

UNOFFICIAL MINUTES  
PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 13, 2019

A. CALL TO ORDER: The Planning Commission meeting was called to order by Chairperson Kyle Brown in the City Council Chambers at 7:01 p.m.

B. PLEDGE OF ALLEGIANCE: Commissioner Bunce led the Pledge of Allegiance.

C. ROLL CALL: Roll was taken by Planning Manager Gonzalez.

COMMISSIONERS PRESENT: Chairperson Kyle Brown, Commissioners Jorge Grajeda, Alfredo Camacho, and Richard Bunce

COMMISSIONERS ABSENT: Vice-Chair Ron VanderMolen; Commissioners Gwen Urey and Kristie Kercheval

STAFF PRESENT: Planning Manager Gustavo Gonzalez, Senior Planner Ata Khan, Assistant Planner Lynda Lara, Planning Technician Alan Fortune

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ITEM D  
PUBLIC COMMENT:

None

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ITEM E  
CONSENT CALENDAR:

1. Approval of the draft Planning Commission Minutes meeting of October 23, 2019.
2. Time Extension (EXT 12792-2019) for a one-year time extension for Tentative Tract Map 74171 (TRACTMAP 7790-2016) which proposes a subdivision to create 35 residential and 5 commercial condominium units for a mixed use development project for ownership purposes on a vacant 0.66 acre parcel located at 1833 N. Garey Avenue within the Workplace Gateway Segment of the Pomona Corridors Specific Plan.

**Motion by Commissioner Camacho, seconded by Commissioner Bunce, carried by a unanimous vote of the members present (4-0-0-3), to approve the consent calendar.**

Roll Call Vote: Chair Brown – aye, Grajeda – aye, Commissioner Camacho – aye, Commissioner Bunce – aye.

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ITEM F  
HEARING ITEMS:

F-1 PUBLIC HEARING – MAJOR OAK TREE PERMIT (MAJOTP 12699-2019) REQUEST FOR APPROVAL FOR THE UNPERMITTED REMOVAL OF AN OAK TREE ON A LEGAL NONCONFORMING RESIDENTIAL PROPERTY LOCATED AT 1598 S. RESERVOIR STREET IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT.

**Item continued from October 23, 2019.**

Alan Fortune, Planning Technician, provided a presentation on this item. (see Staff Report, Item F-1)

Commissioner Grajeda asked if there were any monetary sanctions.

Planning Technician Fortune replied no. He stated there is a section of the code that does mention but doesn't quantify what that should be, so staff's recommendation is for a replacement.

Chair Brown confirmed the photos submitted were from a community member.

Planning Technician Fortune replied yes, and some were provided by the property owner.

Chair Brown stated Item #8 calls for a different replacement tree and a different sized tree, a 24" California Coast Live Oak. He asked if there was a reason for the substitution.

Planning Technician Fortune replied the reason was to be able to allow the original tree to establish and if that species doesn't establish within a year at that site, so it provides an alternative. He invited the City Arborist to explain further.

City Arborist Michael Sledd responded that the Coast Live Oak is better acclimated to the Pomona area, so it would be his recommendation for the replacement, over a Cork Oak.

Chair Brown asked if the Planning Commission has the discretion to not do "same for same" if they are oak trees.

Planning Manager Gonzalez responded yes.

Chair Brown agreed that a Coast Live Oak would be better. He suggested language, such as "an Oak tree as specified by the City Arborist" be included in future replacement conditions, to provide flexibility if a location is determined to be poor for a particular type of tree.

Development Services Director Gutierrez replied staff are open to adding that language.

Chair Brown asked for staff's rationale for requesting two replacement trees.

Planning Technician Fortune replied the codes states one for one replacement if proper permissions were given and, two for one as a penalty. He noted other cities in the area do use different methods and there are a variety of different alternatives available.

Chair Brown responded that in addition to thinking about it as a penalty, there are also environmental benefits yielded from these trees (i.e. air quality).

Planning Manager Gonzalez added staff were also attempting to replace some of the canopy that was lost. He stated two for one doesn't match what was lost but is better than one for one.

Commissioner Camacho confirmed this was a retroactive approval and asked what would happen if the Planning Commission didn't approve. He asked if the applicant would be fined.

Planning Manager Gonzalez replied if the Planning Commission doesn't approve retroactively, there is a section of the code that specifies the legal ramifications that staff would have to review.

City Attorney Marco Martinez replied the notice of violation specifically states the applicant must obtain a permit, so that's what they are doing here tonight.

**Chair Brown opened the public hearing and invited the applicant to come forward.**

**Albert Caballero**, project applicant, agreed with the two for one condition and to replant if the tree dies within the year. He stated his decision is to compensate the cost and whatever the Arborist decides they will oblige.

Chair Brown asked the applicant had reviewed the conditions of the permit written in the draft resolution in terms replacement and the responsibility he has.

Mr. Caballero replied the report states he must remove the remaining oak tree stump and that they don't need to apply for an additional permit.

Chair Brown asked if staff has provided the applicant with the resolution language and confirmed the applicant understands the allegations the Planning Commission is voting on.

Planning Manager Gonzalez replied yes.

Chair Brown invited the public to speak.

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**Katherine Alonzo**, neighbor, provided a detailed report of events leading up to the tree removal.

- June 15, 2018 at approximately 11:20 a.m. she had a conversation with Mr. Yi about him being the new homeowner and his plans for the property. She informed him that the large trees sitting on the back-property line were oak trees protected by the State of California and stated they would not agree to cut them down.
- August 15, 2019 at 5:48 p.m. Albert Caballero identified himself as the contractor who would be removing the oak tree. She advised Albert Caballero that the oak tree was protected and that she would not agree to have the oak tree removed. She reported Albert Caballero became agitated and stated he would get a permit from the City.
- September 9, 2019 8:30 p.m. John came to her home to discuss the oak tree again. She informed him she has already spoken to Albert Caballero and that he did not have permission to access her property or remove the oak tree.
- September 10, 2019 at 7:30 a.m. she noticed a gentleman looking between the two houses, he identified himself as Salvador from G&A tree trimming. He stated he was there to remove a few trees. She informed him they did not have permission to access her property or approval to remove the oak tree. She returned home for lunch to find a ladder and Salvador on her property. She reported Police were called and code enforcement reports were made. She noted the oak tree in question sits on the property line of 1592 and 1598.

Chair Brown confirmed she provided the photos.

Ms. Alonzo replied yes.

**Angela Alonzo**, neighbor and homeowner 1592 S. Reservoir Street; stated her daughter provided a timeline leading up to the tree removal. She reported Mr. Yi was fully aware of the situation. She commented they can only move forward now and so she has reviewed the proposed resolution and has a list of requests:

- Section 3, Item 1 – she requested the applicant fill in the hole once the stump is removed and replace the damaged fencing.
- Section 3, Item 2 – she requested the tree be replanted within 5 feet of its current location. She noted the tree was removed maliciously to allow the property owner build closer to the property line. She shared the tree provided shade to her property and a better view out her backyard. She reported now she sees a big blue wall.
- She requested the tree stump be removed at the same time the fence be fixed and the two trees be planted as soon as possible, rather than within 12 months as the resolution reads.
- She requested to be present when the work is being done, because they will need to access her property.
- She requested that the person who removes the tree stump be licensed and bonded through the City of Pomona and recommended by the Arborist.
- She requested the second tree be planted on her property within five feet of the previous location to help reestablish the view in her backyard.

Chair Brown invited the project applicant forward again to respond.

Chris Yi, owner of the property, stated he didn't know that there was an oak tree. He shared he hired the tree trimmer and they told him it was an ash tree. He spoke about the tree being on the property line and drawing up plans for an office building that received civil engineering approval. He spoke about the damage that happened and going through the permit process with the City, paying the permit fee. He stated he is just trying to improve the City.

Commissioner Grajeda asked the project applicant if he considered having the City look at the removal of trees when he made his plan to build.

Chris Yee replied he spoke to his neighbor when he purchased the property and they told him he could remove the tree if he hired a contractor and paid for it. He stated he didn't want any trouble but then he found out he should have asked the City. He reiterated he thought it was an Ash tree.

**Chair Brown closed the public hearing.**

Chair Brown asked staff if Ms. Alonzo's request to fill in the hole when the stump is removed was included in the resolution.

Planning Manager Gonzalez replied he doesn't believe it is currently in the resolution, but it is something staff will review. He stated staff would not recommend he leave an empty hole for safety reasons.

Chair Brown asked if Ms. Alonzo's suggestion that the trees be replanted in the same area was a condition of the permit.

Planning Manager Gonzalez replied the recommendation is worded that one tree must be planted on site (the same property) and the other one offsite at a location approved by the City Arborist.

Chair Brown confirmed the applicant could relocate the tree to a different location within the property.

Planning Manager Gonzalez responded if both parties agree one tree could remain on the applicant's property and the second tree could be planted on the adjacent neighbor's property, with the caveat, that if they can't come to an agreement or there is a civil dispute that can't be completed within the year, the applicant must meet the condition and work with the City's Arborist to plant elsewhere. He stated staff are agreeable to giving the applicant an opportunity to plant the second tree on the neighbor's property.

Development Services Director Gutierrez replied Condition #5 reads "an approved nearby location subject to the review and approval of the Planning Manager and City Arborist."

Chair Brown confirmed onsite could be anywhere on property and commented that is not what the neighbor is asking for. He asked if staff knows anything about damage to a fence as the result of this action.

Planning Manager Gonzalez replied staff cannot verify that damage and it is not something that is before the Planning Commission today. He stated if there was damage the fence that would be a civil issue.

Development Services Director Gutierrez added if the applicant is amendable, the Planning Commission can add a condition that the fence be replaced.

Commissioner Grajeda asked why the Item was continued from October 23, 2019.

Planning Manager Gonzalez replied it was because the applicant did not receive the staff report, conditions and resolutions ahead of the last meeting and they needed time to review.

Commissioner Camacho asked staff for clarification. He stated he heard the applicant say the City paying for labor for the replanting of the trees. He asked if that was customary.

Development Services Director Gutierrez replied it is the sole responsibility of the owner to replace the trees. She stated they are accepting responsibility to implement the conditions of approval. She noted the City will verify that the trees were planted and kept alive according to the conditions, but all the costs are incurred by the owner.

Chair Brown commented he has a really dim view of cutting down trees without permits, particularly 38" diameter oak trees. He stated if the Planning Commission grants this kind of permit, the City should have a meaningful replacement strategy equal to what was lost. He stated the biomass of a 38" diameter tree that was easily 80 feet tall is substantial in comparison to the two 3" diameter trees. He shared he used a U.S. Forest Service tool called iTree Design to gain an understanding of the different benefits that occur. Staff displayed his examples:

- A 38" Cork Oak Tree at 1598 Reservoir Street using the standard metric is a 40-year period would have generated approximately \$2,600 of environmental benefits, ranging from storm water, carbon sequestration, improved air quality and other characteristics.
- A 3" Cork Oak Tree at the same address for a 40-year time period generates about \$800 worth of benefits, not making up for what was lost.
- He suggested they divide the \$2,600 value by the \$800 value which equates to a three to one replacement.

Chair Brown commented he is not sure three is adequate, but it is what he wants to see at a minimum. He stated he likes the idea of replanting in the same location along the property lines. He stated if he is going to support this tonight,

he needs to see more amends being made, to make up the benefits that were being provided. He asked legal to clarify what happens the permit is not approved.

City Attorney Marco Martinez replied the City of Pomona's oak tree ordinance includes a penalty provision that the City could file misdemeanor charges in a criminal court against the applicant. He stated a judge could then fine the applicant \$1,000 or sentence six months in jail or both. He noted he doesn't think this would result in jail because of overcrowding and shared there is also no guarantee that a judge will impose a requirement to replace the oak tree. He stated in the end it would cost the City 3-4 times that amount to prosecute a case and the applicant would be able to state he attempted to get a permit but was denied.

Chair Brown replied that is a frustrating answer. He stated he would not have supported a permit for this tree to come down and he doesn't feel his colleagues would have either.

Commissioner Camacho thanked the adjacent homeowner for coming and stated he understands her frustrations, having lived in a home where a tree was removed similarly. He voiced support for replanting the trees in the same location.

Development Services Director Gutierrez replied the Planning Commission can designate the location.

Commissioner Camacho stated he is partial to designating the location and imposing one additional replacement tree.

Commissioner Grajeda agreed with Chair Brown and Commissioner Camacho. He expressed concerns that retroactive permits are becoming too repetitive. He shared there were six trees removed in District 2 by the park. He commented the City needs to establish a fine and the Planning Commission need to make an example imposing harsher consequences.

Development Services Director Gutierrez replied that would require an amendment to the tree ordinance, which is a legislative matter and require City Council direction and action.

Commissioner Grajeda asked if they could make that suggestion to City Council.

Development Services Director Gutierrez replied yes. She shared a larger City Tree program is being discussed.

Commissioner Bunce stated he supports Commissioner Brown's recommendation for augmenting the restitution. He commended Ms. Alonzo for presenting sensible recommendations. He agreed it will be important for Ms. Alonzo to be present when the next work is done. He recommended that the fence repairs be included in the restitution action.

**Motion by Chair Brown, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (4-0-0-3), to approve Major Oak Tree Permit (MAJOTP 12699-2019) Request for approval for the unpermitted removal of an oak tree on a legal nonconforming residential property located at 1598 S. Reservoir Street in the M-1 (Light Industrial) Zoning District, with the following revisions: 1) change in the requirement to a three to one replacement of oak trees; one onsite and two offsite, with one offsite located in the neighboring property if possible 2) Item #8 of the resolution be modified to suggest that if the oak trees die within 1 year of replanting they will be replaced with oak trees specified by the City Arborist, 3) the addition of language to ensure the hole is filled in after stump removal, 4) the onsite replacement tree is to be planted in or about the same location the removed tree, as approved by the City Arborist, 5) any future work coordinated with the neighbor, in terms of accessing her property, if required, 6) any and all damage to the fence be repaired.**

Roll Call Vote – Chair Brown – aye, Commissioner Camacho – aye, Commissioner Grajeda – aye, Commissioner Bunce – aye.

Planning Manager Gonzalez stated there is a ten (10) day appeal period that will end on November 25, 2019.

PINEHURST PLACE IN THE R-1-7,200 (SINGLE FAMILY RESIDENTIAL)  
ZONING DISTRICT.

**Item continued from October 23, 2019**

Alan Fortune, Planning Technician, provided a presentation on this item. (see Staff Report, Item F-2)

**Chair Brown opened the public hearing and invited the applicant to come forward.**

Alejandro Gaspar, project applicant, Planning Manager Gonzalez provided translation; reported he removed the tree because of the sewer line damage. He shared he was having a sewer backup and the plumber informed him that the tree roots were the cause and if left damage would occur. He stated it was an emergency to repair the line. He reported the sap from the tree also damaged part of the roof.

Commissioner Grajeda asked Mr. Gaspar if plumber told about cutting the roots to prevent future growth.

Mr. Gaspar responded the plumber did not recommend cutting the roots, because the roots were already inside the sewer.

Commissioner Grajeda asked if there was more than one root going towards the drain.

Mr. Gaspar replied yes and referenced the pictures.

Commissioner Grajeda asked if the plumber provided something in writing recommending the tree removal.

Mr. Gaspar replied no.

Commissioner Grajeda did you cut the tree to same day that the plumbing was fixed.

Mr. Gaspar replied the removal occurred the day after.

Kristopher Bunker, stated he just moved to Pomona and is trying to get involved with the community. He noted he didn't come specifically for this item but has experience in horticulture. He suggested the City of Pomona explore an oak tree transplanting program for the future because the oak tree is an instrumental part of California's heritage. He spoke about imposing a fine and educating homeowners about the oak trees.

Chair Brown invited the applicant to respond to public comment.

Mr. Gaspar declined to reply and requested the motion be explained when decided.

**Chair Brown closed the public hearing.**

Chair Brown shared he did the iTree analysis for this situation and it calculated out to a two to one as recommended by City Staff. He noted this tree was not as large as the previous item's tree and is a different faster growing species of oak.

Commissioner Grajeda commented that although it is the same problem, it is different circumstances. He stated he can understand if the plumbing was being blocked it may have had to be removed, however, he still feels the Planning Commission needs to make an example of somebody in order to prevent this from happening again. He stated he supports a three to one replacement and wishes there were other sanctions.

Commissioner Camacho asked if staff confirmed that this was an emergency and that there were tree roots in the sewer line because there are other ways to mitigate that don't include removal.

Planning Manager Gonzalez replied the tree was removed and staff was not able to confirm if the tree was causing damage to the sewer line. He reported staff are recommending that the replacement trees be replanted offsite because the applicant provided evidence that the sewer line is running through their property and that there is a water line

running through the front yard. He shared there is another oak tree on the property which is consistent with other properties on the street. He stated for some reason this property had two, when all the other homes only had one.

Commissioner Camacho asked if there was proof of the damage done to the sewer line.

Michael Sledd replied all staff can go by is the picture the applicant provided showing the roots in the sewer line. He spoke about how roots seek out water from already leaking pipes and then get inside and grow. He shared there are basic preventative measure people can take to kill roots in their sewers. He stated whether the solution would have been to cut the tree down is a different question. He reported that once the trench was dug the way it was and the roots cut, he probably would have recommended removing the tree, because it would have destabilized it and it would have been more prone to fall into the street.

Commissioner Bunce commented given the emergency nature the staff recommendations for a two to one replacement is appropriate.

Chair Brown agreed. He stated he appreciates the recommendation to relocate both the trees offsite and Mr. Sledd's comments about how roots don't always cause these things, but rather identify failures already in the system.

**Motion by Chair Brown, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (4-0-0-3), to approve Major Oak Tree Permit (MAJOTP 12724-2019) Request for approval for the unpermitted removal of an oak tree on a residential property located at 2088 Pinehurst Place in the R-1-7,200 (Single Family Residential) Zoning District as recommended by staff with an amendment to Item #7 of the resolution conditions, that the replacement oak tree dies within a year of replanting it will be replaced with oak trees as specified by the Arborist.**

Planning Manager Gonzalez explained the motion to the applicant, and they agreed.

Roll Call Vote: Chair Brown – aye, Commissioner Grajeda – aye, Commissioner Camacho – aye, Commissioner Bunce – aye.

Planning Manager Gonzalez stated there is a ten (10) day appeal period that will end on November 25, 2019.

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F-3

PUBLIC HEARING – MODIFICATION OF CONDITIONAL USE PERMIT (CUP 12644-2019) A REQUEST FOR MODIFICATION OF A CONDITIONAL USE PERMIT TO UTILIZE A PORTION OF A 19.1-ACRE LOT FOR OUTDOOR STORAGE LOCATED AT 2205 MOUNT VERNON AVENUE IN THE M-1 (LIGHT INDUSTRIAL) ZONE.

Eunice Im, Assistant Planner, provided a presentation on this item. (see Staff Report, Item F-3)

Chair Brown confirmed that the Conditional Use Permit for outdoor storage travels with the land and that another type of business could store something else outside.

Development Services Director Gutierrez replied yes, unless the Planning Commission puts in limitations.

**Chair Brown opened public comment and invited the applicant forward.**

Mark Sinsko, project applicant, thanked the Planning Commission for considering the application. He stated Graber Electric has been at the facility for since 2014 and they have grown to a point where they would like to start utilizing a portion of the site for outdoor storage because they have a lot of paved area that is not useable for them. He reported they had many conversations with the Planning Department and refined the proposal to something that the community can accept.

Chair Brown asked what will be stored outside.

Mr. Sinsko replied the site plan shows photos from other Grabar facilities throughout the country with example, and for the most part it will be large spools of cable and pallets of plastic/metal conduit.

Chair Brown asked if they would be amendable to a condition that limits the outdoor storage to certain types of materials. He stated he has concerns about what somebody 20 years from now would be storing.

Mr. Sinsko replied yes.

Commissioner Camacho thanked the applicant for going through the proper channels.

Commissioner Grajeda asked how quick Graber Electric is overgrowing this building and if there may be a need to relocate in the next five years.

Dave Turner, Grabar Electric, responded when they purchased the building a few years ago they built with growth in mind, but right now a lot of their pipe products are taking up room. He stated by being able to move those outside, the business can then continue to grow using the existing interior space. He noted the construction industry is doing well and they anticipate growth, but the industry is reflective of the economy, so it's hard to estimate with certainty.

Commissioner Grajeda asked if they have other location they can use for storage if this facility becomes too small.

Mr. Turner replied yes. He noted this is one of Graber Electric's major distribution centers.

**Chair Brown closed the public hearing.**

Chair Brown stated he thinks it's a good use of this property, a good company, a nice clean site and he doesn't have any objections to the outdoor storage. He stated he appreciates staff's recommendation of adding a couple feet to that wall. He expressed concerns about extending an open-ended outdoor storage Conditional Use Permit and requested to put in a restriction that prevents other types of storage from coming forward. He asked staff if they could suggest language.

Development Services Director Gutierrez replied the Planning Commission could tie the approval to the specific site plan and that would only allow what has been presented this evening.

Chair Brown confirmed the site plan specified the types of materials being stored.

Assistant Planner Im replied they restrict the height of the storage up to eight feet.

Chair Brown clarified he hears a lot about air quality from certain kinds of products or flammables. He stated he is looking to avoid that type of storage in the future.

Development Services Director Gutierrez replied the Commission could specify that.

Chair Brown asked if the motion could be for staff to work out the details.

City Attorney Marco Martinez replied it's a standard condition that is placed on any agency and reads something like "this approval is for the purpose of storage based on the maps, plans and elevations submitted by the applicant" and its dates. He stated then the approval is tied to the actual location of the storage. He noted if the City later finds out that they are storing somewhere else that would trigger a revision to the Conditional Use Permit. He continued that language would also include "any modifications, intensification, or expansion of the use beyond that which is specifically approved by the above entitlements and it not reflected in the map plans drawings approved by this action shall require review and approval by the Planning Commission."

Chair Brown confirmed the Planning Commission confirmed that language is not in the current resolution.

City Attorney Marco Martinez replied it is not and stated the City should probably add it to every Conditional Use Permit, to ensure the City is specific as to what the entitlement is and where it is located, and so that a change in the future would trigger a review.

Chair Brown replied he would welcome that.



Commissioner Grajeda stated he would like to see something specific that excludes liquids, solvents, and hazardous items.

Development Services Director Gutierrez reported the applicants are amendable to that.

**Motion by Chair Brown, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (4-0-0-3), to approve the resolution for the Modification of Conditional Use Permit (CUP 12644-2019) A request for modification of a Conditional Use Permit to utilize a portion of a 19.1-acre lot for outdoor storage located at 2205 Mount Vernon Avenue in the M-1 (Light Industrial) Zone, with the condition recommended by City Attorney Marco Martinez referencing the exact nature of the storage and excluding the storage of hazardous materials.**

Roll Call Vote: Chair Brown – aye, Commissioner Grajeda – aye, Commissioner Camacho – aye, Commissioner Bunce – aye.

Planning Manager Gonzalez stated there is a twenty (20) appeal period that ends on December 3, 2019.

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F-4

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 12424-2019) A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE ON A 0.5-ACRE LOT WITH THREE EXISTING SINGLE-FAMILY RESIDENCES LOCATED AT 892 E. NINTH STREET IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY, S OVERLAY) ZONE.

Eunice Im, Assistant Planner, provided a presentation on this item. (see Staff Report, Item F-4)

**Chair Brown requested a two-minute recess at 8:34 p.m.**

**The meeting resumed at 8:36 p.m. when Commissioner Camacho returned to the meeting.**

Chair Brown confirmed additional garage space is going to be provided and asked if staff felt confident that this space has adequate parking.

Assistant Planner Im replied there is an open two car parking space for 890 and legal nonconforming single car garages for 876 and 874. She stated they have sufficient parking on site.

**Chair Brown opened the public hearing and invited the applicant to come forward.**

Jaime Murillo, project applicant/designer, stated it is a win-win situation for the community and for the property because it will look a lot cleaner.

Commissioner Camacho asked if these are all rentals units.

Mr. Murillo replied yes, all four units are rentals.

**Chair Brown closed the public hearing.**

Commissioner Grajeda stated he feels it's a well-presented project and appreciates that they are adding more parking.

Chair Brown echoed Commissioner Grajeda's comments. He stated it is a nice improvement over the existing structure.

**Motion by Commissioner Grajeda, seconded by Commissioner Bunce, carried by a unanimous vote of the members present (4-0-0-3), to approve Conditional Use Permit (CUP 12424-2019) A request for a Conditional Use Permit to allow for the development of a single-family residence on a 0.5-acre lot with three existing**

**single-family residences located at 892 E. Ninth Street in the R-2-S (Low Density Multiple Family, S Overlay) Zone.**

Roll Call Vote: Chair Brown – aye, Commissioner Grajeda – aye, Commissioner Camacho – aye, Commissioner Bunce – aye.

Planning Manager Gonzalez stated there is a twenty (20) appeal period that ends on December 3, 2019.

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**ITEM G**

**PLANNING COMMISSION COMMUNICATION:**

Chair Brown encouraged staff to request that City Council consider a revision to the Tree Ordinance to make it more consistent with other communities that have more aggressive replacement strategies. He shared that The City of Thousand Oaks requires an eight to one replacement on oak trees. He commented when he sees large oak trees being removed it makes him uncomfortable because the City of Pomona's ordinance is not adequate to address the situations and it is very frustrating.

Development Services Director Gutierrez reported she saw a consensus amount the Commissioner and so staff will make that request to City Council.

Commissioner Camacho shared he attended the Planning Commission training. He stated he learned a lot and enjoyed the experience, requesting that staff continue to send training opportunities. He noted he is going to try and attend the next APA in Riverside. He spoke about the 13<sup>th</sup> annual Chalk Art Festival and shared that Day One did a parklet with a special fitness zone. He reported that the Planning Staff were really involved and thanked them.

Development Services Director Gutierrez reported the Racoon won the Chalk Art Festival.

Commissioner Camacho added that the Racoon was done by the same artist who won last year with the owl.

Commissioner Camacho shared he toured the command center at the Fairplex and was really impressed. He stated he attends City Council meeting because he likes listening to people and feels it helps informs his decisions. He stated there are always questions at the meetings about the Fairplex's security, traffic and noise and now he feels like he understands how they are mitigating all of those things at festivals. He encouraged his fellow Planning Commissioners to visit. He reported he and Commissioner Urey are part of a Community Advisory Committee that is looking to create an east to west corridor to connect the communities of the Foothills. He stated they are currently doing outreach and soliciting feedback from the community. He encouraged anyone who lives in Pomona to provide feedback on what they want to see (i.e. crosswalks, bike lanes) to improve the connection from east to west on Arrow. He shared someone from the group may come to speak during public comment at the next meeting.

Commissioner Bunce stated he was surprised about the downing of the tree at 1598 S. Reservoir and felt it was a clear offense. He agrees with the request for City Council amend the tree ordinance. He suggested the City explore the possibility of building into the ordinance the requirement that the offending party pay the court costs, if the case is lost, so they can be in a stronger position to enforce the ordinance.

Chair Brown agreed.

Commissioner Grajeda commented he is pleased and felt everything was well presented this evening.

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**ITEM H**

**DEVELOPMENT SERVICES DIRECTOR / PLANNING MANAGER COMMUNICATION:**

Development Services Director Gutierrez reported The City Council heard the first reading of the cannabis overlay ordinance and indicated their intent to approve the ordinance with one amendment, to include a 600-foot buffer from

around the entire municipal boundary. She noted that amended removed 52 parcels from what was previously presented. She stated the second meeting for this will be on November 18, 2019.

Planning Manager Gonzalez reviewed the Planning Commission's 2020 draft calendar. He noted the dates with asterisks are dates that City Hall is closed and the meeting will need to be cancelled or rescheduled.

Chair Brown suggested moving the Wednesday before Thanksgiving to November 18, 2020.

Planning Manager Gonzalez confirmed the Planning Commission will meet November 18, 2020 and cancel the November 11, 2020 and November 25, 2020 meetings. He reported the other conflict is December 23, 2020 and recommended cancelling that meeting.

Development Services Director Gutierrez clarified that leaves one meeting in November and December.

Commissioner Camacho confirmed 1 meeting a month would be enough.

Development Services Director Gutierrez replied she thinks so, but they could hold a special meeting if needed. She stated staff will distribute an updated 2020 Calendar for adoption at the next meeting. She noted the Planning Commission agreed to cancel the November 27, 2019 and the last meeting for the year will be on December 11, 2019.

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ITEM I:  
DISCUSSION:

None

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ADJOURNMENT:

The Planning Commission meeting was adjourned by Chairperson Brown at 8:55 p.m. to the next regularly scheduled meeting of December 11, 2019 at 7:00 p.m. in the City Council Chambers.

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Anita D. 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.