

OFFICIAL MINUTES  
PLANNING COMMISSION  
APRIL 12, 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 Ramos 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, Ramos, and Ursua

COMMISSIONERS ABSENT:

Commissioner Juarez (excused)

STAFF PRESENT:

Development Services Director Lazzaretto, Development Services Manager Johnson, Assistant City Attorney Jared, Associate Planner Lee, City Engineer Guerrero, Supervising Water and Resources Engineer Garibay, and Minutes Clerk Casey

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ITEM D:

PUBLIC COMMENT:

David Holmes submitted his support on the waste recycling ban.

Lisa Engdahl spoke regarding her support for banning on waste recycling and urged the Commission to take action on the item.

Mr. Alfredo Edmond spoke regarding ideas of raising money to assist the city with trash and homeless issues.

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ITEM E:

CONSENT CALENDAR:

1. Unofficial Planning Commission Minutes – February 8, 2017 and February 22, 2017

Motion by Vice Chair Arias, seconded by Commissioner Ramos, carried by a majority vote of the members present (4-0-2-1), Chair Hemming and Commissioner Ramos abstained, Commissioner Juarez excused, adopting the Planning Commission Meeting Minutes of February 8, 2017.

Motion by Vice Chair Arias, seconded by Commissioner Brown, carried by a unanimous vote of the members present (6-0-0-1), Commissioner Juarez excused, adopting the Planning Commission Meeting Minutes of February 22, 2017.

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2. Conditional Use Permit (CUP 3967-2016) and Variance (VAR 6759-2017) 1028 W. Fernleaf:  
Adopt a resolution denying Conditional Use Permit (CUP 3967-2016) and Variance (VAR 6759-2017) for two attached single-family residential units at a property located at 1028 W. Fernleaf Avenue in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone.

Commissioner Ursua inquired whether the applicant requested to resubmit a redesign rather than have the project denied. Mr. Tim Law, designer for the project, stated the two units were being built for a family which would like to live close to each other. He stated the family felt 5 parking spaces would be adequate for them. The variance was being requested to be consistent with the area. Chair Hemming stated she agreed with the applicant therefore she could not support the denial of the project. Commissioner Ursua stated he felt a redesign could have solved the concerns. He urged the applicant to work with staff before the project is denied.

The Commission discussed and agreed to return the item to staff for a redesign and a new public hearing.

Motion by Chair Heming, seconded by Vice Chair Arias, carried by a majority vote of the members present (5-1-0-1), Commissioner Brown denied and Commissioner Juarez excused, adopting the attached amended resolution approving Conditional Use Permit (CUP 3967-2016) and Variance (VAR 6759-2017).

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3. Conditional Use Permit (4280-2016) and Variance 6760-2017) 1036 W. Fernleaf:  
Adopt a resolution denying Conditional Use Permit (CUP 4280-2016) and Variance (VAR 6760-2017) for two attached single-family residential units at a property located at 1036 W. Fernleaf Avenue in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone.

The Commission discussed and agreed to return the item to staff for a redesign and a new public hearing.

Motion by Chair Heming, seconded by Vice Chair Arias, carried by a majority vote of the members present (5-1-0-1), Commissioner Brown denied and Commissioner Juarez excused, adopting the attached amended resolution approving Conditional Use Permit (CUP 4280-2016) and Variance (VAR 6760-2017).

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#### ITEM F:

#### PUBLIC HEARING ITEMS:

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| <u>F-1</u> | PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 5490-2016) FOR THE CONSTRUCTION OF A NEW 149-ROOM FIVE-STORY HOTEL ON PROPERTY THAT IS APPROXIMATELY 3.05 ACES IN SIZE. THE SUBJECT SITE IS LOCATED ON THE SOUTH SIDE OF RANCHO VALLEY DRIVE, IN THE NORTHERN DIRECTION OF THE CORONA FREEWAY (71) AND IS IDENTIFIED BY ASSESSOR PARCEL NUMBER (APN 8344-024-040). |
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Associate Planner Lee provided a staff report regarding a request for the construction of a five-story hotel. Chair Hemming opened public hearing. Ms. Modena Frye, resident of the area, stated she was only made aware of the project about 4 days ago. She stated the area is high crime and it is a place where there are many shootings and stabbings. She inquired how a possible increase in traffic would be addressed and how issues with lighting would be addressed as the area was already quite bright at night. She stated she did not feel this was the best neighborhood for the project. Chair Hemming closed public hearing. Commissioner Ramos stated he had been studying crime in the city and there were certain pockets of the city with many crimes including murder. He stated he felt the Commission needed to be careful of where they agree to place certain developments and he thinks the Commission should consider the community and obtain their input. Chair Hemming stated she felt a vacant dark lot would attract more crime than a well-lit hotel with much traffic, she thinks the project is an excellent use of the area and it would provide much revenue to the city. Commissioner Ursua stated he felt there may be long term traffic issues as the entire site was not developed and it currently has traffic issues. The Commission discussed and agreed to reopen the public hearing. Ms. Modena Frye stated a sign was not posted advertising the project, the traffic was already an issue, and the project would have a negative impact on her neighborhood due to the traffic and additional lighting which was already an issue. Chair Hemming closed the public hearing.

Motion by Vice Chair Arias, seconded by Chair Hemming, carried by a majority vote of the members present (5-1-0-1), Commissioner Ramos denied and Commissioner Juarez excused, adopting Resolution No. 17-009, approving Conditional Use Permit (CUP 5490-2016).

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F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 4607-2016) FOR THE DEVELOPMENT OF FOURTEEN MULTIPLE-FAMILY RESIDENTIAL UNITS AND TENTATIVE TRACT MAP (TTM 4947-2016) TO SUBDIVIDE TWO LOTS TOTALING APPROXIMATELY 46,550 SQUARE FEET IN SIZE INTO FOURTEEN CONDOMINIUM UNITS ON A PROPERTY LOCATED IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE.  
*(Continued from March 8, 2017)*

Development Services Manager Johnson provided a staff report regarding a request for the development of two attached single-family residential units. In addition, as previously requested by the Commission when the item was first presented, a shade analysis video, provided by the applicant, was shown to the Commission. Development Service Manager Johnson stated additional letters regarding shade studies were provided to staff earlier. Chair Hemming opened the public hearing. Ms. Maryam Golbakhsh, developer of the project, discussed issues raised at the last meeting and mitigations provided by the applicant. One being parking which was mitigated by providing three times the parking required by the City of Pomona Zoning Code and by adding a clause to the CC&Rs which required each homeowner to register each car with the homeowners association. If not registered, the car would be towed at the expense of the owner. She stated the area was zoned R-2-S, which, she says she is in compliance with. She addressed the shade issue previously raised by providing a shade analysis video and by stating the development would not be located near the neighboring garden. She stated the neighboring property was purchased in 2016 and her project began the planning process in 2012 so she felt her neighbor was well aware of her development. In addition, she provided copies of her neighbor's website selling crops and holding events without permits and pictures of her neighbor providing his own shade for his property. She

stated she had the support of the Police Department and Code Compliance regarding assisting with cleaning up the area. She provided a petition to the Commission of over 100 signatures in the area which were in support of her project. Commissioner Brown stated concerns regarding the shade analysis provided as he noticed the site plan provided for the shade analysis was significantly different than the actual development plan, the correct setbacks were not provided in the shade analysis, and the site plan did not properly align with the shade analysis. Chair Hemming invited the public for comments. Ms. Frecia Gonzalez, Pomona resident, spoke regarding the many benefits urban agriculture can assist with in the community by creating safe spaces, access to land, building social capital, education opportunities, and cultural integration. Mr. John Barkman, resident in the area, stated he was a gardener which ate most of his crops. Shade does hurt his flowers/crops as his property is shaded from the east side and he would not like to add shade from the west side. He stated he felt the change would improve the neighborhood, he felt the development should not be more than 5 to 6 units. In addition, he stated he had concerns regarding the shade analysis provided by the applicant. Mr. Andrew Quinones submitted opposition for the project. Ms. Elinor Crescenzi, resident of the neighboring property, spoke against the development due to the negative impacts she felt it would cause to the area. She asked the commission to deny the request. Ms. Andrea Torres displayed crops from the neighboring garden and spoke against the development as she felt the garden had changed her life and others and she would not like to negatively impact the area. Mr. Santiago Noblin, Pomona resident, spoke against the development as he felt it would negatively impact the garden which healed and helped many and he felt was important to preserve the agriculture in the city. Ms. Karen Chapman-Lenz, Pomona Resident, spoke against the development and stated concerns regarding how the earth is being taken care of. She stated trees should be preserved and growing should be local. Ms. Laurette Lavin, Pomona resident, spoke against the development as she thinks it will negatively impact the neighboring garden which she thinks educates the community and provided many benefits. In addition, she requested an arborist to inspect the oak trees on the applicant's property to ensure the development would not harm them. Ms. Ingrid Gutierrez submitted opposition for the project. Ms. Lynn Fang, Pomona resident, spoke against the development and stated the shade analysis provided by the applicant was not correct. He asked the Commission to please deny the CUP or redesign the project to one story buildings to preserve the garden. Mr. Kia Shirali spoke in support of the project as he felt it would improve the city by causing better housing. Mr. Rishi Kumar, owner of the neighboring property, spoke in opposition of the development and provided background on his garden. Ms. Tracey Walters, attendee of the neighboring garden, spoke against the development as she felt gardening was educational and brought the community together. Mr. Freeman Allen, Claremont resident, spoke against the project as it would negatively impact the garden and he felt the garden provided many benefits. Mr. Randy Bekendam, speaking as an urban farmer and the founder of the garden Mr. Kumar operates at 1196 San Antonio, spoke regarding the benefits of farming and the sense of community it provided. He asked everybody to work together to find a solution for all. Mr. Arthi Radhakrishnan, provided a shade analysis, read a letter submitted by the company who performed the shade analysis, and spoke in support of the neighboring garden. Ms. Sara Tso spoke against the development as she felt urban gardening was beneficial to the community. Ms. Chika Kondo, volunteer at the neighboring garden, submitted a comparison of the two shade analysis provided and the inaccuracies of the shade analysis provided by Tork Inc. Ms. Jan Sutton spoke in support of the garden and stated concerns regarding the projects proposed layout and density. If approved, she asked for conditions to be added addressing fencing, tools used during construction, and ensuring the lofts remain as lofts. Mr. Mike Ahmari, representing the lending company for the requested project, spoke regarding being approached by the developer regarding first time buyer and veteran programs for the community and asked the Commission to approve. Dr. Aaron F. Fox, attendee of neighboring garden, spoke against the project due to the negative impacts it would cause to the garden. Mr. Charles Young, Claremont resident, spoke against the development and in favor of the



garden due to the benefits provided by the garden. Ms. Manjie Kumar, provided a presentation regarding the garden to the Commission and spoke against the development. Ms. Kathryn Lewis spoke in favor of the garden and against the development as she felt the garden provided many benefits. Mr. Wesley Mason, Claremont resident, spoke in favor of the garden and against the development as he felt the garden provided many community benefits. Ms. Jamileh Ali spoke in favor of the development as she felt it would improve the area and increase the property value in the area. Chair Hemming closed public hearing. Assistant City Attorney Jared reminded the Commission that much had been said about the garden, but the decision must be made based on the findings in terms of the development, not the garden. Chair Hemming stated she felt the R-2-S zone spells out the specifics of the zone in which she thinks the development adheres to. Commissioner Brown stated a concern with the current development plan as he felt it caused adverse impacts to the surrounding area so he would not be able to support the request. Commissioner Ursua stated the development was affordable housing which was needed in California. He stated the developer made revisions and he understood all comments made tonight, but the property is in an R-2-S zone and if consideration was made regarding shade rights over property rights there would be issues all over the city. Commissioner Ramos stated he felt the development would stick out in the community, he thinks the developer could have done more to reduce the density, and so he could not support the project. Commissioner Grajeda stated he was not happy with the density of the project and he was also not in agreement with running a business without a permit which is what was being done by Mr. Kumar with his garden.

Motion by Chair Hemming, seconded by Vice Chair Arias, failed (3-2-1-1), Commissioners Brown and Ramos denied, Commissioner Grajeda abstained, and Commissioner Juarez excused, adopting the attached resolution approving Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016).

Development Services Manager Johnson stated the applicant or anyone disagreeing with the decision made tonight had 20 days to file an appeal with the City Clerk.

Commissioner Ursua stated he would like to make a motion to allow the developer to work with staff, before the 20 days elapses, on a redesign. When the 20 days lapses the original motion would stand.

Motion by Commissioner Ursua, seconded by Commissioner Grajeda, failed (3-3-0-1), Commissioners Brown, Hemming, and Ramos denied, and Commissioner Juarez excused, to allow the developer to work with staff, before the 20 days elapses, on a redesign of Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016).

Commissioner Grajeda stated he would like to make a motion to deny based on the density of the project.

Due to the lack of a second, the motion failed.

City Attorney Jared stated no action had been taken by the Planning Commission. The applicant or anyone disagreeing with the decision made tonight had 20 days to file an appeal with the City Clerk.

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ITEM G:  
NEW BUSINESS:

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1. Memo for Continued Accessory Dwelling Unit Workshop

The Commission discussed and agreed to continue the item.

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ITEM H:  
PLANNING COMMISSION COMMUNICATIONS:

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ITEM I:  
DEVELOPMENT SERVICES MANAGER COMMUNICATIONS:

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ITEM J:  
ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Hemming at 11:24 p.m. to the regular scheduled meeting of April 26, 2017 in the City Council Chambers.

  
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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.

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