which will be coming in May.

Chair Brown commented that this is exciting for folks that aren't in the business and asked Acting Development Services Director Gutierrez to explain what a ULI study is.

Acting Development Service Director Gutierrez replied ULI stands for Urban Land Institute. She shared there is a state and national level and it's the national level group that is coming to do a series of interviews with stakeholders, elected officials, members of the community and the Fairplex. She stated they will collect opinions on constraints of the area, gather community concerns, analyze the factors of what the Fairplex could be and speak with Pomona Fairplex staff about their strategic plan and the future growth. She reported that after interviewing they will analyze and generate a plan for what the biggest and best use could be of the Pomona Fairplex. She stated this information will be presented in a detailed report to the Fairplex for use on a Specific Plan.

Commissioner Grajeda asked staff about the timeline for the Pomona Pizza Company to open.

Acting Development Service Director Gutierrez replied she does not have a date; however, the applicant visited Planning to expand his business. She stated she believes this item will come back before this Commission because he is seeking an additional Conditional Use Permit. He noted as soon as the case is ready, she will bring it forward.

Commissioner Grajeda commented he expects this to be profitable business and he knows many non-profits that are looking forward to it being open.

ITEM I:
DISCUSSION:

1. Accessory Dwelling Unit (ADU) Study Session.

Acting Development Service Director Gutierrez reported staff will be providing an overview of Accessory Dwelling Unit (ADU) state law mandates and provide information on what the City can regulate through a specific ADU ordinance.

She commented ADU's can be a valuable tool in creating affordable housing options, for the elderly, in home health care providers, family members, students and others; however, there are areas in which the Commission may want to more clearly articulate Pomona's specific needs, such as the aesthetic protection of our Historic Districts. She stated staff will take the information gathered tonight and begin crafting a draft ordinance. She reported staff initiated this discussion at the Historic Preservation Commission on January 16, 2019 and at that meeting the Historic Preservation Commission indicated their interest in doing a joint study session with the Planning Commission sometime in April.

Vinny Tam, Senior Planner, provided a presentation on ADU. He stated he is open to commissioners asking questions throughout the presentation.

Commissioner questions taken during the presentation:

Commissioner Vander Molen asked if someone could make an apartment building in a large home or if there is a limit of one.

Senior Planner Tam responded it would be limited to one unit.

Commissioner Urey asked when there would ever be more than one unit, when the state mentioned “may not require more than one parking space per unit or bedroom whichever is less”.

Senior Planner Tam replied this was the way the state language is written.

Chair Brown asked for clarification of “replacement spaces may be in tandem”.

Senior Planner Tam replied with an example; he stated if someone wanted to convert the garage and staff indicated they would have to replace some parking, if they demonstrated on their property that they can fit the vehicles on the driveway, that’s the minimum they would be required to replace. He noted the applicant can provide covered parking or a new garage if space is available, but they don’t have to.

Commissioner Urey asked if someone can have an ADU and a JADU.

Senior Planner Tam responded the City can create a provision that limits the number of ADU’s to one per lot, whether its ADU or JADU.

Acting Development Service Director Gutierrez stated staff would now like to hear the Commission’s thoughts on ADU’s, what areas of emphasis the Commission would like staff to focus on, and if the Commission is interested in having a joint session with the Historic Preservation Commission. She reported staff will then take this information to write a draft ADU ordinance, potentially having it ready for an April study session with Historic Preservation Commission.

Commissioner Grajeda spoke about the Commission dealing with this issue previously, approving ADU units in Pomona. He stated he didn’t hear anything mentioned about lot size restrictions. He noted in 2018 the discussion was that lots less than 5,000 feet were not allowed to have an ADU.

Senior Tam replied he believes Commissioner Grajeda is referring the previous standards for the ADU ordinance and he didn’t bring that up in this presentation because those standards are null in void and don’t apply because of the new state regulations.

Chair Brown reported the Commission did have another discussion session previously and whether there could be a minimum lot size requirement. He confirmed staff is saying now there cannot be lot size restrictions.

Acting Development Service Director Gutierrez replied they can restrict lot coverage, but she doesn’t believe they can regulate lot size.

City Attorney Martinez replied the statute is limiting, it says that your ordinance must look a particular way and it doesn’t provide for a minimum lot size. He stated there may be some room for interpretation, but until the City sees more application of this statute and more decisions affecting how it can be interpreted, the wide spread consensus is that is off limits.

Commissioner Grajeda stated he feels this is something that is very attractive and needed in Pomona because of the housing shortage. He noted Pomona has a lot of garages that have been converted, that can now be a legal unit. He commented he appreciates no restrictions for the lot size, because that was one of the biggest issues previously

Commissioner Vander Molen stated he is interested in a joint study session because future housing in California is changing rapidly. He stated Pomona needs more affordable housing units. He spoke about the need to review this policy and make changes that keep the quality of life and address the inequalities of our City, neighborhoods and historical

districts. He stated he would like to see Pomona as a governing body. He asked that information be provided at the future study session he about how much control the state has over local ordinances.

Commissioner Camacho Gonzalez clarified if there was a state regulation on ADU's in historic districts currently.

Acting Development Service Director Gutierrez replied just that no parking is required, other than that there is not differentiation.

Commissioner Camacho Gonzalez asked if the Commission could limit ADU's in historic districts.

Acting Development Service Director Gutierrez replied you can only limit ADU's based on health and safety issues, so if you the Commission can show that it impacts traffic, fire safety, water or sewer.

City Attorney Martinez replied the statute does say along with parking height, setback, lot coverage, and landscape that the City may include standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. He stated he doesn't know if that gets you an entire district, but that gets you those properties listed on the California Register.

Commissioner Camacho Gonzalez shared he asked that because historic preservation could be the more exhaustive part of the conversation at the joint study session and he wants to come prepared because hand understand the options they have.

Commissioner Urey stated she is in favor of a joint study session and requested assistance visualizing items (via a sketch) the Commission is permitted to include in an ordinance in terms of setbacks and heights.

Chair Brown requested to hear about staff's experience with the state ordinance and about the inadequacies or the challenges they have experienced and how the City might address those at the study session. He asked if the City can limit the number of bedrooms in the ADU ordinance.

Senior Planner Tam replied he believes they can.

Chair Brown replied the Commission make want to explore limiting bedrooms because of parking concerns and the fact that the City is not allowed to require additional parking in most situations.

Commissioner Vander Molen asked if bedroom and occupancy rate go hand in hand.

Chair Brown replied yes, he is looking at is the number of people in a unit and bedrooms is often a way to monitor that.

Acting Development Service Director Gutierrez replied from an enforcement perspective number of bedrooms is easier rather than number of occupants.

Chair Brown asked if there are any protections in the state ordinance for these units from impact fees the City might chose to levy, like Park Impact fees.

City Attorney Martinez replied the statue restricts the City's ability to impose certain impact fees.

Chair Brown replied that understanding more detail on impact fees would be useful. He inquired about the consequences of ADU's in the R3 zone in South Pomona which has a supplemental overlay district. He spoke about limiting or increasing development rights in those areas because some of those lots can be further subdivided.

Senior Planner Tam replied because state standards require an existing single-family home on the property and so if it is an R3 zoned property that has multi-family home it won't affect those properties. He noted lots with single-family homes wouldn't be able to be subdivided later.

Chair Brown confirmed the law would limit that lot to forever be a single-family home with an ADU as opposed to allowing 3-4 homes at some point in the future.

Senior Planner Tam replied that is correct, unless they demolished the existing single-family home and ADU to accommodate the larger development.

Chair Brown commented they could conceivably have lower densities there.

Commissioner Bunce stated he was in favor of the study session on April 17, 2019. He requested information be provided at the study session about the precedents other cities have set that have been active with promoting ADU's; such as rental costs, to what degree have rental costs been mitigated by this, etc.

Acting Development Service Director Gutierrez confirmed there was an agreement for a study a session in April. She asked if it be helpful to bring forth a draft ordinance at that time for the Commission for review.

Commission Camacho Gonzalez asked about the process after the joint study session with the Historic Preservation Commission. He asked if the draft ordinance would go through the Planning Commission first and then to the Historic Preservation Commission.

Acting Development Service Director Gutierrez replied the study session would be a special consultation meeting and then staff would bring a draft back through Historic Preservation Commission and the Planning Commission separately, unless there was a consensus at that meeting to move forward.

Commissioner Grajeda stated out of respect to the Historic Preservation Commission staff should provide a draft ordinance, so both Commissions can work together on historic preservation.

Acting Development Service Director Gutierrez replied they will take what they have heard tonight and put together a draft ordinance, as well as, be prepared to answer the questions raised this evening to have a full discussion.

Commissioner Vander Molen echoed what Commissioner Grajeda said about providing a draft. He suggested having bullet points with options at each bullet point to speed the delineation process.

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Brown at 8:07 p.m. to the regular scheduled meeting of February 27, 2019 in the City Council Chambers.

Anita D. Gutierrez, AICP
Acting 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.