

UNOFFICIAL MINUTES
POMONA HISTORIC PRESERVATION COMMISSION
JULY 3, 2019

<u>A. CALL TO ORDER:</u>	The Historic Preservation Commission meeting was called to order at 6:26 p.m. by Chair Debra Martin.
<u>B. PLEDGE OF ALLEGIANCE:</u>	Commissioner Jim Gallivan led the pledge of allegiance.
<u>D. ROLL CALL:</u>	Roll was taken by Development Services Director Anita Gutierrez
<u>COMMISSIONERS PRESENT:</u>	Chair Debra Martin; Vice-Chair James Kercheval, Commissioners Jim Gallivan, Ann Tomkins, Jennifer Williams, Tamara Gonzalez, Alice R. Gomez.
<u>COMMISSIONERS ABSENT:</u>	None
<u>STAFF PRESENT:</u>	Development Services Director Gutierrez, City Attorney Marco Martinez, Senior Planner Vinny Tam, Assistant Planner Alex Jimenez

ITEM D:
PUBLIC COMMENT:

Darron Poulsen, City of Pomona Water & Wastewater Operations Director, reported the Mayor and the City Manager requested he provide an update on a Staff Report that he is preparing for the July 15, 2019 City Council Meeting. He provided an overview of the details in the staff report.

- The Water Yard as it is proposed today includes the administrative building, warehouse, replacement shops and a training room. The original design was meant to pay homage to the historical water building and included keeping the sign, some of the brick work and the galvanized metal that surrounds the current warehouse, putting those on the new warehouse and potentially using some of it in the new administration building.
- The compromise discussed recently is taking the existing plans for the administrative building, locker room training room and these other little pertinences (kitchen and storage room) and pulling these items out of the current design by taking them off the map, moving the locker room area so that it's even with the existing administrative building and then proposing to City Council to move the City Stable into two possible locations, one facing perpendicular to Commercial Street or the other sitting horizontal to it.
- The staff report talks about how they got here today and about the history of the buildings and the lot, but really focuses on the fact that staff are ready to go and we are giving City Council two alternatives; 1) to move forward with the current design and current plan and 2) to give staff direction to utilize the City Stable in the new facilities in one of two potential layouts.
- He displayed a picture with a blue line showing the horizontal positioning and an orange line for perpendicular.
- He noted the stable is considerably higher than the current design of the new building, so if the direction is to move forward with this, then staff would ask the architect to reconsider the design of this building so it works better with the City Stable buildings.
- He shared he doesn't see any problem with that, and the architects were excited to be adding more flare to the building because it was originally kept simple and cost effective.
- He reviewed the numbers staff plan to share with the City Council:
 - \$24 million dollars is the estimate for the current design that has yet to be negotiated.
 - The original cost to do all of it is \$26 million, however, staff feels it can be negotiated down to \$24 million and that was always the anticipated budget number.
 - If City Council decides to move the City Stables in place of our training room staff anticipates a savings range of \$1.2 to \$2 million dollars.
 - If the design removes workshops, staff feels there could be additional savings of another \$3 million to \$4 million dollars.
 - If staff are willing to relocation from the current location into trailers, there may be an opportunity to shed another million dollars off the project by being able to do the project all at one time. He showed the relocation sites on the map
 - If City Council decides to move the City Stable into the Water Department facilities staff would look to take part of the insurance money.

- He stated adding all the changes and temporary relocation totals approximately \$5 million dollars in savings plus another million for insurance equally a rough estimate of \$6 million to \$7 million dollars.
 - He reported moving the City Stables will cost between \$8 million and \$9 million dollars, so they are close.
- He shared the Mayor told him if he could move the City Stables within the current budget numbers then that is what he would like to do. He noted staff feels they are very close.
- The staff report provided for the City Council meeting on July 15, 2019 lays all of this out, shares those costs and asked that the City Council provide a decision to stay with the current design and let staff move forward or tell staff to move the stables.
- He noted he spoke to the Mayor about collaborating with the Historic Preservation Commission's City Stables Ad Hoc Committee and ensuring the fact that they be included from Day 1.
- He shared staff has done some legal research on what it would take to keep the historical designation.

Commissioner Gomez thanked Water & Wastewater Operations Director Poulsen for the work he has done for the benefit of all concerned, and not just the group on the dais, but everybody within the City.

Commissioner Kercheval stated he is very pleased with the direction and thanked Water & Wastewater Operations Director Poulsen for the presentation and for keeping the Commissioners in the loop about the meeting on July 15, 2019.

Water & Wastewater Operations Director Poulsen requested the Historic Preservation Commissioners come to the City Council meeting for support. He pointed out that if one of the old building stays and the City Stable come, a whole parking lot and customer parking could be open in the evenings. He shared this was a factor the Mayor found pleasing, because ultimately the space can be used as a public building when the Water Department is not using it as a lunchroom or for training. He noted all the facilities will have doors that can't access any of the rest of our yard, so the gate can be opened, and the City can hold public meetings (i.e. Historic Preservation Commission Meetings). He reported when it's all done it will pay homage to Pomona's history. He spoke about staff originally being weary but now they are excited and want to do something the Historic Preservation Commission will be proud of.

Commissioner Gonzalez thanked Water & Wastewater Operations Director Poulsen. She stated she really appreciates his partnership and thinks it speaks to a great relationship. She shared she also appreciates that he wants to maintain a partnership with the Ad Hoc Committee just to make sure they do what's right by the building. She stated she is excited to hear staff are getting excited.

Water & Wastewater Operations Director Poulsen shared staff anticipate using a section of the Stables to put in a kitchen and restrooms to make it publicly accessible. He stated they anticipate making it a straight up wall so you can't tell it's been added on and maybe even brick the inside. He shared there have been a lot of ideas flowing and staff are excited to get this to the architect. He noted if the Stables are put in the horizontal position, the design could move the Administration Building over to leave employee parking the same and then it would create a nice courtyard in front of the City Stables. He spoke about needing to consider how to make it nice to hold events and about using the courtyard so people could enjoy the outside as well.

Commissioner Gallivan thanked Water & Wastewater Operations Director Poulsen and shared he hoped that everyone would be excited about it in the long run. He spoke about the desire to maintain the historical designation. He asked if there was a preferred orientation of the Stables so that people could see the building as they are driving by.

Water & Wastewater Operations Director Poulsen replied they will all need to evaluate which direction is best. He shared his opinion, stating the one way allows for a nice look from Commercial Street and the other puts a window looking into the side of the building. He shared they are going to let the architects do their thing, but today staff knows it would fit either way. He stated staff feels they have made some good adjustments and are hopeful that the Mayor and City Council will see those and that they have tried to keep this budget the same. He noted the nice thing is that because this is a design build, nothing must be etched in stone, they can start building and designing. He shared the Stable could be built last if it takes time to figure how to build it and maintain designation.

Commissioner Gonzalez asked Water & Wastewater Operations Director Poulsen where he got the \$8.1 million dollar estimate to move the Stables.

Water & Wastewater Operations Director Poulsen replied the Water Department has a construction liaison they hired to help with the design build. He stated the liaison is very familiar with the work that was done previously by Public Works giving kudos and commenting that the pricing was right on. He shared the liaison had another company they felt was very comparable and so they asked them to provide a price. He commented he is sure it is very conservative and feels they have done a good job hitting the highest potential cost.

Commissioner Gonzalez confirmed Kemp Brothers (the consultant) sees this as a high estimate versus what was brought to the Historic Preservation Commission by Public Works from Cummings.

Water & Wastewater Operations Director Poulsen replied the City has a consultant to oversee Kemp Brothers, but that consultant went to their own specialist to provide this estimate. He noted staff have given Kemp Brothers a heads up that it's probably coming and that they will have to sit down over the next few months to work it all out. He stated the \$8.1 million is a starting point to say it shouldn't be higher than that.

Commissioner Williams asked about the timeline for this project.

Water & Wastewater Operations Director Poulsen replied if Water Department temporarily relocates and closes what they are doing now, that could happen by the end of this calendar year. He shared he would anticipate the project taking about two years, so approximately 2.5 years in total.

Commissioner Williams asked Water & Wastewater Operations Director Poulsen if there was anything built into the budget to keep the building standing if it becomes the last step in the design build process. She noted it is rough shape and wants to know how they would mitigate any further losses.

Water & Wastewater Operations Director Poulsen replied it is all going to have to be torn down, but it important that it doesn't just fall and turn to dust. He stated he doesn't know if they will be putting any more money into the mitigation than is already there. He stated staff will work with Public Works to discuss the long-term funding of keeping that preserved.

Chair Martin thanked Water & Wastewater Operations Director Poulsen and commented he put a smile on everybody's face tonight.

ITEM E:
CONSENT CALENDAR:

1. Approval of draft Historic Preservation Commission Minutes meeting of May 2, 2018, February 6, 2019, March 6, 2019 and June 5, 2019.

Commissioner Williams reported edits on the draft minutes for February 6, 2019:

- Page 3, Fifth paragraph, her comment should read that this is something that would "not" be something they could mitigate on the ground.

Commissioner Gonzalez reported edits on the draft minutes for March 6, 2019:

- Top of Page 3 says "Chair Martin reported that Commissioner Jennifer Williams returned to the meeting at 7:59 p.m.", however there is no indication earlier in the minutes that she left the meeting. She reported there are also no notes at that time that they were talking about the Stables and that's the only reason she has been excusing herself from the meetings. She noted on Page 17; the Commission was talking about the Stables so she feels like that is when she would have returned. She commented it seems out of order.

Development Services Director Gutierrez confirmed she should strike the verbiage on Page 3. She stated she can go back and check the minutes and audio.

Commissioner Gallivan reported edits for the draft minutes of May 2, 2018:

- Bottom of Page 7 it reads "Chair Gallivan stated the because..." It should be "that" because.

- Center of Page 9 in almost the center where it reads “Chair Gallivan spoke about the second opinion for the oak tree being blocked off at the base...” it should be blocked “up” at the base because it is not really being blocked off. He shared the base is a circular set of stones around the base of the tree and he was worried about it being made watertight.

Development Services Director Gutierrez responded the minutes are not supposed to be a verbatim, just a summary. She confirmed it would be enough to say, “blocked at the base walls of the tree”.

Commissioner Gallivan responded something like that would be fine. He reported there were also a few minor things in the draft minutes from May 2, 2018 such as on Page 11 of 12 in the top paragraph on the sixth line down in the center reads “he stated the person...” is should be “he stated he turned in a person”.

Development Services Director Gutierrez confirmed the request.

Commissioner Gallivan reported edits for the draft minutes of February 6, 2019:

- Page 2, Fifth paragraph it reads “Commissioner Gallivan...” it should say “he asked if the residents within a certain distance had been notified.” not “without” a certain distance.
- He noted there were several words that were not transcribed correctly.
- Page 11, in the middle the sentence that begins “Commissioner Gallivan he’s like to say that...” up to the word “legally” is garbled and should just be removed, because it gets addressed later.

Development Services Director Gutierrez confirmed he would like it to say “Commissioner Gallivan asked will anything would be decided tonight.”

Commissioner Gallivan replied yes. He reported another edit for the draft minutes of February 6, 2019:

- Page 12, Tenth paragraph where it reads “Commissioner Gallivan commented that...” should say he “commented that it is too late at that point to have any effective input.”

Commissioner Kercheval reported an edit on the draft minutes for May 2, 2019:

- Page 5, Third paragraph should say “Commissioner Kercheval wanted to inform the owner that the Commission is proceeding cautiously” not “preceding”.
- He shared the link for the minutes for March 6, 2019 and June 5, 2016 was the same link at February 6, 2019, so he has not seen those minutes. He requested the Commission approve everything except for March and June.

Motion by Commissioner Kercheval, seconded by Commissioner Tomkins, carried by a unanimous vote of the members present (7-0-0-0), to approve the minutes of May 2, 2018 and February 6, 2019 as amended.

PUBLIC HEARINGS:

ITEM F-1

PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 5107-2016) TO LEGALIZE THE INSTALLATION OF NINE (9) VINYL WINDOWS WITH SHUTTERS, NEW VINYL FRENCH DOORS, NEW EXTERIOR LIGHTING FIXTURES, A NEW TRELLIS AND BLOCK RAILING, A NEW BLOCK WALL, AND NEW FRONT YARD VINYL FENCING ON AN EXISTING NONCONTRIBUTING SINGLE-FAMILY RESIDENCE LOCATED AT 402 RANDOLPH STREET IN THE WILTON HEIGHTS HISTORIC DISTRICT.

Alex Jimenez, Assistant Planner, provided a presentation on this item (see Staff Report, Item F-1)

Motion by Commissioner Gonzalez, seconded by Commissioner Kercheval carried by a unanimous vote of the members present (7-0-0-0), to open the public hearing.

Leon R. Mays, project applicant, shared the house was in a much worse condition when he bought it and the four pictures do it justice. He shared the fence was put up because there was a lot of traffic going across the front yard, vagrants sleeping on the front porch and the tenants were getting their mail stolen. He reported there is an excess of ten plus police reports about this. He reported when they installed the block wall portion to the right of that wooden gate, they added stucco the front of it to match the house and left the side to match the existing walls on the street. He noted there is a block wall right across the street and several others in the area that were like that. He expressed concern about there being a lot of graffiti in the area and stated he believes the tenants have had to have an abatement program come out several times to sandblast the graffiti off the wall. He commented white stucco is going to attract more graffiti and they won't be able to sandblast it off without destroying it and costing money. He shared his tenant is present and can speak more to the Police reports and problems they have had and how the fence help to defect that.

Chair Martin asked how long Mr. Mays has owned the house.

Mr. Mays responded he purchased the home in late 2015. He commented his case has been dragging on because there were things going on within the City.

Chair Martin asked if he was told the home was in a historic district.

Mr. Mays replied he didn't know that when he purchased the home but found out when he went to get building permits. He shared Building and Safety came out to do an inspection and told him things they needed to do, which he did complete, but he hasn't been able to get a permit until the Planning and historical issues get resolved.

Commissioner Kercheval asked if the unpermitted work, including the window change out, fencing and block wall, was done before Mr. Mays owned the house or after.

Mr. Mays replied that was all done by him and some workers.

Commissioner Kercheval asked if Mr. Mays didn't know about pulling permits or if the permits just didn't happen.

Mr. Mays replied they just didn't happen.

Commissioner Gallivan commented that overall Mr. Mays has tried to upgrade the house which is commendable.

Commissioner Tomkins asked about the timeline and the Minor Certificate of Appropriateness dated 9/24/15 to legalize exterior work.

Mr. Mays replied he was issued permits initially and then they were pulled back.

Commissioner Tomkins asked if those permits were for the windows and doors.

Mr. Mays replied it was for everything they did because somebody came out while we were working. He stated as a result of that visit he went into the City to get permitting for what we were doing.

Assistant Planner Jimenez clarified that the City of Pomona had a Minor Certificate of Appropriateness application come in on 9/24/15 which was after all the work was completed. She reported at that time code enforcement had opened a case and referred the applicants to the Planning Department, where staff explained the steps to apply for a Minor Certificate of Appropriateness. She stated once the Minor Certificate of Appropriateness was reviewed it was deemed that the work was too extensive to go under a Minor Certificate of Appropriateness, and a Major Certificate of Appropriateness was applied. She noted the work may have significantly altered the aesthetics of the district, therefore that Minor Certificate of Appropriateness was refunded, and staff started the process for a Major Certificate of Appropriateness.

Commissioner Tomkins clarified that there was not a charge for the Major Certificate of Appropriateness.

Assistant Planner Jimenez replied yes, there was a charge for a Major Certificate of Appropriateness, however, the Minor Certificate of Appropriateness was returned because the work would not be able to be approved.

Commissioner Tomkins stated she thought from reading the staff report that the code section referenced included a sentence that reads there would be no charge for a Major Certificate of Appropriateness under this section.

Assistant Planner Jimenez replied the applicant was only refunded for the Minor Certificate of Appropriateness.

Chair Martin asked staff if they checked if the applicant opted out within the year before the area became a historic district.

Assistant Planner Jimenez replied she did, and that record has been provided as an attachment to the staff report.

Chair Martin asked if the home was non-contributing.

Assistant Planner Jimenez replied on the map for the Wilton Historic district the home is within the district, but as a non-contributing structure. She noted staff also have the recorded title stating it is in the Wilton Heights historic district.

Chair Martin asked if the title says the home was opted out.

Assistant Planner Jimenez replied no and it is also not listed on the resolution of the excluded properties for the district.

Commissioner Gonzalez asked Mr. Mays if he added the French door when he purchased the home and if there was already an exit or a small patio there.

Mr. Mays replied there was a French door there, but it was completely deteriorated, so he took it out and had another one placed in the same opening.

Commissioner Gonzalez asked what the reason was for adding the additional block wall and extending it towards the front of the house.

Mr. Mays replied it was added due to break-ins. He stated he wanted to secure it from people walking right up. He noted while he was working on the house there were break-ins from that door.

Commissioner Gonzalez asked if there is a more cost-effective way to handle the graffiti. She asked if the wall could be painted and then just paint over the graffiti, versus sandblasting.

Mr. Mays replied his tenant can speak about how the graffiti has been removed. He noted there is graffiti on the wall again right now. He stated he assumes they use sandblasting to get it off, because it doesn't look like it has been painted over. He shared there was chain link fencing there before and he has not seen any picket fences in the area or at adjacent properties but within a two or three block radius there are new picket fences, iron gates and chain links. He shared that Assistant Planner Jimenez told him those have been there a long time.

Chair Martin thanked Mr. Mays for being a landlord that keeps everything clean and nice.

Commissioner Gonzalez confirmed that for homes within a historic district that wish to have a fence, the due diligence falls on the homeowner to prove that there was a previous fence in existence.

Assistant Planner Jimenez replied there are a couple of steps to that. She stated if the home is located where there is not fencing in the historical streetscape staff try to come up with a compromise and explore the reason for the fencing; aesthetic or security. She stated if it's for security reasons staff will involve the Develop Services Director. She noted that most of the time once staff explains the reasoning is to preserve the historic streetscape most owners understand. She noted if they still want front yard fencing a person is welcome to file for a Major Certificate of Appropriateness which would come before the Historic Preservation Commission.

Bill Picasso, resident of 402 W. Randolph St; shared he has lived in the home for almost three years and California for over twenty years in many different places (Irvine, Huntington Beach, Monterey Park, Rosemead, and Los Angeles). He reported he has had to call the Police often, physically goes out and removes people from the property, has had rocks

thrown at the home to see if the alarm goes off, and break in attempts by people who climb over the fence or block wall. He stated he currently has several incidents that are still being investigated. He stated he loves the house and the neighborhood and is trying to work with his neighbors to make it better but the amount of graffiti, prostitution and the drugs must be stopped. He shared he is just trying to make the house look beautiful and keep it protected. He reported they also have wild dogs running around and the fence keeps the dogs from being on his yard. He noted he has been bitten by a dog and doesn't want to go through that again. He stated he has spent thousands of dollars on security systems, cameras and Rings doorbell cameras. He shared he has started leaving the lights on after the Police told him to and that seems to be working. He shared he has been home for almost 8 months and has been physically engaging persons or calling the Police. He noted he tries not to call too often because it takes hours before they get to him. He expressed concerns for the safety of his wife because he is a truck driver and is sometimes on the road for 3-4 months at a time. He commented he doesn't think the home is an eyesore and he has seen a lot worse walking the neighborhood. He spoke about the stucco wall being tagged and being cleaned by a pressure washer which is starting to destroy the block. He reported he couldn't get the printout on the investigations in time for the meeting, but Officer Flores here told him to let the Commission know that he has documents going back almost two years that he can provide.

Deborah Clifford, Historical Society of Pomona Valley; commented one can't live in Pomona without picking up needles or used condoms and so she feels for the applicant. She stated the issue is the historic nature of the house and that it has a plastic fence. She asked staff what made this house non-contributing. She stated a remodel is an opportunity to make it contribute. She stated it's a very nice-looking house, but it has plastic windows. She spoke about there being windows removed which changes the function of a 1927 home. She expressed concern that people are not looking at their deeds or the signs that let them know they are in a historic district. She stated she would like to see the plastic fence replaced with something that would be period appropriate, because no fence doesn't seem like an intelligent option. She stated she hopes the Commission can do something about it.

Chair Martin closed the public hearing, second by Commissioner Kercheval.

Chair Martin asked about the 1997 historic survey.

Commissioner Tomkins stated she thought there was a 2005 survey as well.

Assistant Planner Jimenez replied that there was not any photographic evidence of this home prior to the 1993 survey, therefore Diane Marsh listed that there were major alterations or additions and the description reads it was completely altered with stucco. She reported the rating was NA, it was extremely altered and not eligible to be part of the district. She shared that same survey page was then transferred to the formation of the Wilton Heights historic district. She stated that information is attached to the staff report. She shared there is a page for the Wilton Heights historic district that lists all addresses that will not create a survey page. She reiterated that there is not any photographic evidence of what this house looked like prior to that and Diane Marsh alludes to a crosswind Bungalow, however, when staff look at the home there are not exposed rafters, a stone base, or full wood windows. She noted prior to the vinyl windows aluminum windows were in place. She stated it is very difficult to paint a picture of what this house would have originally looked like.

Commissioner Kercheval commented when a historic district is established there is requirement of a photographic record. He asked if the City does not have that anymore.

Assistant Planner Jimenez replied that was in 1999 and the attachment to the resolution for the Wilton Heights district formation map includes a list of addresses that will not create a survey page. She noted this home was one of those listed, so there was not any photographic evidence for that property.

Commissioner Kercheval confirmed that was because it was non-contributing.

Assistant Planner Jimenez replied yes because it was non-contributing and there was no previous evidence or any photographic evidence of it captured before that.

Commissioner Tomkins confirmed there is no way the City could ever make it contribute to the district, because there would be no photographic evidence of what it was.

Assistant Planner Jimenez replied that is correct. She noted staff uses a specific code section to evaluate non-contributing status which reads “the Commission isn’t charged with the obligation to induce non-contributing properties into the historic district”. She clarified that means the Commission is not looking at the Standard of the Interior guidelines when evaluating the changes that are done to the property.

Commissioner Tomkins confirmed they are looking at whether the changes would affect the entire district, not just this property.

Assistant Planner Jimenez responded that is correct and that is why staff brought it before the Historic Preservation Commission to determine what would markedly detract from that special character, this historic interest or aesthetic value of the entire historic district, not just this property.

Commissioner Tomkins clarified that this property is on the corner of Randolph and Wisconsin.

Assistant Planner Jimenez confirmed that is correct.

Commissioner Tomkins shared she drove down the street and through this area. She reported there weren’t a lot of front yard fences on Randolph but a lot of homes on the north/south streets including Wisconsin have fences, including picket fences and chain link. She commented it is hard to say that this is different than the other properties in the district or that this would significantly detract from what’s already there.

Assistant Planner Jimenez replied staff only evaluated Randolph because it is a front yard fence, but Commissioner Tomkins is correct about the streetscape for Wisconsin.

Commissioner Tomkins stated it looked like the house behind had a similar block wall and stated that stuccoing it would not be compatible with what is already on the street. She stated it seems like it would stand out more from the historic appearance than the walls that are already there. She commented it’s an interesting situation to deal with a non-contributing property and figure out what rules apply when they are in a historic district. She stated she thought staff did a great job with the staff report.

Commissioner Gallivan shared he went up and down Randolph two blocks in either direction and the plastic fence stood out because there is only one other house on the street far back with a little picket fence. He commented the house looks nice and doesn’t really stand out like it’s harming the district.

He spoke about there not being any fences between the houses, there being classic markers that are the icons of the whole area right across the street. He stated if you look down the street there is the craftsman look and to see a plastic fence there was a detriment to the historical look of the neighborhood because everything else is so preserved along that street. It’s the type of thing that if you had a movie company you’d love to shoot right down there, we do get people looking for these long shots and with that fence there they’d have to hide it or something because it obviously does not fit the character.

Chair Martin asked if there was a small block wall on the west side of the picket fence.

Assistant Planner Jimenez replied yes; it is an existing block wall that was there prior to any of the work that is in question today.

Chair Martin asked if it belongs to the corner house.

Assistant Planner Jimenez replied it is enclosing an adjacent property.

Commissioner Gonzalez asked if it extends to the backyard and carries on.

Assistant Planner Jimenez replied no.

Commissioner Gonzalez confirmed it stops at the front of the house.

Assistant Planner Jimenez replied correct, it stopped at the picket fencing on the first photo.

Chair Martin asked if it's the same type of block that they used in the wall in the back.

Assistant Planner Jimenez replied she would presume so because it looks the same.

Commissioner Gallivan commented the lawn looks beautiful.

Commissioner Kercheval commented it seems like there was a missed opportunity when permits weren't pulled to move this house in a direction of becoming a more contributing structure. He stated he is not as opposed to the vinyl fencing, but if it was kept, he would want all the posts caps brought down to be at the same level as the others. He shared he looked online at hundreds of images of fences and none of them have a longer post. He commented he wishes they would done things differently, but the windows and everything else is done and it is non-contributing home, therefore he doesn't see where this could go without being punitive. He requested to hear from the rest of the Commission.

Commissioner Tomkins stated she feels differently and stated if they force people to make it look like it was contributing the public is just going to be confused as to what is historical and what isn't. She noted this was a non-contributing property that couldn't be restored, and they don't know what it originally looked like. She stated the point is to try and save our history and restore things back to how they were, not create a fake sense of history. She noted the windows these replaced were not appropriate windows to begin with, and whether vinyl windows are less historical than the aluminum, is irrelevant. She stated the vinyl fence tells a person that this is not historic.

Commissioner Gonzalez commented she thinks you see that by looking at the house and the fence just adds insult to injury. She stated the additional block wall covering up the side entrance also takes away from the intended character of the home. She stated she understands they don't know if it was a craftsman, but the intention was to have that as a side courtyard for the house.

Commissioner Tomkins replied that she thinks the language is very clear that the City Council said it's not the Historic Preservation Commission's job to make non-contributing properties look historic. She stated that their job is not to try to restore them or make them conform to the same standards that they would apply to historic properties.

Commissioner Gonzalez replied but they are in a historic district, so they must have some level of conforming.

Commissioner Tomkins responded only if the changes are going to impact the district. She stated she feels it is significant that the specific examples used include types of improvements, major remodeling and construction of additions to existing structures or new construction. She stated if somebody were to build a new house there that was completely out of character (i.e. three story modern) than that would affect the value of the entire district. She stated the code is trying to prevent things are much more significant than a fence. She asked when the City adopted the fence ordinance.

Assistant Planner Jimenez replied 2009.

Commissioner Tomkins shared when she initially moved in the district; she didn't need to get a permit for a fence as long it complied with certain height requirements. She commented that to say this is out of character when she sees so many chain link fences in this district and to say vinyl is worse than the chain link in terms of how it looks for the district is difficult.

Commissioner Gallivan stated he believes having a plastic fence in front of a corner lot is a detriment to the historic look of the neighborhood.

Commissioner Tomkins asked Commissioner Gallivan if he felt the same about a chain link fence.

Commissioner Gallivan replied yes it would look horrible.

Chair Martin added it's illegal to have those now.

Commissioner Tomkins agreed but stated they are all over that district.

Commissioner Gonzalez asked Commissioner Gallivan if he would be amendable to a small wooden picket fence.

Commissioner Gallivan replied yes because there is one down the street that blends into the area.

Commissioner Gonzalez asked how everyone felt about adding stucco to the cinder block wall that faces Wisconsin.

Commissioner Gallivan replied it seems like a logical choice so graffiti could be painted over. He noted that is what he does with his garage.

Commissioner Gonzalez agreed and commented they all suffer from the same issues.

Commissioner Gomez stated the first thing she sees is that the wall is not complete. She shared that she understands graffiti and that you must whitewash it and if there is stucco, they will be unable to use a machine to do that.

Commissioner Gonzalez stated right now the wall is being damaged.

Commissioner Gomez replied they will end up having to put more stucco and paint, but it would have a look of completion. She stated she likes the idea of bringing down the end caps on the fence, however, it is plastic. She noted the home clearly looks a lot better than the previous picture. She spoke about the possibility of extending the brick side wall all the way around but noted that it would cost more, and she doesn't want to penalize the owners for something they were not a part of yet. She expressed concerns that properties are being sold and the realtors are not providing notice that the home is in a historical district and that there are guidelines that need to be met. She stated she supports Commissioner Tomkins view on this versus Commissioner Gallivan's.

Commissioner Gallivan confirmed that staff's recommendation was to remove the fence.

Commissioner Gonzalez replied yes.

Commissioner Gallivan stated he agrees with that.

Commissioner Kercheval stated the staff recommendation is to remove the fence, but he is concerned about the safety of living on that corner and understands the applicant's feelings. He asked is if the owner could rebuild a wood fence or if they would not be permitted to have fence all at, because the Commission made the argument that the entire streetscape doesn't have a single fence.

Chair Martin replied the Commission can recommend removing it or to replace it with a wooden picket fence. She stated if they replace it then the owner would have to get a permit to do that. She asked if Commissioner Kercheval wanted to make a recommendation or motion.

Commissioner Kercheval replied he will make a motion and requested to see the resolution. He motioned to not remove the fence but to cut the fence caps so that they are even, that the block wall be stucco and painted to match what is attached to the house and that the Commission approve the window changes and French doors.

The motion was seconded by Commissioner Gomez

Chair Martin shared she lived in Wilton Heights historic district on Alvarado for twenty years and loves the neighborhood. She stated the neighborhood has not declined and would recommend a neighborhood watch group to feel safer. She stated that if the fence can be cut at each post to be the same height, she would support the motion made by Commissioner Kercheval and seconded by Commissioner Gomez.

Commissioner Gonzalez responded it Vinyl and can be cut.

Chair Martin stated she knows they can cut it but not sure about recapping.

Chair Martin expressed concerns about the short pony wall and requested to see the picture. She stated it doesn't match and is another issue to the whole streetscape.

Commissioner Gonzalez asked if she wanted to add to stucco that wall to the motion.

Chair Martin stated she is making the comment because the landscape of the district is being changed.

Commissioner Kercheval asked to have his motion restated by staff.

Development Services Director Gutierrez replied the motion on the floor is to approve Major Certificate of Appropriateness, keeping the fence but cutting the fence posts and capping them so that they are all the same height and to paint and stucco the wall to match the existing wall.

Commissioner Williams asked if there would be support for amending the motion to recommend that the fence be made from a different material.

Development Services Director Gutierrez stated that would be a complete replacement.

Commissioner Kercheval stated he feels that is punitive and he doesn't want to change his motion, plus it was seconded. He requested to take the vote.

Motion by Commissioner Kercheval, seconded by Commissioner Gomez, did not carry, by a vote of members present (2-5-0-0), to approve Major Certificate of Appropriateness (MAJCOA 5107-2016), keeping the fence but cutting the fence posts and capping them so that they are all the same height and to paint and stucco the wall to match the existing wall.

Chair Martin asked for an alternative motion.

Motion by Commissioner Gonzalez, seconded by Commissioner Gallivan, carried by a majority vote of the members present (4-3-0-0) to approve Major Certificate of Appropriateness (MAJCOA 5107-2016) to legalize the installation of nine (9) vinyl windows with shutters, new vinyl French doors, new exterior lighting fixtures, a new trellis and block railing, a new block wall, and new front yard vinyl fencing on an existing noncontributing single-family residence located at 402 Randolph Street in the Wilton Heights Historic District to include the recommendation by staff to remove the fence in the front yard and stucco the remaining side fence to match the home.

Commissioner Kercheval asked if the decision precludes them from building a wood fence.

Development Services Director Gutierrez replied they could apply for a fence permit and build a wood fence.

Commissioner Tomkins confirmed the project applicants have the right to appeal this to the City Council.

Development Services Director Gutierrez replied that is correct. She informed the project applicants that staff will be in contact and let them know the process for the appeal.

Commissioner Tomkins shared the prior Director had communicated to her that the Commissioners could appeal any decision based on conformance with the regulation and that there would be no charge for Commissioners to do that. She stated she has never seen any policy regarding appeals.

City Attorney Martinez replied that usually such authority is contained in the code, so he would have to look to make sure that it is there. He stated the alternative is to look the appeal provisions to make sure that they would allow any interested person to appeal as opposed to just the applicant or somebody who is within a certain distance of the property and if that is the case, then a Commissioner would be able to appeal it as an interested person but not as a full member of the Commission.

Commissioner Tomkins replied and they had talked about any person being able to appeal but that if it were a Commissioner it could be done without charge. She stated she doesn't know if under the code there no fee for the Certificate of Appropriateness is to begin with.

Development Services Director Gutierrez confirmed the issue is the fee. She stated there is no fee listed for this Major Certificate of Appropriateness and there is a fee listed for CUPs but not for this appeal period. She replied to Commissioner Tomkins original comment stating she was correct that in the section for non-contributing structures it does say that a fee shall not apply. She noted the fee taken in for this permit was a decision by the previous Planning

Managers and so she can't speak to why that was, but certainly it says no fee shall be collected, so staff could refund that fee. She reported there is not specific fee allocated here for the appeal.

City Attorney Martinez stated they should be aware that if a Commissioner wants to appeal a matter as an interested person there is the ability for the City Council to kick the issue back down the Commission and if it's a Commissioner that has been the interested person, it raises some issues of bias and may preclude that Commissioner from participating in a discussion if it kicked back down.

Commissioner Tomkins replied that was something discussed but that was why he said it was appealed by some conformance with the regulation, because if bias is simply that you want the City to comply with code, then she heard that wasn't a concern about bias.

Chair Martin commented that the decision doesn't mean that the owner can't put up a wooden fence for safety, just that the plastic artificial fencing is not in our guidelines as a recommended material for historic districts.

Development Services Director Gutierrez stated there is a twenty-day appeal period from the day of decision so the last day to appeal this project would be July 23, 2019. She stated those appeals would be filed with the Planning Division and the applicants can follow up with Assistant Planner Jimenez. She noted she will get clarity before that time to the Commission on whether there could be an appeal of conformity.

Commissioner Gallivan commented that for the last house the Commission reviewed and approved with fence problems (south of Stater Bros.) there were suggested modifications that were never done. He noted there is inappropriate fencing there right now.

Commissioner Tomkins added that is a contributing property to the district.

ITEM G:
DISCUSSION:

1. Brown Act Discussion/Presentation by City Clerk.

Rosalia Butler, City Clerk presented on this item.

- She thanked staff for allowing her to take time from the agenda to report to them on a couple of policies that the City Council recently approved that will affect each appointed member of the Historic Preservation Commission.
- During the June 17, 2019 City Council Meeting the City Council was presented with a copy of a proposed City Social Media Policy along with a staff report.
- The staff report indicates that the draft Social Media Policy establishes administrative guidelines for the use of social media sites by the City of Pomona to disseminate information regarding the City's mission, meeting activities, events and current issues to members of the general public. This policy is intended to mitigate risks associated with, as well as, govern use of all City social media accounts which include but are not limited to Facebook, Twitter and Instagram, regardless of whether the social media sites are accessed from a City computer, computer outside the city or mobile devices; because the policy addresses a pervasive issue which has not previously been constrained by clear guidelines and many individuals including employees, elected and appointed officials such as yourselves, volunteers and agents will be impacted by it, it was presented for City Council to review prior to finalization by the City Manager.
- The second City Council approved item being presented is with respect to an allegation of a Brown Act violation made by some of the members on the Historic Preservation Commission.
- A copy of the staff report for this item, which was presented to the City Council during the June 17, 2019 was provided.
- The staff report reads that "California's open meeting law, also known as, The Brown Act, requires that all discussion of the business of City Commissions be done in properly noticed public meetings. Social media presents a new challenge for City Officials. While social media platforms offer opportunities to broaden their interactions with the public, it violates the Brown Act for the majority

of members of a Commission to discuss Commission business outside of a Commission meeting, including indirectly through social media.”

- Pomona resident Jacqueline Elizalde presented to the City Council at the June 3, 2019 meeting a printout from the website Nextdoor of an exchange of facts and opinions among a quorum of Historic Presentation Commissioners. This exchange is an example of a prohibited serial meeting. No action was taken by the Commissioners outside the meeting and their intent appears to have been an effort to spread the word about the fate of the Pomona Stables and the City Council’s June 4, 2019 related agenda item. The interim City Attorney indicated that no action needed to be undone in order to hear the violation, but an admonition was warranted.
- Along with the staff report each Commission member was given a copy of the Guidelines to Prevent Serial Meetings. A copy of these guidelines was also provided to all attendees of the May 2, 2019 Brown Act Training, which was hosted by the City Clerk’s office and presented by the City Attorney’s office.
- She asked by a show of hands who attended that training. The Commissioner’s responses were not reported into the audio.
- The City’s Clerk requested that all Commission Members review the City’s Social Media Policy and the Guidelines to Prevent Serial Meetings and complete an acknowledgement of receipt for each item to the City Clerk’s office. She noted it doesn’t mean you have to agree with it, it just indicates that you have received it and read it.
- She stated she is here to answer any questions that the Chair or Commissioners might have.

Commissioner Tomkins asked why they didn’t get the Nextdoor posts.

City Clerk Butler replied she has them with her. She stated there are two separate posts and wasn’t sure which one the Commission was interested in. She reported the first one was handed out during the June 3, 2019 City Council meeting, the other one is a Facebook posting that was handed out during the June 17, 2019 meeting. She stated she can provide one or both if you are all interested.

The general response from the Commissioners was to provide both.

Commissioner Tomkins commented she didn’t know about the other one.

City Clerk Butler replied Commissioner Tomkins was a part of the other exchange.

Commissioner Tomkins replied she is sure that she is because she appeared to be targeted in the meeting.

City Clerk Butler stated this is all public information because it was handed out during the City Council meeting.

Commissioner Tomkins stated that the public can’t really access it.

City Clerk Butler replied they can now because it became public record when it was handed out during the meeting.

Commissioner Tomkins asked if there was a reason why it wasn’t included in the agenda package. She asked if was not appropriate for some reason, because that way the public could have accessed it without having to do a public records request.

Development Services Director Gutierrez replied that may have been a City Attorney decision.

City Attorney Martinez guessed that the intent of that decision was to not dwell on the details but to look at the big picture and use it as opportunity to train, not just this Commission, but all the Commissions.

Commissioner Tomkins asked a question about the Nextdoor interaction. She stated one of the responses to the original post was a screen shot of a post one of the Commissioners had made on another site and so she wanted to ask if that would be counted as one of the four. She stated she is trying to figure out how to make sure there aren’t four people posting on the same thread and how to track that.

City Attorney Martinez replied he doesn't know if you should have counted it. He commented that this raises the issue of the difficulty of trying to maneuver through social media posts in a way that keeps you in check for The Brown Act. He noted in a lot of cases you just don't have control because you don't know who's going to respond or post something else and then suddenly it becomes a problem.

Commissioner Tomkins stated they have control whether they post or not.

City Attorney Martinez stated it's different because at a typical serial meeting that might happen at Starbucks you can physically see there are four people standing in front of you. He stated with social media they don't have the benefit of that and that's why it's such a dangerous way to make comments and opinions be known.

Commissioner Tomkins agreed it is not without risk; however, this is the first one she has seen four Commissioners post on. She stated her perception of this one was differently because they don't normally post about items that are coming before us on the agenda, so she thinks people were focused more on the City Council meeting it wasn't within their frame of reference to think Brown Act on this because they had already made a decision on it.

City Attorney Martinez replied he hears Commissioner Tomkins, but the definitions in The Brown Act includes discussion that is within the subject matter jurisdiction of the body and so it difficult to begin to parse where a decision may have been completed because one of the options is for City Council to kick that issue back down to the Commission. He noted even if Council didn't kick the issue back, it is still a matter that is within the subject matter jurisdiction of the body and they still must be careful even when decisions have been made. He stated he can see a situation where they might be talking about an ordinance that has absolutely nothing to do with historic preservation, but if there is any chance it's within the body's subject matter jurisdiction, he thinks the prudent thing to do would be to consider the fact that The Brown Act may apply.

Commissioner Tomkins expressed concern that the Social Media Policy was didn't discuss emails. She stated the Commissioners have people reach out to them wanting opinions on the Historic Preservation Ordinance, and the Commission's ordinance states that part of their role is to answer questions from the public about historic preservation, however, they never been able to have an official email address. She shared the issue was raised years ago about giving Commissioners a formal City email address, but right now the easiest way for the public to reach them is to message on social media. She noted there is nothing on the City website telling the public how to contact Commissioners. She asked if that is something the City is considering fixing because it's hard to do their job.

City Clerk Butler replied it's something they would have to talk to the IT Department about because there are 49 Commissioners and new Committees being formed. She noted their positions are temporary, so it would take a lot of staff time to keep up with the changes; however, it's something she can investigate.

Commissioner Gonzalez shared she was appointed by Victor Preciado and he asked all his Commissioners to create a consistent email address through Gmail, because it was free. She shared hers is Tamara.PomonaHPC@gmail.com. She stated this could be a very cost-effective way for Commissioners to setup an email address that can be posted on the website for easy contact. She noted the City could designate a preferred format (i.e. first name, first initial last name, etc.).

Commissioner Tomkins replied that works, but it is not as advantageous from a public records perspective.

Chair Martin asked the attorney if it would be ok to do that.

City Attorney Martinez replied the issue is the correspondence with constituents would probably be deemed public record so if the City were to get a public records request for those emails and they are not on the City server it would be impossible to respond. He noted if a Commissioner were conducting private business using those email addresses it would become difficult to have a staff member sort through private business. He stated he tends to agree the easier thing would be to issue everybody a City email that through the City system. He stated he is hopeful at some point they can work on something like that, so they don't have to use private email to correspond with constituents.

Commissioner Tomkins asked how many of her fellow Commissioners used Nextdoor. She reported five.

Commissioner Gomez shared she is on Nextdoor but her Nextdoor does not work in the same area the rest of the Commissioners and that may make a difference, although she knows that certain Nextdoor areas can overlap over and communicate. She shared she only posts it flyers about the Historical Society or community meetings that Councilmember Ontiveros-Cole is hosting. She stated she is not in the dialogue. She spoke about passing out business cards email addresses if they chose to do so. She noted she is not on Facebook.

Commissioner Tomkins asked if Commissioner Gomez knows what Nextdoor neighborhood, she is in.

Commissioner Gomez replied she is on the Mountview Park in Pomona.

Commissioner Tomkins commented they can control where they post and have only three Commissioners in the Lincoln Park historic district, however, that post went broader.

Commissioner Gonzalez replied it was because she posted it to the entire City of Pomona's Nextdoor network.

City Clerk Butler stated a rule of thumb is to use social media as a tool to provide information, when you feel an opinion coming on hold back. She stated her purpose in being here tonight and for visiting all the Commissions has a lot to do with education. She noted that unfortunately The Brown Act has not evolved to where we are at today and it is still very 1950s-1960s when social media didn't exist.

City Attorney Martinez shared there was an attempt at the last legislative session to draft language that would have created an exception, but it died, and he hasn't seen any indication that the sponsor is going to be bringing that back anytime soon.

Commissioner Gonzalez commented her intent was to create a conversation or dialogue and to get people to come to that meeting so they could understand what they were fighting for. She asked what a prudent way would be to share that with the public, because such a small community of people knew about the issue and she wanted the community at large to get a better understanding of it.

City Attorney Martinez replied he doesn't think there is a problem posting something that provides community information, the problem is when there are additional comments made by members of the Commission. He noted that wasn't her intent, but suddenly one Commissioner comments, then another one and another one and there is an issue. He correlated it to email and shared when a City Manager sends information to City Council members, they send one-way information and usually have a notice on the email that says, "do not reply all". He stated you don't have to do that, but internally the rest of the Commissioners need to know not to reply to a post by a Commissioner.

Commissioner Tomkins commented there are some technological ways they could use, for example muting an individual on Nextdoor. She suggested muting the other Commissioners so that they wouldn't see the post at all and therefore wouldn't comment.

City Attorney Martinez stated that can become too much work.

City Clerk Butler commented they can shut people off, delete a post, but the internet is not a sacred ground and somehow it bubbles up and stuff comes out.

Commissioner Tomkins replied she was not suggesting deleting anything. She clarified the original poster could turn off all further commenting on Nextdoor so that it just says, "conversation closed".

City Attorney Martinez spoke about the issue of bias in the content of a post. He stated its one thing to post information about an upcoming meeting and invite people to come, but quite another to post your opinions about matters that might be within your subject matter jurisdiction, because it might bias that person out of a decision.

Commissioner Kercheval asked why they were given the Facebook thread.

City Clerk Butler replied it was handed out during the City Council meeting of June 17, 2019 and was told Commissioner Tomkins was interested in seeing the threads.

Commissioner Kercheval asked why the Facebook post is a violation.

Development Services Director Gutierrez replied she doesn't think it was a violation, rather it was brought forward as a concern.

City Clerk Butler clarified it was because of a comment made by Guillermo Gonzalez. She stated they must be how they treat each other.

Commissioner Kercheval asked what that phrase in Spanish says.

Development Services Director Gutierrez replied it's not a nice phrase.

City Clerk Butler stated it's derogatory towards women.

Commissioner Gonzalez replied it's also taken out of context. She shared her husband wrote that in a conversation he was having with Mr. Lucas. She stated she would be happy to discuss further with Commissioner Kercheval offline.

Chair Martin comment she has never been on Nextdoor for these kinds of reasons and because she knows how vicious the political world is. She stated she gets her information directly via phone calls or texts.

Commissioner Gonzalez asked when the acknowledgement forms were due back.

City Clerk Butler replied next week would be fine. She stated if anyone has any questions or concerns regarding The Brown Act or Social Media Policy her doors are always open.

2. Accessory Dwelling Unit Draft Ordinance.

Development Services Director Gutierrez reported there will be a presentation by staff to inform the Commission of the changes made since the Joint Study Session.

Vinny Tam, Senior Planner, provided a presentation on this item.

- The conversation about ADUs started in December 2018 as a discussion about the state mandates that were approved in January 2017 and January 2018.
- Staff had a discussion with the Planning Commission in February 2019, from which a draft ordinance was prepared. That draft was distributed to the Planning Commission and Historic Preservation Commission at the Joint Study Session in April 2019.
- Staff received comments from both Commissions, as well as the public and made revisions. Those revisions were distributed to the Planning Commission and the Historic Planning Commission tonight as an attachment to the agenda.
- The Planning Commission received these revisions positively with minor revisions from legal and to the building height and lot coverage requirements to make it consistent number.
- A short memo was provided describing the revisions that were made to the standards that relate to historic properties.
- There was consensus from the Joint Study session and comments from the public that there was a strong sentiment to protect historic properties. Staff crafted language to give the Historic Preservation Commission the full latitude to protect historic properties, proposing that interior ADUs be approved ministerially (state mandated) and that any attached or detached ADU require a Major Certificate of Appropriateness.

Commissioner Gonzalez stated she was confused and asked if they were talking about a room addition.

Senior Planner Tam replied they are not.

Commissioner Gonzalez asked how that is different from an attached ADU.

Senior Planner Tam replied definitions are included in the ordinance. He summarized that an attached ADU would include what you would refer to as an addition and interior ADUs are within an enclosed structure, so there would be no addition of floor area.

Development Services Director Gutierrez clarified attached means building new and to an existing structure and interior means you are just altering the interior of an existing structure.

Commissioner Gonzalez confirmed that would be making a single-family residence into a duplex.

Development Services Director Gutierrez replied potentially by dividing the inside.

Commissioner Kercheval asked staff to walk him through the process a person would have to go through to convert their detached garage. He asked if that would be considered an interior ADU. He commented a typical configuration would include a living space, a bedroom or two and putting in windows and doors that would affect the exterior. He asked how that would work according to the new ordinance.

Senior Planner Tam replied according to the state standard the conversion of an interior enclosed space of the primary structure or any accessory structures are required to be approved ministerially if all that work is conducted within the existing structure.

Commissioner Kercheval responded that a new window changes the look of the garage. He shared his neighbor is building one and there is now a door where there wasn't a door and more windows, and it affects the way the building looks. He confirmed that would be handled ministerially.

Development Services Director Gutierrez replied correct and stated the Commission could add standards that if windows are added they would need to be built in a certain way, but it would still be ministerial.

Commissioner Kercheval asked if there was anything in the ordinance yet to help staff ministerially make those decisions, like "windows and doors shall match the existing." He doesn't see that in here yet and was wondering if that was planned.

Senior Planner Tam replied there is a provision within Standard 26.

Development Services Director Gutierrez added on Page 13 of 19 on the handout the Commission has.

Commissioner Kercheval confirmed it's under the category of interior ADUs.

Senior Planner Tam replied correct; the sub-section for interior ADUs reads "if construction of the interior ADU in the opinion of the Development Services Director or designee has adverse impacts on a historic property the Development Services Director or designee may require modification of the proposed project to the extent necessary to prevent or mitigate such impacts."

Development Services Director Gutierrez replied at this point it would be appropriate if the Commission wanted to add language such as "windows should match existing".

Commissioner Kercheval stated he would like to do that and asked if he needed to send an email.

Development Services Director Gutierrez replied this is a discussion and so he can make a recommendation and get consensus from the Commission to add that.

Commissioner Gonzalez played Devil's Advocate, stated what would happen if a person was adding an ADU on a home where the windows were changed out years ago to aluminum.

Commissioner Kercheval replied he is thinking of a very specific situation; a garage that hasn't been touched and is pristine.

Commissioner Gonzalez replied that this is not just going to address garages it will be units as well.

Commissioner Kercheval stated he is wondering if the ordinance properly addresses his scenario.

Commissioner Tomkins asked if the Commission could require them to comply with design guidelines and create draft design guidelines for ADU conversions of garages as a separate document.

Development Services Director Gutierrez replied that is a slippery slope and becomes discretionary. She stated the whole point of ministerial is to make things very clear; this is what you need to do, and you have checked the box. She stated if they are adding interpretations and guidelines it becomes discretionary which is not concurrent with state law. She noted in addition the cost of creating design guidelines is something the City would probably have to contract out for.

Commissioner Tomkins shared in the past the Planning Counter had one-page flyers they would give to applicants that wanted to do a fence or roof. She stated she thought that the state law allowed historic properties to have design guidelines.

Development Services Director Gutierrez replied they could have design guidelines but in order to keep things ministerial, which the State has said interior must be, they would need to be very specific.

Commissioner Kercheval proposed adding language that any additional windows, door, opening, wall cladding should match the existing garage or accessory building or as a second choice the main dwelling. He stated staff needs something specific because it is ministerial. He stated the Department of the Interior standards are not concrete enough and becomes an opinion. He noted the draft reads "opinion of the Development Services Director" so he is trying to steer away from that.

Chair Martin commented this should be standard across the whole City because there are many mid-century homes that are phenomenal and if there isn't a guideline for all ADUs to match the front house, then the back house could look like something from 2020 or be two-story and that would be a problem.

Development Services Director Gutierrez replied an applicant would have to come through a Major Certificate of Appropriateness for new additions and all those things would be considered. She stated this would apply to existing spaces like a garage or internal space being transformed. She noted theoretically an existing garage would have most likely matched the existing home, so that should be considered as well.

Commissioner Tomkins confirmed they can't prohibit changes in the exterior openings.

Commissioner Kercheval replied the problem is a person would have a garage door.

Development Services Director Gutierrez replied correct, so there would have to be some modification to transform it to an ADU.

Chair Martin spoke about windows being required too based on the size building and that would be over the ADU ordinance.

Commissioner Tomkins shared some cities were requiring ADUs in garages to keep the garage door in order to preserve the historic appearance. She noted any windows that were added that made it look like a housing unit were only allowed on sides that weren't visible from the street.

Commissioner Kercheval replied that is a whole other issue and they must give staff direction on what that looks like. He asked if his fellow Commissioners felt it was important for an ADU to remain looking like a garage.

Commissioner Tomkins replied she doesn't have strong feeling either way but wanted to share what she learned by looking at other cities. She stated she thinks that is probably overkill.

Commissioner Kercheval suggested adding language that any added doors, windows or cladding needs to match the existing garage original doors, windows and cladding and if there isn't enough there to take direction it should match the main house.

Commissioner Gonzalez replied that is better. She was thinking about the house the pink Victoria on had on Kingsley which had a very rudimentary garage with metal siding. She stated in the case taking cues from the primary residence makes more sense.

Commissioner Kercheval confirmed staff captured that.

Development Services Director Gutierrez responded she noted that any new doors, windows or cladding should match the original garage doors, windows or cladding or if there are not enough cues, they should match that of the main house.

Commissioner Kercheval confirmed this would also apply to an ADU on the interior of an existing house, where the applicant wants to add a separate entrance. He asked if this gives staff direction and something to stand on to say this is what it needs to be.

Development Services Director Gutierrez agreed and stated she thinks that it is fair.

Commissioner Tomkins stated from her conversation with the state she thought that when converting existing space, the City didn't have to allow them to add additional exterior openings.

Commissioner Kercheval responded people would want to have a separate door and that's going to come up.

Commissioner Tomkins clarified the State told her they had to allow the conversion of an existing space if it didn't add exterior openings.

Commissioner Kercheval thought it was the other way around.

Senior Planner Tam replied access to the exterior is required for interior ADU.

Commissioner Kercheval replied right but he remembers that should match the existing. He stated he thinks what they just said would work in that scenario.

Senior Planner Tam replied staff will take the suggestions, craft some language and run it by legal to make sure it complies with the state mandates and move forward.

Commissioner Williams stated F13 under the Development Standards reads that "the following elements of the ADU must be the same in appearance as those of the primary dwelling" and it says architectural style, detailing, construction materials, finishes and colors, door trim and style, window trim and style, roof pitch. She asked if that applied to interior spaces too.

Senior Planner Tam replied that architectural standard would not apply. He stated the state standards have specific criteria that apply to space that is converted to an ADU which they refer to as an interior ADU and essentially if you meet that criteria by ministerial review it must be permitted. He noted that is why there is a separate section for interior ADUs.

Commissioner Gonzalez asked if there a reason the City is not requiring an additional utility connection for the property.

Development Services Director Gutierrez responded because they could use the same connection as the existing home and it's up to the applicant to apply for a separate connection to the ADU.

Commissioner Gonzalez confirmed there was not a legal requirement for the City to have that.

Development Services Director Gutierrez replied no.

Commissioner Kercheval shared that the State says you can't charge more to hook it up.

Commissioner Tomkins agreed that they can't require it.

Chair Martin asked if anything was added about a smaller size.

Development Services Director Gutierrez replied yes, a maximum of 800 square feet and for lots over 7,200 square feet up to 1,200 square feet if the design meets the lot coverage and setback requirements.

Commissioner Gallivan commented 1,200 square feet goes against the spirit of the overall regulation and the fact that the City is trying to do smaller affordable housing for people.

Development Services Director Gutierrez replied if the Commission wants to restrict square footage further in the historic districts, they could recommend that.

Commissioner Tomkins reported in historic districts lots would be mostly be under 7,200

Commissioner Gonzalez replied that Lincoln Park could be an exception because there are some larger lots. She stated that is not very big and believes the property on Randolph had a bigger lot size.

Senior Planner Tam clarified the maximum size is based on a combination of standards. He reported an ADU is capped at 50% of the primary dwelling unit or 800 square feet whichever is less.

Commissioner Gonzalez asked what the maximum size the ADU could be if the main house was 1,000 square feet and the lot size was 7,200 square feet.

Development Services Director Gutierrez replied 500 square feet.

Commissioner Gallivan replied they could also add onto the house and then build an ADU.

Development Services Director Gutierrez replied correct, but that would trigger lot coverage, which is restricted to 35%.

Senior Planner Tam stated there are several levels of standards to help restrict the size. He shared staff did an analysis of assessor data, identifying what was the established living area on each of the properties and the lot size to try and identify the threshold for the size of ADU based on the 35% cap. He reported that analysis indicated 800 square feet was the maximum size to hit that 35% lot coverage requirement. He agreed a person could do an addition, but that the lot coverage requirement would restrict the overall size of the ADU because the calculation includes garages, patio covers, and other accessory structures.

Chair Martin commented she still feels uncomfortable that 1200 square feet is written anywhere. She asked if it was included for legal purposes.

Development Services Director Gutierrez responded if the Commission is uncomfortable, they can recommend restricting sizes for the historic district. She noted the Planning Commission has demonstrated their support for that citywide.

Commissioner Gonzalez asked Chair Martin what she would be comfortable with.

Chair Martin replied a maximum 800 square feet.

Commissioner Gonzalez confirmed that would be in historical districts.

Chair Martin replied yes because that is all they have the ability to vote for.

Commissioner Gonzalez asked if they could amend.

Development Services Director Gutierrez replied this is a discussion item, not an action item, so if there is consensus from the Historic Preservation Commission, she will take that as a recommendation to the Planning Commission for consideration.

Commissioner Kercheval stated there is not consensus from him.

Commissioner Tomkins stated there are some very large homes in the historic districts and so a 1,200 square feet ADU would not be very large at all.

Development Services Director Gutierrez agreed in some cases.

Commissioner Kercheval shared this would restrict him because his home is 2,200 square feet and he wanted to build a 1,200 square foot ADU. He stated this change would only allow him to build 1,100 square feet. He noted he has a large lot and would not be worried about lot coverage.

Commissioner Tomkins commented there are some 4,000-5,000 square foot houses on very large lots in Lincoln Park, so restricting to 800 doesn't make a lot of sense on those parcels.

Commissioner Gallivan commented two story homes provide more square footage per lot size. He stated they are trying to make inexpensive housing, not build more big gigantic houses.

Commissioner Gonzalez asked if a compromise for the Commission would be not to exceed 1,000 square feet in historic districts. She commented that she understands Commissioner Kercheval's point but 100 square feet is not a lot plus he has a very large lot.

Commissioner Kercheval replied yes 13,000 or 1/3 of an acre.

Commissioner Gonzalez how big the Kingsey House ADU was that was ministerially approved.

Development Services Director Gutierrez replied she thinks it was about 800 square feet.

Commissioner Gonzalez replied and then the Commission approved a 530 square foot garage. She stated she agrees with Chair Martin that it changes the landscape of some of our districts.

Commissioner Tomkins stated that new construction would require a Major Certificate of Appropriateness so the Commission will be able to look at the size of the ADU in relation to the size of the house and say whether it historically appropriate or for that lot.

Development Services Director Gutierrez agreed new additions would come before the Historic Preservation Commission as a Major Certificate of Appropriateness.

Commissioner Tomkins commented that what we are doing now is arbitrary and what the Commission is supposed to be doing is applying historic standards. She stated if they apply historic standards to the ADUs size wise they would be looking at each one specifically to make sure it's appropriate on that lot. She stated that seems more reasonable than having an arbitrary number.

Chair Martin disagreed. She shared Claremont wanted 600 square feet and moved it up to 800 square feet. She stated it's all about density and how much they are changing the historic districts. She commented that a large-scale back house changes everything. She stated it is not about taking away

someone's right to build a house, because right now they have the right to build. She shared she has heard stories about next door neighbors taking away a person quality of life with an ADU. She stated she is looking for a standard that fits all the neighborhoods and would not want her next-door neighbor to build a 1,200 square foot back house next to her property.

Commissioner Tomkins replied she hears what Chair Martin is saying that they wouldn't want people to design a large ADU when the Commission is predisposed to saying it should be smaller.

Commissioner Kercheval stated he wants to work against Pomona's housing shortage and feels like this is an admirable way for a historic district to fight against gentrification and that they must keep their R1 status. He clarified he wants to create a good perception of historic districts and a tightened view on the square footage puts the City in a position to be criticized for not helping with the housing shortage in the State of California. He noted that next time a bill comes through that wants to put in duplexes they would have better footing to say they are doing their part to create more housing and doing it in a historically sensitive way.

Commissioner Gonzalez replied she doesn't think they are discouraging people from having additional homes in a historic district, rather they are trying to preserve the character and the integrity of the historic districts. She stated she disagrees with Commissioner Kercheval comment.

Commissioner Tomkins asked if her fellow Commissioners felt they could preserve the character of the district through the Certificate of Appropriateness process. She commented that adding the Certificate of Appropriateness into the process was a major improvement because the Commission gets to review ADUs to make sure they impact the character of the district. She stated she is surprised to hear her colleges say they want them smaller because they can do that as part of that process.

Commissioner Gallivan stated he favors keeping the size down and someone asking for approval to make it larger.

Commissioner Kercheval stated he likes the citywide standard and would like to be consistent with that.

Chair Martin reported there is a public comment and requested staff take the Commission's comments back.

Development Services Director Gutierrez summarized she heard consensus on the matching of the doors, windows, cladding to the garage and if no cues, then to the main house and if there are additions to the main house those items should match the main house; the Commissioners agreed. She summarized she heard a lot of discussion on the size of the ADU in historic district but did not hear consensus.

Chair Martin replied they discussion further after public comment.

Chair Martin opened public comment.

Paula Lantz, 458 E. Jefferson; shared she lives in a houses on $\frac{3}{4}$ of an acre and could build a big ADU or more than one, but she thinks have the Certificate of Appropriateness component gives the Commission an opportunity to make it work with the lot size. She commented she think that rather than being the gentrification, the historic districts have consistently allowed extra units, with many places already have extra units in the back and duplexes next to single family homes. She stated this gives a lot of variety and encourages a density that in more modern codes has been limited. She stated she thinks historic districts are a good place to add an additional dwelling unit, if parking is handled. She stated she is still not understanding the interior ADU and asked if an applicant would be allowed to change a window size, add a window or door ministerially or if that would trigger a Certificate of Appropriateness because it is an exterior change in the historical district.

Senior Planner Tam responded that the way the State standard is written is if an applicant meets the criteria it is a ministerial review. He stated if are some exterior changes would not trigger a Major

Certificate of Appropriateness, if it's within the enclosed structure of an existing home or an accessory structure.

Development Services Director Gutierrez commented that the additional language the Commission recommended is appropriate and would address this issue.

Commissioner Tomkins stated she understood it differently and when the standard says that it must be within the existing space, she thought that meant you are not allowed to change the exterior and that people could divide up their homes on the interior using existing doors and windows. She shared when she spoke to the State, they told her that the Historic Commission could require an approval for any changes to the exterior, but if there is already an existing exterior door they couldn't prohibit a person creating an ADU in a historic home. She stated she agrees they must allow the conversion of garages and changing openings because a garage is not going to have the openings needed. She stated she is unclear if there is a difference between existing homes versus garages in terms of the legal interpretations.

Senior Planner Tam replied that the State's language is silent on exterior alterations and simply identifies specific criteria that must be met to approve through a ministerial process. He stated the State regulations are trying to encourage ADUs and cities are not supposed to create standards that prohibit the creation of ADUs.

Commissioner Tomkins replied except if they affect a designated historic property.

Senior Planner Tam stated that is true, there is that exception.

Development Services Director Gutierrez asked Commissioner Tomkins if she spoke to State Historic Preservation Department or HCD.

Commissioner Tomkins replied HCD.

Development Services Director Gutierrez replied if there is a concern and a consensus that there would be an impact if new doors or windows are added, staff can double check with the legal expert on ADUs and make a recommendation to the Planning Commission that any changes to the exterior would require a Major Certificate of Appropriateness.

Commissioner Tomkins stated she feels exterior changes to a house that aren't visible from the street could be a Minor Certificate of Appropriateness and that any exterior changes to an existing historic structure should be evaluated on the Secretary of Interior standards because that is historic preservation.

Chair Martin agreed.

Development Services Director Gutierrez asked if there was a consensus that exterior changes to an existing home, such as a door or window for an internal ADU, should trigger at least a Minor Certificate of Appropriateness. She reported she was seeing nods.

Commissioner Kercheval confirmed that Minor Certificate of Appropriateness is ministerially administered.

Development Services Director Gutierrez replied that is correct.

Commissioner Kercheval asked what the charge is for a Minor Certificate of Appropriateness.

Development Services Director Gutierrez replied a Minor Certificate of Appropriateness costs slightly less than a Major Certificate of Appropriateness, (about \$60 cheaper). She noted a Minor Certificate of Appropriateness doesn't go to a hearing and only Major Certificate of Appropriateness come to the Historic Preservation Commission. She summarized that what is currently proposed in the ordinance is that internal ADUs can be done and if that interior renovation causes a new door to be added or a

new window to be added that would not require a Minor or a Major Certificate of Appropriateness. She stated what is being suggested is if there is an internal ADU being constructed and a new door, opening, or window is to be added to that structure than at least a Minor Certificate of Appropriateness should be required.

Commissioner Kercheval stated he disagrees with that because the spirit of the law from the State was to try and encourage ADUs and this adds extra charges. He stated he thinks the purview of the staff review ensures it meets the criteria.

Development Services Director Gutierrez replied yes.

Commissioner Gallivan commented he thinks it would help to make them more aware of the historical aspect of what they are doing.

Development Services Director Gutierrez replied she can bring those two options to Planning Commission for their consideration and then onto City Council.

Chair Martin stated they didn't get consensus on the 800 square feet maximum in the historic districts.

Development Services Director Gutierrez replied no, but she can bring it as an option to the Planning Commission.

Commissioner Tomkins asked for a count of how many wanted 800 square foot maximum.

Chair Martin stated they don't have consensus on the size.

Development Services Director Gutierrez replied staff will bring a discussion of limiting the size in historic district to the Planning Commission when they bring forward the ordinance and it will be up to the Planning Commission to decide. She noted recommendation to have a Certificate of Appropriateness for the addition of windows or doors, conflicts with the original recommendation for a standard that any new door or windows must match. She asked if there was a preference the Historic Preservation Commission would like to recommend to the Planning Commission.

Chair Martin replied she feels it should be a standard.

Commissioner Tomkins asked staff to clarify where the draft talks about exterior changes to interior ADUs.

Development Services Director Gutierrez replied it currently doesn't which is why the discussion is being brought forward.

Commissioner Tomkins confirmed there is nothing that says they can do exterior changes to an interior ADU.

Commissioner Kercheval asked how this is different than what he just crafted.

Development Services Director Gutierrez replied that the language he crafted assumes that you can make changes to the exterior and then if you do it needs to match either the garage or the main house, however, what was being discussed was that there isn't an assumption a person can make a change to a window or a door without at least going to a Minor Certificate of Appropriateness.

Chair Martin commented she like Commissioner Kercheval recommendation.

Commissioner Gonzalez confirmed that if the Commission recommends making it a Minor Certificate of Appropriateness then they could also have the recommendation that they need to be like for like.

Development Services Director Gutierrez replied they could.

Commissioner Tomkins replied isn't that what a Minor Certificate of Appropriateness requires.

Development Services Director Gutierrez replied yes, but it would be through a Minor Certificate of Appropriateness, so instead of it being in the code and up to staff to make sure its like for like, there would be a fee for the applicant for an evaluation by staff.

Commissioner Gonzalez asked City Attorney Martinez what the smarter decision was to make.

City Attorney Martinez replied that the ADU legislation and everything he has seen from the State strongly encourages cities to make the ADU process as easy as possible. He noted Pomona will be required to send the ordinance to HCD for review once adopted and he can't guarantee they won't sent it back and say it's better to go with a provision that items should match. He stated it's clear from the HCD documents and a video on their website, that they are strongly encouraging local agencies to come up with a process that makes it as easy as possible.

Chair Martin stated she likes Commissioner Kercheval's idea of including matching language.

Commissioner Tomkins agreed.

Commissioner Gonzalez asked Chair Martin if she liked match or "like for like".

Chair Martin replied, "like for like".

Development Services Director Gutierrez stated that Commissioner Kercheval language was "match the garage or if not enough cues match the main house."

Senior Planner Tam shared that at the Joint Study Session the City Attorney's comment was to make sure language is easy to interpret and simply say "the same" and so that is what is reflected in the language here as it relates to architectural matching with the primary dwelling unit. He reported it says "the ADU must be the same in appearance as those of the primary dwelling units." He suggested using similar language based on the previous feedback form legal.

The Commissioners thanked Senior Planner Tam and generally indicated a consensus on that verbiage.

City Attorney Martinez stated he thinks the confusion lies in the fact that there is language in the guidance provided by the Office of Historic Preservation that suggests that you could have some sort of discretionary process that would include design review, and he's heard that verbally from folks who have talked to HCD, but there is nothing in writing from HCD stating that is something you could do.

Commissioner Tomkins replied in the ordinance itself it specifically states they can have standards for historic properties and the only standards that you have are the Secretary of the Interior standards which is a Certificate of Appropriateness process. She agreed they do want to encourage ADUs and would be happy if we allow them in all the historic districts.

City Attorney Martinez commented he is not sure HCD knows what is involved like historic preservation knows and that is where there is a disconnect and cities are struggling to find the balance.

Commissioner Tomkins replied yes, because HCD stated they don't want cities to say ADUs must be a specific color, but that's exactly what "the same" means. She stated there is no way to do this without being so specific. She commented that it is like the person at HCD has never had to do this before and they don't realize what is required to approve items. She stated she understands ministerial is done by staff, but the counsel they were given at the Joint Study Session with the Planning Commission was that if an ADU is in a historic district than there can be a requirement for a Certificate of Appropriateness if it is a designated historic property. She stated in her reading of the code and what HCD said is that they must allow interior ADUs if they are using existing openings,

which suggests that if an applicant is not using existing openings they don't know how to allow without requiring compliance with Secretary of the Interior standards.

Chair Martin commented right now the City has a very good staff and she feels confident that the ADUs could be handled over the counter but what about the future. She noted that six years from now, it will not be the same Commissioners and some staff will go onto another jobs. She stated the Commission needs to feel confident that the staff are going to be able to check everything matches over the counter for our historic districts long term. She noted there was a time when there were a lot of things that were checked off that shouldn't have been. She stated when they lessen the law, they are not doing the best service for the historic districts. She stated she might have to change her view to side with Commissioner Tomkins for that reason.

City Attorney Martinez added nothing says you can't revisit and make changes in the future to the ordinance.

Chair Martin replied they won't have that power then if that happens. She stated she feels very confident this is not about now, it's about the future.

Commissioner Kercheval spoke about pacing themselves because he has more items.

Chair Martin asked Commissioner Tomkins for any final comments.

Commissioner Tomkins commented she is happy attached and new construction is subject to a Certificate of Appropriateness.

Commissioner Gallivan stated Item 6, Cooking Facility mentions a working space of not less than 30 inches and asked what that refers to.

Senior Planner Tam replied that references efficiency units. He stated efficiency units are the minimum size of ADUs and are referenced in a couple different sections; the Health and Safety code and the California Residential Code, which says an efficiency dwelling unit must have a minimum space of 30 inches.

Commissioner Gallivan asked again what the 30 inches refers to.

Senior Planner Tam replied clear working space, so a little counter for someone to chop or cut.

Commissioner Gallivan confirmed it wasn't referring to depth. He asked it could be met with a piece of quarter round 30 inches long.

Senior Planner Tam replied yes; he believes so.

Commissioner Gonzalez stated it's an efficiency unit and it doesn't necessarily pertain to ADUs.

Commissioner Gallivan suggested there be a depth requirement.

Commissioner Gonzalez replied it is probably the standard depth of a cabinet.

Commissioner Tomkins commented it says 30 inches for each appliance.

Commissioner Gallivan agreed and asked what working space has to do with the refrigerators.

Commissioner Gonzalez believes it is just food prep space.

Chair Martin asked staff to comment.

Senior Planner Tam replied staff were trying to maintain consistency with the State mandate which says an ADU if shall include efficiency dwelling units as a minimum size requirement. He noted efficiency dwelling units have this cooking facility definition.

Development Services Director Gutierrez added it's a bare minimum a cooking facility per state code.

City Attorney Martinez added it is to make sure a person is not cooking with a hot plate.

Commissioner Gallivan asked if the minimum front yard of 25 feet in #9 was depth or width.

Development Services Director Gutierrez replied that is depth.

Commissioner Gallivan asked if it should say depth.

Development Services Director Gutierrez replied no; that is how all front yards are measured.

Commissioner Gallivan asked if the Commissioner was happy with 20% green for landscaping.

Senior Planner Tam replied that is consistent with the City's existing landscaping requirements and what is applied to all residential developments now.

Commissioner Gallivan commented he thought the City was at 50%.

Development Services Director Gutierrez replied they are not at 50%.

Commissioner Gallivan asked if all manufactured or pre-fab structures, mentioned in Item 14, were required to have a solid foundation or if trailers would be allowed.

Development Services Director Gutierrez replied they would need to be on a foundation and meet design standards.

Commissioner Gallivan asked staff if the term sublet should be added to Item 22 "Accessory dwelling units shall not be rented for fewer than a period of 30 days" because he doesn't see how this prevents that.

Development Services Director Gutierrez replied no; subletting would still be the renting of the room for less than 30 days.

Chair Martin asked if there was an update to the family rule in the owner-occupied section.

Development Services Director Gutierrez replied stated the draft contains an owner occupancy requirement. She noted Commissioner Grajeda opposed it; however, the rest of the Planning Commission was in favor of the owner occupancy requirement that either the primary dwelling unit or the ADU must be owner occupied.

Commissioner Gallivan commented if the ADU is owned by a company then the company can have a person living there who doesn't pay and it gets a little convolved when it's owned that way.

Senior Planner Tam replied language was added to the definitions for owner that references anything that is owned by a trust, corporation or other type of entity and there are requirements that the entity must designate somebody.

Chair Martin asked if it could be a manager.

Senior Planner Tam replied there is a designated person when the owner is not a natural person.

Commissioner Kercheval asked staff to give him a scenario of what that would look like as its written now. He asked if staff was saying a company could be the owner/entity and able to rent it to two different people.

Development Services Director Gutierrez replied no; most likely it is going to be a trust that owns the property and they would have to list a trustee. He stated that trustee would be the person considered the owner.

Commissioner Kercheval confirmed the trustee would have to live there. He stated he is in favor of the owner occupancy and voiced concerns with the thirty-day rental limit because it excludes the idea of an AirBNB. He commented he thinks they live in where young families are trying to make ends meet and he knows families that AirBNB a room in their back house or have pulled a trailer into the back of their property to make ends meet. He stated that he wonders if they are limiting the possibilities for people to be able to make some income.

Commissioner Gonzalez replied if they have a long-term rental, they are making income. She stated by having the ability to have an ADU or buy a home that has an ADU on it they are already having the ability to have secondary income, it doesn't need to be short term rentals.

Chair Martin commented she supports Commissioner Kercheval and thinks he has an important comment and people don't understand it.

Development Services Director Gutierrez clarified this would only apply to historic districts, because the Planning Commission has already landed on it.

Commissioner Kercheval commented having an AirBNB historic districts would be interesting.

Development Services Director Gutierrez replied staff could make a recommendation for the Planning Commission to reconsider.

Commissioner Kercheval stated he doesn't know if he could lay out all the arguments for them, but this is what he wants to do.

Chair Martin shared Commissioner Kercheval gave an example that Pomona has the World's Largest Fair in our backyard and there are many times throughout the year when all the hotels are at capacity and folks must find a hotel outside the City and commute to the event. She stated she believes it's a unique situation to have a historic district right next to the fair and supports Commissioner Kercheval because it gives more opportunity for folks to have a place to stay for the City's special events.

Development Services Director Gutierrez noted that although it may be an important factor to try and capture the transient occupants for special events or recreation within the City, the intent of the State law is to encourage permanent housing for individuals.

Commissioner Kercheval commented not everyone is going to want to AirBNB, it takes a certain kind of person to become a host and open their home or ADU. He stated he thinks most people are going to be doing a long-term rental for income so they can stay in their home, however, he thinks limiting to just long-term rentals and not giving people the freedom to choose puts in additional limitations. He shared the owner of Spectra Co, has an AirBNB in the downstairs of the Lassie House and provides an opportunity to see what its like to live in an historic home. He noted that a person can make up to three times more than typical rent by having an AirBNB.

Chair Martin stated she supports it.

Commissioner Tomkins asked if the City of Pomona currently has an AirBNB ordinance.

Development Services Director Gutierrez replied they currently do not.

Commissioner Tomkins asked if they could create an AirBNB ordinance city wide and then amended this draft at that time to allow AirBNBs in ADUs as well.

Development Services Director Gutierrez replied correct.

Commissioner Kercheval stated it's not an AirBNB law it just takes the thirty-day limitation off.

Commissioner Tomkins commented she knows a lot of cities restrict them.

Development Services Director Gutierrez replied the City of Pomona currently does not.

Commissioner Gallivan replied to him this is more about making money then helping people find a place to live.

Commissioner Tomkins commented that she thinks AirBNBs have a lot of impact on communities and receive a lot of complaints.

Commissioner Kercheval shared there are several ADU hosts in his neighborhood and they are some of the most motivated homeowners and have the nicest homes on the block because they must market themselves to people around the world. He noted if they get a bad rating or something bad happens, they are removed.

Development Services Director Gutierrez confirmed there was not a consensus on AirBNBs and to leave it as is.

Commissioner Kercheval replied it doesn't sound like there is.

Commissioner Gallivan asked where the verbiage was about ADUs being visible.

Commissioner Kercheval asked staff to define visible.

Senior Planner Tam replied staff gave the Historic Preservation Commission more latitude on this by requiring that an attached addition or detached ADU (new construction) come before the Historic Preservation Commission regardless if its visible from the right of way or not.

Development Services Director Gutierrez noted staff saw problems with having to define what you could see and from what angle.

Commissioner Kercheval asked what the criteria is for and ADU to come before the Historic Preservation Commission.

Development Services Director Gutierrez replied that there are no criteria anymore. Staff reviewed the concerns of the Commissions and community about the impact of these units on historic districts and decided it was going to be too difficult to determine what could be seen from the right of way and decided to provide more latitude, so anything that is detached or attached will come before the Historic Preservation Commission.

Commissioner Kercheval commented that pretty much means everything.

Development Services Director Gutierrez replied yes, except for interior as discussed.

Commissioner Williams on asked what happened to the owner occupancy requirement when someone becomes very ill or passes away. She shared she had family members who passed away in the last few years and it took awhile to take care of everything. She expressed concerns that the 18-month limit may not be enough. She asked staff if they had any ideas about what they could do for extreme extenuating circumstances.

Commissioner Kercheval agreed with Commissioner Williams, sharing has a mother-in-law is in her 7th year in Assisted living and rental income from her property would be very helpful.

Senior Planner Tam replied in looking at other city's standards related to owner occupancy, he has not found a lot of cities that have language that addresses the issue. He shared Claremont was one of the few cities that did address that. He stated 18 months is approximately 30% of a five-year period, so we felt like a third of that seemed like a reasonable starting point for that type of exception, however, if the Commission feels that is should be changed staff could recommend something to the Planning Commission.

Commissioner Kercheval asked Commissioner Williams if she thinks two years would be enough.

Commissioner Williams replied at least two years given what she has experienced.

Commissioner Kercheval stated he doesn't see us getting more than that but two seems reasonable.

Development Services Director Gutierrez replied staff can make that recommendation. She shared staff plan to bring this to Planning Commission as early as July 24, 2019.

ITEM H:
HISTORIC PRESERVATION COMMISSION COMMUNICATION:

1. Report from Ad Hoc Committees.

Commissioner Gonzalez stated City Stables Ad Hoc Committee has nothing new to present this evening but were excited to hear from Darron Paulson.

Commissioner Gallivan commented he considers the news on the Stables to be a success for what they were looking for.

Commissioner Gonzalez stated it would behoove our Commission to be at the City Council meeting on July 15, 2019 to stand in solidarity with Mr. Paulson and the Water Department. She noted it would show the City Council that they are all collectively together on the decision to save the stables. She stated she would appreciate if everyone could try to attend.

Commissioner Williams stated the Ordinance Review Ad Hoc Committee does not have any new progress to report. She summarized that t one of the previous meetings the Commission agreed to recommend changing from a 1945 demolition standard to anything fifty years or older. She asked if staff had an update on when this issue might go before City Council.

Development Services Director Gutierrez replied yes, that will be discussion item on the July 15, 2019 City Council agenda. She reported there is a memo that will go out with the agenda which proposes the Historic Preservation Commission's recommendation and provides an analysis of the potential impact to the City, including the number of parcels that would bring into the fold for historic preservation.

Commissioner Tomkins asked if it was a lot of parcels.

Development Services Director Gutierrez replied about 61% of the parcels in the City would be affected by the change. She noted currently 14% of the parcels are within the Historic Preservation Commission's purview.

Commissioner Tomkins reported the Tree Ad Hoc Committee had previously distributed a memo, but she doesn't know that there was consensus from the full Commission to move forward with an ordinance amendment.

Chair Martin suggested adding that item to the next agenda. She asked staff if the Commission had an August meeting.

Development Services Director Gutierrez replied yes, there is a meeting on August 7, 2019. She noted reports from Ad Hoc Committees will remain a standing item.

Commissioner Tomkins reported the Tree Ad Hoc researched and submitted a memo at one of the busy meetings and it got very late and they did have a real discussion about it. She suggested bringing that memo back to discuss and requested clarity from staff on the process of amending the existing historic tree policy. She shared the information was never put into an ordinance because there was an assumption that Pomona had a citywide tree ordinance and the new policy referenced that citywide tree ordinance, but the Ad Hoc Committee found out that ordinance didn't exist. She stated the question is if they need to create a citywide tree ordinance as well. She stated she was thinking about going to the Parks Commission for their opinion. She noted many years ago an ordinance was put up as an emergency thirty day ordinance and there was a proposal to have it go into effect but in the middle of the City Council meeting the City Attorney pulled the councilmembers into closed session and they never adopted the tree ordinance. She stated they have an issue with trees throughout the City but there is also a piece specific to historic preservation.

Development Services Director Gutierrez replied the Historic Preservation Commission could recommendation to City Council that they want to adopt an ordinance for the historic preservation of trees and adopt a citywide tree ordinance. She asked if Chair Martin wanted that as a separate agenda item or under discussion with the Ad Hoc Committees.

Chair Martin replied it would need to be agendized it as an action item.

Commissioner Tomkins replied it would be recommendation to City Council to amend the historic district tree policy because it was adopted by the City Council.

Commissioner Gallivan shared Councilmember Ontiveros-Cole is worried about the Avocado trees at the Phillips Mansion. She requested staff talk to the Parks Department because it's a historic site and the trees are starting to look sick.

Commissioner Tomkins replied Councilmember Ontiveros-Cole raised the issue at the last City Council meeting.

Chair Martin shared that Ganesha hills has not been watered since last winter and it's dry. She stated the Parks Department is not watching over it for some reason and it is not on an automatic system, so the contractors must go up and manually turn on the sprinklers on the hill. She shared the trees are dying and the brush is up past her head creating a fire danger.

Development Services Director Gutierrez replied she will pass that onto Mr. Sledd.

2. Salvage opportunities for pre-1945 buildings.

Development Services Director Gutierrez reported this was requested by Chair Martin.

Chair Martin shared she brought this up was because there was an issue with the salvage for the Spanish style house off Reservoir and First Street. She shared Commissioner Kercheval was one of the residents that tried to salvage and was told he needed to have a million-dollar insurance coverage by a contractor to remove anything.

Commissioner Kercheval replied he has since found out that he needed to work more directly with the historic community. He shared he worked with Debra Clifford and she helped him salvaged what she could but then the owner was uncooperative about getting roof tile or flooring. He shared through a few conversations with the historic community in general it's a verbal contract and not something the City can enforce or put into the ordinance. He informed his fellow Commissioners that when they vote on a salvage situation or a demolition, is not guarantee that there will be a salvage opportunity, and it's on the kindness of the owner and their willingness to work with residents.

Development Services Director Gutierrez clarified salvage can't be one of the reasons the Commission votes no.

Chair Martin commented it is unfortunate that they can't have a written contract that they can pick a date for the residents to come in to dismantle the house.

Commissioner Tomkins asked someone to explain the legal restrictions and why they can't make it enforceable.

Commissioner Kercheval replied the owners need to protect themselves from an insurance standpoint and can't just have a bunch of residents crawling all over the house grabbing items. He shared that Debra Clifford with the Historical Society has the insurance and can provide a certificate to the owner, but even after they provided that information, the owner still refused to help.

Commissioner Tomkins asked if it was because the owner wanted to keep those materials.

Commissioner Kercheval replied no they just didn't want to bother.

Development Services Director Gutierrez clarified that it is difficult because they can't force a private owner to allow people on their property if they feel there is a liability issue. She stated it is within an owner's rights to require a liability waiver. She stated the City also can't force an applicant to give away their property for free. She noted they can request it, which is why it's a condition but there is no nexus because of the Commission has found the structure has no historical significance and allowed for demolition.

Commissioner Tomkins but if they are not selling the materials could we require them to offer them, like a right of first refusal.

Development Services Director Gutierrez replied they can request but can't require.

City Attorney Martinez replied the difficulty is that salvaged materials may have value to somebody else and so a property owner would also have the right to contract with somebody who does that as a business to make money. He noted the City would be requiring them to do it for free, aside from the liability issues. He shared when he first heard about salvage, he cringed a little bit, but then he read the condition and found it's written in a way that it's entirely voluntary. He shared some cities have construction and demolition debris ordinances, because the City then gets credit for the recycling of those materials and there may be a way of giving an incentive.

Commissioner Tomkins stated she is trying to figure out how the City can keep these historic materials for the community because they are important for people. She shared she get questions all the time asked about windows and door handles, because they are trying to match something in their home that has broken.

City Attorney Martinez replied a construction demolition debris ordinance that provides an incentive for salvage and gives the City additional credit for meeting its recycling obligations.

Commissioner Kercheval replied that would be a great direction to investigate.

Development Services Director Gutierrez cautioned the Historic Preservation Commission on how many ordinances you are initiating.

Chair Martin opened public comment and called Debra Clifford forward.

Debra Clifford, President of the Historical Society; offered to have the Historical Society provide a charitable donation letter to offset the value of the material. She shared that in the past salvaged materials were funneled through the Historical Society and/or Pomona Heritage and were stored in the City Stables for the community to use.

She spoke about the process of storing items and then putting materials back into the community, rather than seeing all the architecture heritage head to antique shops. She shared Riverside Heritage opens once a month on a Saturday and asks that people just provide a donation. She stated she has the insurance policy and is willing to put together a standing team of 5-6 guys, as well as, give the homeowner a charitable donation. She stated there is a way to do this and it helps the Historical Society because people donate a couple of dollars and they can get items back into the community. She shared they have a lot of windows and have gotten some cool bathtubs, which she desperately needed at the Phillips and the Currier. She noted this program also helps them refurbish their own sites and houses. She spoke about HABS being part of this process and a way to evaluate and record historic structures that are being torn down. She reported they think they found a copy in the Planning Department.

Chair Martin commented this would be a better way to filter everything and then the community can go to the Historical Society and request items for a monetary donation.

Ms. Clifford agreed and commented it isn't a perfect system, but it can be done by firmly encouraging builders. She noted it also keep thing out of the landfill.

Chair Martin thanked Ms. Clifford agree that being green through reuse is important.

Development Services Director Gutierrez asked Ms. Clifford if she had any marketing materials because that would be helpful to help distribute to applicants to emphasizes the process and the benefits of the donation.

Ms. Clifford replied not yet, but she is hurrying to codify it a little bit.

General Historic Preservation Commission Communication

Commissioner Kercheval asked if there was a way to start sending a regular letter in the water bill. He stated he would be willing to help write it and suggested the materials notify people that they live in a historic district and provide information about where they live, what's going on and the benefits of living in a historic district.

Commissioner Gomez shared this has been brought up before and the response was that there are renters and it may not be seen. She stated she believes a letter like that should go the houses and they should have a community meeting for each historic district, so people can come and pick up the information in person and then the City can check off the address so they know who was there. She stated they may create a little group that reports on what is happening and who is proactive so that everybody has an understanding.

Commissioner Gonzalez shared they could have a handout for residents at the restoration workshop for Pomona Heritage in mid-August. She shared part of the reason she wanted to be apart of this Commission was to educate the community on our historic resources, the buildings and what a person can/can't do in historic districts. She asked how the Commission could communicate with the community is way that saves them from Brown Act violations.

City Attorney Martinez recommended the Commission provide direction to staff to get more information and not having a discussion right now because it's not agendized. He noted it is something staff will have to research because putting things in the water bill or other communication methods have a cost to them.

Development Services Director Gutierrez suggested the Commissioner work through their City Councilmembers because they often have community meetings.

Commissioner Kercheval asked if the water bill wasn't a possibility.

Development Services Director Gutierrez replied she is not saying that it is not a possibility, but as City Attorney Martinez mentioned she would need to check into the cost and speak with the Darron Paulsen because the water bill would be under his purview.

Commissioner Gallivan stated he thinks Pomona Heritage has paid to have items printed to go into certain areas in the past.

Commissioner Kercheval recalled 15 years ago the Commission sent something out in the water bill when they established Hacienda Park.

Development Services Director Gutierrez replied she will explore the idea to see what the implications and/or labor is.

Chair Martin commented the water bill sometimes goes directly to the owner, not the tenant.

Commissioner Kercheval replied he if they only hit 70% of the people that would be ok and the person who is renting needs to know they live in a historic district too.

Commissioner Gallivan spoke about realtors having an obligation to inform people before they can sell a house in a historical district.

Development Services Director Gutierrez agreed realtors should disclose that information and should be on the title.

Chair Martin agreed it should be on the title.

Development Services Director Gutierrez commented is it not the City's responsibility to hold individual real estate agents accountable and it's also falls on the due diligence of the buyer when these things are recorded on the grant deed.

Commissioner Gallivan replied he knows what she is saying but they keep having a problem.

Development Services Director Gutierrez replied she has heard the comment and staff can investigate the water bill. She stated if the Commission wants to discuss about communicating with historic district further, she can agendize it.

Chair Martin requested staff bring it back next month to finish discussing.

Commissioner Gonzalez asked about elections for Chair and Vice-Chair. She stated she thought those happen in May.

Chair Martin agreed and stated she was going to request to add this to next month's agenda.

Development Services Director Gutierrez looked it up and agreed May and stated she will put Chair elections on the August 7, 2019 agenda.

ITEM I:
DIRECTOR COMMUNICATION:

Development Services Director Gutierrez reported she received an answer from Attorney Sarah Owsowitz regarding the Commissions two specific questions.

- Questions 1: If the stables were moved approximately 100 feet or less to a new location would it automatically lose its national designation, or can the designation be retained through some process?
 - Development Services Director Gutierrez reported the answer is yes, it could be retained through a process. The impact of any move would require analysis and agreement from the State Historic Preservation Office and Federal Government and that the property retains the elements that led to its listing in the first place.
- Question 2: What is the specific process that needs to be followed for relocating? Is permission required at the Federal level prior to relocation?
 - Development Services Director Gutierrez reported that based on Attorney Sarah Owsowitz's research a specific process must be followed if an owner seeks to relocate a listed property and the owner wants the listed property to remain listed on the national register. There is a specific code Attorney Sarah Owsowitz cited and the process requires a consultation with the National Parks Service and an approval from the Keeper of the National Register of Historic Places, defined as the individual who has been delegated the authority by National Parks Service to list properties and determine their eligibility for the National Register. She reported there is a long code section she will email to the Commissioners.

Commissioner Gonzalez requested Development Services Director Gutierrez share that information with Darron Paulson.

Development Services Director Gutierrez replied she did.

Commissioner Gallivan reported that the State informed him that the contractor had to be a historical contractor.

Development Services Director Gutierrez agreed and stated there is a whole process laid out in Federal Code.

1. Minor Certificates of Appropriateness for May through June 2019 (attached).

Motion by Commissioner Gonzalez, seconded by Commissioner Kercheval to adjourn the meeting.

ADJOURNMENT:

Chair Martin adjourned the meeting at 10:22 p.m. to the next regularly scheduled meeting of the Historic Preservation Commission on August 7, 2019 at 6:30 p.m. in the City Council Chambers.

Anita Gutierrez, AICP
Development Services Director

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.