

OFFICIAL MINUTES
PLANNING COMMISSION
MARCH 8, 2017

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

FLAG SALUTE: Commissioner Ursua led the flag salute

ROLL CALL: Roll was taken by Development Services Manager Johnson

COMMISSIONERS PRESENT: Chair Hemming and Vice Chair Arias; Commissioners Brown, Grajeda, Juarez, Ramos, and Ursua

COMMISSIONERS ABSENT: None

STAFF PRESENT: Development Services Director Lazzaretto, Development Services Manager Johnson, Assistant City Attorney Jared, Deputy City Attorney Chen, City Engineer Guerrero, Supervising Water and Resources Engineer Garibay, and Minutes Clerk Casey

ITEM D:
PUBLIC COMMENT:

ITEM E:
CONSENT CALENDAR:

1. APPROVAL OF PC MINUTES:
-Unofficial Minutes 1-25-17

Deputy City Attorney Chen requested an amendment to the 1/25/17 minutes to state Deputy City Attorney Chen was present rather than Assistant City Attorney Jared.

Motion by Chair Hemming, seconded by Vice Chair Arias, carried by a unanimous vote of the members (7-0-0-0), approving the amended Planning Commission Meeting Minutes of January 25, 2017.

2. Conditional Use Permit (CUP 11-002):
Request to adopt a resolution denying Conditional Use Permit (CUP 11-002), an application to legalize the conversion of a group care facility to an eleven unit roominghouse on a 16,600 square foot property located at 804 William Street in the R-2 (Low Density Multiple Family Residential) zoning district.

Development Services Manager Johnson stated item 2 of the consent calendar was back before the Commission as a denial. He stated staff received a letter from the applicant's attorney recommending the Planning Commission not adopt the resolution for denial. Staff recommends a

formal adoption of denial. Russell Morse, the applicant's attorney, stated the decision previously made by the Commission was appealed by the applicant. The resolution before the Commission tonight is to confirm a denial, but he felt the findings do not support the recommendation for denial. Deputy Attorney Chen stated the decision before the Commission is to determine whether the resolution depicted the discussion and decision made when the item was originally presented to the Commission on January 25, 2017.

Motion by Chair Hemming, seconded by Vice Chair Arias, carried by a unanimous vote of the members (7-0-0-0), approving the denial of Conditional Use Permit (CUP 11-002).

3. General Plan Conformity Assessment (GPC 6936-2017):

Finding of General Plan Conformity Assessment for proposed street and alley vacations located between South Main Street, South Park Avenue, West Second and West Third Streets, Downtown Pomona.

Motion by Chair Hemming, seconded by Vice Chair Arias, carried by a unanimous vote of the members (7-0-0-0), approving Resolution No. 17-008, approving General Plan Conformity Assessment (GPC 6936-2017).

ITEM F:

PUBLIC HEARING ITEMS:

F-1

PUBLIC HEARING – TENTATIVE TRACT MAP (TRACTMAP 4947-2016) TO SUBDIVIDE TWO LOTS TOTALING APPROXIMATELY 46,550 SQUARE FEET IN SIZE INTO FOURTEEN CONDOMINIUM UNITS AND CONDITIONAL USE PERMIT (CUP 4607-2016) FOR THE DEVELOPMENT OF FOURTEEN MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE. (Continued from January 11, 2017)

Development Services Manager Johnson stated the applicant requested a continuation to allow for a redesign of the project.

The Commission discussed and agreed to open the public hearing to continue the item to a date uncertain.

Motion by Commissioner Ursua, seconded by Vice Chair Arias, carried by a unanimous vote of the members present (7-0-0-0), continuing the Tentative Tract Map (TRACTMAP 4947-2016) and Conditional Use Permit (CUP 4607-2016).

F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 3967-2016) FOR THE DEVELOPMENT OF TWO ATTACHED SINGLE-FAMILY RESIDENTIAL UNITS AND VARIANCE (VAR 6759-2017) TO ALLOW AN INCREASE IN DWELLING UNIT DENSITY ON PROPERTY LOCATED AT 1028 W.

FERNLEAF AVENUE IN THE R-2-S (LOW DENSITY
MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY)
ZONE.

Development Services Manager Johnson stated staff recommended the item be continued due to inconsistencies in the proposed plan.

The Commission discussed and agreed to open the public hearing to continue the item to the Planning Commission meeting of March 22, 2017.

Motion by Vice Chair Arias, seconded by Commissioner Brown, carried by a majority vote of the members present (7-0-0-0), continuing Conditional Use Permit (CUP 3967-2016) and Variance (VAR 6759-2017).

F-3

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 4280-2016) FOR THE DEVELOPMENT OF TWO ATTACHED SINGLE-FAMILY RESIDENTIAL UNITS AND VARIANCE (VAR 6760-2017) TO ALLOW AN INCREASE IN DWELLING UNIT DENSITY ON PROPERTY LOCATED AT 1036 W. FERNLEAF AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.

Development Services Manager Johnson stated staff recommended the item be continued due to inconsistencies in the proposed plan.

The Commission discussed and agreed to open the public hearing to continue the item to the Planning Commission meeting of March 22, 2017.

Motion by Vice Chair Arias, seconded by Commissioner Brown, carried by a majority vote of the members present (7-0-0-0), continuing Conditional Use Permit (CUP 4280-2016) and Variance (VAR 6760-2017).

F-4

PUBLIC HEARING – CODE AMENDMENT (CODE 6899-2017) A REQUEST TO AMEND SECTION .62 (“DEFINITIONS”), SECTION .580J (“USES REQUIRING CUP”), SECTION .342 (C-1 ZONE USES EXPRESSLY PROHIBITED), SECTION .352 (C-2 ZONE USES EXPRESSLY PROHIBITED), SECTION .362 (C-3 ZONE USES EXPRESSLY PROHIBITED), .372 (C-4 ZONE USES EXPRESSLY PROHIBITED), .392 (C-IND ZONE USES EXPRESSLY PROHIBITED), .398 (M ZONE USES EXPRESSLY PROHIBITED), .412 (M-1 ZONE USES EXPRESSLY PROHIBITED), AND .422 (M-2 ZONE USES EXPRESSLY PROHIBITED) OF THE POMONA ZONING CODE TO PROHIBIT WASTE AND RECYCLING

Development Services Manager Johnson provided a staff report regarding a request for a code amendment. The Commission discussed and agreed to open the public hearing and continue the item to allow additional time to review all materials for the item. Chair Hemming opened to public hearing. Lynn Fang stated she objects to the ban of waste and recycling facilities in the city and stated she thinks the ordinance should be revised to allow for compost organic waste to assist the community. Lee Moonan stated a concern with the proposed code amendment not mirroring the ordinance written by the waste task force as many of the important items were removed and the task force put much work into those items. Jenna Hoover stated her support for the ban for the city as she felt City Council knew the importance of banning new facilities and adding enforcement to the current uses. Michael Bowerman stated several facilities propose fire threats and other safety issues and he urged the Commission to adopt the proposed Code Amendment. Oscar Gomez stated he is against the amendment, he had been in the recycling industry for 35 years, he operated his business the right way, and he asked the Commission to please help his business and he would invest in the community and follow regulations. Kathryn Kirui stated her support for the item as she felt health and safety are important as well as the support of businesses and she believes the ordinance supports both. She urged the Commission to support the item. Mike Barco stated he was not in agreement with including pallet operations in the ordinance as he felt the pallet operations should be considered as lumber yards. Paul Deibel stated his support for the ordinance. Jeanette Ellis-Royston, Shaunna Gygli, James Butler, Betty Butler, Robert Scheffler, Maria Teeds, Deena Benjamin, Jerry Fennins, Carmen Sschalaba, Ansehing Olmos, Tom Reed, Bob Benza, Margaret Velarde, Constancio V., Luis Uceda, Maria Uceda, did not wish to speak, but submitted their support for the item. Robert Cowan read a letter from Derek Ingal, Pomona resident, in support of the item. Julie Roberts-Fronk thanked city staff for directing the Commission to approve this amendment in support of City Council and spoke in support of the ordinance. Sergio Perez spoke against the ordinance as he operates a pallet business and he is concerned for his family's wellbeing due to the amendment. He asked the Commission to please consider his business. Jose Perez spoke against this ordinance as he is representing the pallet industry community which strives to work hard to feed their families. He asked the Commission to please reconsider helping to improve businesses. Ingrid Gutierrez stated she was very disheartened and angry to see what had come out of the waste task force as all their work had been removed. She stated the City did face an issue of overconcentration of waste facilities and noncompliant facilities which was an issue that guided the waste task force discussions. She stated she was not in support of the ordinance before the Commission as the City should move towards composting food waste locally in the community. Benjamin Wood stated a concern with many contributing voluntary years of their time to the waste task force for nothing and stated he could not support the item. Ron Cobas stated his support for the ordinance as he felt the air quality was not good in the city and was significantly worse than many cities of the same size per city-data.com. He urged the Commission to adopt the code amendment. Joe Pineo stated he had been in the pallet business for over 40 years and he does not think they should be considered as recyclers as the operation repairs pallets rather than recycle. He stated pallet operations should not be included with recycling uses. Pablo Padilla spoke against the ordinance as he felt many of what the task force had developed had been removed. Robert Ulloa, representing pallet companies in Pomona, stated the pallet companies provide a service to the city of Pomona as they assist other companies clean their properties. Eddie Q, a pallet manufacturer, asked the Commission to please make a wise decision as pallet operations are just working with wood, which is a natural resource. Jeff Farano stated he understood the ordinance did not affect existing operation so he was in support of it, but he stated concerns that the ordinance would effect his need for new equipment. He offered his assistance to the planning staff as he assisted other cities in producing similar ordinances. He stated he did not oppose as he felt it was a good move for the city to look at the industry. John Mendoza suggested each Commissioner review the ordinance as well as the original ordinance before considering the item.

Zuly Quiñones spoke against the ordinance and asked the Commission to review and revise the ordinance to exclude pallet operations. Art Sanchez spoke against the adoption as he believed pallet businesses should not be included. He stated he would love to meet with staff to go over what he had accomplished with other cities. Allen Fenstermacher, author of the letter submitted for Grand Central Recycling, which was a completely covered facility and was gold certified, stated his client had a franchise with the city to collect the city's waste and he was concerned about the implications of the ordinance as written. He understood the ordinance was not for existing businesses, but he did not feel that was clear in the ordinance. He requested the language "new" to be included in the ordinance and he requested his client be exempted from the ordinance as his client was not in agreement with becoming legal nonconforming as this could cause future issues. Elinor Crescenzi stated the ordinance as proposed tonight she felt was short sided and hypocritical to the work of the task force. She stated the proposed ordinance was attempting to address a new law while not dealing with the current law. An ordinance was not what was needed, but a policy to support best practices in Pomona was what was needed. Chair Hemming closed the public hearing.

Commissioner Ursua encouraged the community to submit items, a brief memo, with items they feel were omitted from the ordinance presented. In addition, he suggested the pallet industries submit one memo of their issues. Commissioner Juarez stated he would like the community to summarize the contradictions between the revised ordinance and the original ordinance and he would like to look into air pollutants and added uses which had been an issue for the city. Chair Hemming requested a report from AQMD as to the air standards for the area.

The Commission discussed and agreed to continue the item to the April 26, 2017, Planning Commission meeting to allow all documents to be properly reviewed by the Commission.

Motion by Vice Chair Arias, seconded by Commissioner Ramos, carried by a unanimous vote of the members (7-0-0-0), continuing Code Amendment (CODE 6899-2017) Waste and Recycling facilities to the April 26, 2017, Planning Commission meeting.

ITEM G:
NEW BUSINESS:

ITEM H:
PLANNING COMMISSION COMMUNICATIONS:

Chair Hemming mentioned 219 Tate Street, sober living facility, with 16 occupants but only a two to three bedroom home.

Commissioner Grajeda requested business cards to assist with representing the city while attending events.

ITEM I:
DEVELOPMENT SERVICES MANAGER COMMUNICATIONS:

ITEM J:

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Hemming at 9:37 p.m. to the regular scheduled meeting of March 22, 2017 in the City Council Chambers.



Brad Johnson
Development Services Manager

Maureen Casey, Transcriber

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