

OFFICIAL MINUTES
PLANNING COMMISSION
MAY 9, 2018

CALL TO ORDER:

The Planning Commission meeting was called to order by Chairperson Juarez in the City Council Chambers at 7:08 p.m.

FLAG SALUTE:

Chairperson Juarez led the flag salute

ROLL CALL:

Roll was taken by Development Services Manager Stadnicki

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

Development Services Director Suarez, Development Services Manager Stadnicki, Assistant City Attorney Jared, Associate Planner Khan, Associate Planner Tam, Deputy City Manager Pelser

ITEM D:

PUBLIC COMMENT:

ITEM E:

CONSENT CALENDAR:

1. Draft Planning Commission Meeting Minutes – March, 28, 2018

Motion by Commissioner Hemming, seconded by Commissioner Arias, carried by a unanimous vote of the members (7-0-0-0) adopting the Draft Planning Commission Meeting Minutes of March, 28, 2018.

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2. Time Extension (EXT 9608-2018). Request for a one-year time extension for Conditional Use Permit (CUP 4100-2016) for a proposed 61 unit Multi-Family Residential development on a 55,386 square foot (1.27 acre) lot on a property located at 424-446 W. Commercial Street in within the MU-HDR (Mixed Use - High Density Residential) zone of the Downtown Pomona Specific Plan (DPSP).

Commissioner Hemming asked if this is the first extension they are asking for.

Assistant City Attorney Jared responded that Condition number two states that the approval shall lapse if construction is not completed or commenced within two years from the date of approval, which was May 2016.

Commissioner Hemming asked if they still plan on going forward with this project because they haven't been maintaining the lot.

Development Services Manager Stadnicki stated they have informed staff that they intend to move forward.

Commissioner Hemming asked if the request for extra time is a tax credit issue.

Development Services Manager Stadnicki confirmed yes.

Commissioner Arias references a letter submitted by the applicant which mentions a need to secure financing. He spoke about the potential of missing a fiscal deadline and asked if this something the Commission needs to ask the applicant.

Development Services Manager Stadnicki stated the applicant wasn't able to attend and that detailed questions need to be answered by the applicant. She continued that the process to get tax credits is competitive and on a two year cycle. She confirmed the applicant missed the first cycle this is the reason why they need additional time.

Commissioner Hemming supports continuing the item to get an answer from the applicant because they haven't been maintaining the property.

Motion by Commissioner Arias, seconded by Chair Juarez, carried by a unanimous vote of the members (7-0-0-0), to continue this item to May 23, 2018.

ITEM F:
PUBLIC HEARING ITEMS:

F-1 CONDITIONAL USE PERMIT (CUP 6844-2017) TO PERMIT THE MODIFICATION OF CONDITIONAL USE PERMIT NO. 14-058 TO ALLOW FOR THE REMOVAL OF CERTAIN CONDITIONS RELATED TO GRADING, PAVING, AND PARKING FOR A SITE IN THE C-4 (HIGHWAY COMMERCIAL) ZONE.

Item continued from April 25, 2018

Chair Juarez stated staff recommends continuing this Conditional Use Permit (CUP 6844-2017) to May 23, 2018.

Chair Juarez opened the Public Hearing.

Motion by Commissioner Hemming, seconded by Commissioner Ramos, carried by a unanimous vote of the members (7-0-0-0), to continue this item to date certain, May 23, 2018.

F-2

CHANGE OF ZONE (ZONE 6154-2016) & CONDITIONAL USE PERMIT (CUP 9774-2018). A REQUEST TO CHANGE THE ZONING DISTRICT FROM R-1-6,000, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1-E OVERLAY, SINGLE-FAMILY RESIDENTIAL OVERLAY DISTRICT FOR A PROPERTY LOCATED AT 1538 SOUTH TOWNE AVENUE. THE REQUEST ALSO INCLUDES A PROPOSAL TO ALLOW FOR THE CONSTRUCTION OF TWO DETACHED SINGLE-FAMILY STRUCTURES, CONSTRUCTION OF A SIX CAR GARAGE AS WELL AS ASSOCIATED SITE IMPROVEMENTS.

Associate Planner Tam provided a staff report for a request to change the zoning district (ZONE 6154-2016) and Conditional Use Permit (CUP 9774-2018).

Commissioner Ursua inquired if the R-1-E zoning requires additional space for guest parking and asked if two parking spaces were required per unit.

Associate Planner Tam stated that there no additional parking requirements for guests, and confirmed two parking spaces per unit.

Chair Juarez asked for a total number of units in the new build.

Senior Planner Tam responded 3 total, 1 existing home and 2 new proposed homes. He noted that the density meets the minimum standards required to accommodate the additional units.

Chair Juarez stated there are 6,564 square feet per unit.

Associate Planner Tam responded that this is correct and noted it exceeds the minimum of 6,000 square feet as required per the code.

Chair Juarez reviewed the lot size to be 64 feet x 280 feet.

Chair Juarez opened the public hearing.

Mr. Charles Yu, the applicant, representing the owner Mr. Hung Kwan Ku stated that the lot is almost 20,000 square feet and currently there is only a small 1,000 square foot home at the very front the lot, leaving the back underutilized. He stated the zone change will allow them to more efficiently use the space.

Commissioner Grajeda inquired if the new single family homes will be owned by different families or owned by one person as rentals.

Mr. Yu stated all homes will be owned by Mr. Hung and the new rear units will be rented.

Commissioner Grajeda confirmed that the owner will be living in the existing single family residence. He spoke about having two parking spaces per unit and asked if visitors will be allowed.

Mr. Yu responded that there is driveway space and no preplanned visitor parking. He noted it wasn't requested.

Commissioner Ramos spoke about parking allocation and the use of the driveway.

Development Services Manager Stadnicki stated that single family houses don't have a requirement for guest parking.

Commissioner Hemming asked for clarification on the garage size. He stated the staff report stays five cars but Staff is referring to a six car garage.

Mr. Yu confirmed a six car garage.

Commissioner Ursua spoke about the substantial size of the proposed houses at 3,300 and 3,400 square feet with five (5) bedrooms and four (4) baths for a potential of 10 bedrooms rented out. He expressed concerns with parking due to previous experiences with overburdened driveways and asked the applicant what they foresee if each house is limited to two cars.

Mr. Yu responded they didn't perceive this to be an issue.

Commissioner Ursua asked if the rentals would be limited to one family.

Mr. Yu stated each unit would be rented out to one family.

Development Services Manager Stadnicki asked if the Commission would like to add a condition to have Staff analyze the room for guest parking.

Chair Juarez stated yes. He supports Commissioner Ursua's comments and agrees that a five bedroom rental in the City of Pomona could result in one room is rented to multiple families. He asked Mr. Yu if the owner would be agreeable to meet with Staff regarding the parking.

Mr. Yu stated there was a miscommunication and the owner is planning to use the entire lot and homes for his family.

Development Services Director Suarez stated that the Commission has the option to continue this item so Staff can work with the applicant to address guest parking with the understanding that there are minimum code requirements. He stated they don't want to design at the dais, its best to sit down and return in a couple weeks with an idea.

Commissioner Brown stated he appreciates what Development Services Director Suarez has to say and if the applicant is amendable that's fine. He reminded his colleagues that this project is in compliance with City code so they have to think about fairness to our applicants.

Commissioner Hemming asked Assistant City Attorney Jared if they are allowed to differentiate requirements between a house being built for personal use or a house built for rental.

Assistant City Attorney stated that it doesn't matter. He clarified that the law allows regulation of subletting, California law doesn't allow limiting one family per home and State law says that if a group of people are acting as a family, conducting household functions together than they are considered a family, therefore you can have a lot of people living under one roof.

Commissioner Hemming clarified if there is a requirement for more parking because it will be a rental and asked if it currently meets the code.

Assistant City Attorney Jared responded no, it goes off of the use and yes this project meets code.

Commissioner Grajeda stated this seems to be an usual case, this is not a single family resident being built.

Assistant City Attorney reminded the Commissioners of the process. He stated that the other speakers need to speak before Commissioner deliberation. He reminded that saying too much too early shows a predetermination and cautions against it and if this item is coming back. Recommends taking other speakers and then providing direction to staff.

Mr. Amos Young, spoke in support of the project. He stated the concerns about parking were perfectly stated and commended Commissioner Grajeda, Brown, Hemming and Ursua for their comments as it relates to mitigations needed. He reiterated the City Attorney's statements and calls on the Commission to approve a change of zone. He stated he believes that Development Services Manager Stadnicki in consultation with her colleagues understands their concerns and will ensure they are appropriately addressed during the design review process.

Commissioner Arias reiterated that they cannot make a decision based on the property owner's statement of renting or personal use.

Commissioner Hemming asked the applicant if the area on the site map that shows storage is flat ground and paved.

Mr. Yu responded yes, just flat and dirt.

Commissioner Grajeda commented that this is an unusual item and spoke about making a request for additional parking.

Motion by Chair Juarez, second by Hemming to continue this item to a date certain, May 23, 2018.

Commissioner Hemming asked if Staff would look at the 20 x 60 foot wide storage area as ample space for additional parking.

Commissioner Arias commented he doesn't see a need to continue this item because it meets the code.

Motion by Commissioner Arias, second by Commissioner Brown to approve the change of zone and the Conditional use Permit, (CUP 9774-2018) as is.

Assistant City Attorney Jared clarified that they need to take the 2nd motion by Commissioner Arias and then the initial Motion by Chair Juarez.

Commissioner Hemming asked Commissioner Arias to amend his motion to request staff to work with the applicant on parking in the storage area.

Chair Juarez rescinded his motion.

Commissioner Arias agreed to amend his motion.

Assistant City Attorney Jared confirmed the motion is to approve the recommendations for change of zone, approval of the CUP with additional parking in the storage area. He asked for a 2nd.

Commissioner Brown gave second.

Assistant City Attorney Jared stated the terms “continuing to work with staff” makes the motion ambiguous. The Commission is either approving or not.

Commissioner Hemming stated she is approving the project, but she would like to see staff work with the applicant on the ability to add one to two parking spaces in the storage area, however, if it isn't possible she is still approving the project.

Chair Juarez requested to remove the first motion and vote to approve with no amendment.

Motion by Commissioner Arias, second by Commissioner Brown, passes by roll call majority vote (4-2-1-0), to approve the change of zone and the Conditional use Permit, (CUP 9774-2018) as is.

Commissioner Hemming asked Assistant City Attorney Jared if it would have been better to ask the applicant for adjustments and have an agreement on record before a motion was made.

Assistant City Attorney stated there would have been complications with that situation as well.

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner Ursua spoke about the argument from Commissioner Brown that the parking met code and commented on the role of the Planning Commission to deal with the mess that exists in the City. He reported that recently approved and regulated projects have cars are lined up on streets and that parking is an issue they need to regulate for the future. He shared he would provide pictures.

Commissioner Ramos, echoed Commissioner Ursua's comments about problems with parking.

Commissioner Grajeda commented on a need for the right housing in Pomona. He spoke about the accommodating tenants, traffic and parking. He stated that parking is an issue throughout the County. He requested staff, with an agreement from the applicant in Item F-2, work to find more parking.

ITEM H:
DEVELOPMENT SERVICES MANAGER COMMUNICATION:

Nothing at this time.

Development Services Director Suarez stated he has noted the Commission's concerns with regard to the guest parking spaces to include in comprehensive development code update project.

Commissioner Ursua commented that Item F-2 stands out because of the five bedrooms and these types of facts need to be considered in the R-1-E zone.

ITEM I:
NEW BUSINESS

1. PARKING STUDY REVIEW (MISC 9798-2018). REVIEW OF PARKING STUDY TO APPROVE A REDUCED PARKING RATIO. PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA PUBLIC RESOURCES CODE, SECTION 21084 ET. SEQ.), THIS PROJECT MEETS THE REQUIREMENTS FOR A CATEGORICAL EXEMPTION IN COMPLIANCE WITH ARTICLE 19, SECTION 15301, (CLASS 1 - EXISTING FACILITIES).

Chair Juarez asked if this item was a public hearing.

Development Services Manager Stadnicki stated it is not, and staff is recommending, with the applicants permission, continuing to May 23, 2018.

Item will be continued to May 23, 2018.

ITEM J:
DISCUSSION

1. Public Meeting Presentation/Public Comment:
Recommended amendments/modifications to the F (Fairgrounds) Zone of the Pomona City Code, Section .435 of the Zoning Ordinance (File Case No. 9778-2018)

The Commissioners took a two minute break before beginning this item.

Chair Juarez spoke about notification within the 1,000 foot limit of the Fairplex. He stated two Commissioners are being questioned about the closeness to the zone and asked for legal clarification

of their ability to stay and discuss, and vote. He also asked if the notifications went out in that district why one of the Commissioners did not get a notification.

Development Services Manager Stadnicki stated she will check the list to see if there was something missing, as far as she is aware they did the noticing per code.

Assistant City Attorney Jared responded that the Fair Political Practices Commission has established regulations for what is a conflict of interest. One of those conflicts of interest is having an economic interest in a project that is before a Commission or any other decision making board. The law is clear that if one has a property interest in a piece of property within 500 feet and makes a decision and/or participates in a decision there is a conflict. While tonight there is not a decision to be made, this is a public meeting, where comments will be used to potentially modify the zoning of the F-Zone.

Assistant City Attorney Jared continued that there are certain other rules. In this instance a letter received from the law firm Sheppard Mullin, who is representing the Fairplex, has raised the issue of the Political Reform Act and the different conflict of interest regulations. If one were to have a property interest, pure ownership or a long term lease, then the way to still participate in the process is to declare you have the economic conflict of interest, step down from the dais, leave the room, and at public comment one can come back and have their 3 minutes. He finished by stating it is not the Attorney's offices role to regulate or govern, it is a decision that the individual who has the interest has to make for themselves.

Commissioner Ursua declared that he lives at 2050 Yorba Avenue and has an ownership interest in the house. He shared his household did not receive a notice and today was the first day he saw the letter. He stated the letter reads less development means my house is worth more and more development means my house is worth less and he would like to see that quantified. He commented that's why some people want oversight, because too much development means less value. He declared he is not going to recuse himself tonight.

Further discussion ensued about Mr. Ursua's potential conflict of interest.

Assistant City Attorney Jared stated if you are located within 500 feet it is presumed you have an impact, and therefore you need to declare your economic conflict of interest and step down and leave except for participation in public comment.

Commissioner Ramos stated he understands.

Commissioner Brown commented that it is not the City Attorneys' job to regulate and asked if the Fair Political Practices Commission (F.P.P.C.) gives advice letters to Commissioners, and Council members about conflicts of interest.

Assistant City Attorney Jared confirmed they do.

Commissioner Brown continued that his understanding is if the F.P.P.C reviews the complex issue and provides an advice letter with a ruling that you are not conflicted, then it offers some immunity from a pursuit of violations.

Assistant City Attorney Jared confirmed Commissioner Brown is correct, that is the only defense.

Commissioner Brown stated that City's Counsel cannot provide that same type of immunity.

Assistant City Attorney Jared stated that is correct.

Commissioner Brown spoke about the F.P.P.C direction for public disclosure and withdrawal from participation from the dais. He urged his colleagues to think about this carefully to ensure that the hard work on the Planning Commission doesn't get put into jeopardy as a result of this process.

Commissioner Arias asked Assistant City Attorney Jared if the decisions made by other commissioners affect the entire commission.

Assistant City Attorney Jared stated that the letter from Sheppard Mullin points out a potential decision being imputed on the City, putting the hard work of the Planning Commission in jeopardy. He responded that Commissioner Arias would not personally get in trouble. He noted that the rule Commissioner Arias may be referring to is a 1090 issue, where if a Commissioner had a contractual interest in what was being presented than it applies to the entire board.

Commissioner Hemming commented she feels that this is a Brown Act violation for this Commission and that there is a footage issue. She stated that there have been members of this Commission that have spoke on this issue at City Council Meetings and in print showing that they already have predetermined decision as to the issue, so it's even more than just the 500 foot rule.

Motion by Commissioner Hemming, second by Commissioner Brown, to continue this hearing until an F.P.P.C. letter can be received to know if this Commission can go forward as seven (7) or with less Commissioners.

Commissioner Ramos stated he will recuse himself.

Chair Juarez shared that he hasn't been able to read everything and would be in favor of a continuance, however, there are a lot of people who have shown up tonight and expressed his concern for wasting people's time and their ability to exercise their democratic rights. He stated he would read into record the list of names, opposing or in favor of the amendments. He reported he was going to ask to limit comments to 1 minute and allow staff to make a presentation.

Commissioner Ursua stated his is not happy with this but for the sake of expediency and due the fact that the Commission is an advisory body he will step down and go home.

Commissioner Ramos stated he will leave the dais too.

Commissioner Hemming withdrew her motion.

Development Services Director Suarez provided a staff presentation on the proposed text amendments to the existing code in section 435 of zoning ordinance F-zone (Fairground) zoning district. Director Suarez reviewed the language that was brought forward by the City Council Ad Hoc Committee regarding F-Zone ordinance amendments.

Director Suarez spoke about implementation and practicalities of the year round permitted uses.

Director Suarez encouraged the Commissioners to look at the General Plan, zoning and implementation.

Commissioner Hemming asked if the changes were there when City Council saw it or if these were as a result of Council's recommendation.

Development Services Director Suarez stated they are a result.

Assistant City Attorney Jared reported that there have been some comments at past meetings regarding what affect these changes would have on vested rights and this process no different than any other lot in the City that has been rezoned. There will still be Conditional Use Permits that are currently valid and in use. Nothing that is being proposed by the Ad Hoc Committee, City Council in this report would take away an existing Conditional Use Permit. He clarified that the NHRA drag races is an ongoing event within an existing Conditional Use Permit and nothing in this code text change being proposed would alter this.

He stated if the Commission wants to void a Conditional Use Permit they need to go through a public hearing process to void. He reiterated that the intent is to address impacts and understand the communities concerns about operational impacts of events, such as music too loud, too late, too close, traffic control, and scheduling of events in a manner that creates offsite impacts. He clarified that the document that was has been presented tonight with the boxes; the boxes themselves were not included previously, and provided as clarification.

Development Services Director Suarez added that the section related to Attachment 3 includes a list of previous entitlements and history of Fairplex property.

Chair Juarez invited the Fairplex to speak, (five minutes each) not to exceed 10 minutes with two representatives.

Mr. Miguel Santana, President/CEO of the Fairplex, stated there has been confusion of how the proposed amendment to the F-Zone will be applied and expressed concerns that the process was not transparent and didn't include any input from Fairplex. He spoke about addressing specific issues to resolve problems and respectfully requested that the Commission reject the proposed language to initiate a new process with input from the community and Fairplex. He reported that the Fairplex has engaged in a very extensive yearlong strategic planning process to hear the issues in a formal manner, which is nearly complete and consistent with the Pomona General Plan. He shared they have instituted a response system for neighbors to issues complaints and concerns and get a real time response. He stated that the proposed amendments are in direct conflict with the City's vision for the Fairplex campus to be an economic engine to create revenue. He expressed further concerns that the confusion that has surfaced as a result of the action taken without input from Fairplex has had a negative impact. He expressed frustration about his efforts to reach out to the "Protect Our Neighborhood" and was informed in writing he was not welcome.

Mr. Alfred Fraijo, Jr., Counsel for the Fairplex, stated he submitted a letter which has been reviewed, and he appreciates the courtesy provided. He highlighted concerns about the transparency of the process and conformance with local rules, General Plan and bylaws that apply to the Planning Commission. He reviewed the contents of the aforementioned letter.

Public Comment

Mario Ramos, spoke in support and about using 500 acres for positive things, the current issues, and independent contracts.

James Choi, opposes, does not wish to speak.

Dwight Richards, opposes, does not wish to speak.

Erika Kercheval, spoke in support of the recommendation of the Ad Hoc Committee and expressed concerns with unsupervised warehouses.

Thomas Faughnan, Senior Assistant County Counsel for the County of Los Angeles, spoke in opposition. He stated he concurs with the concerns raised by the Fair Association regarding the process and expressed further concerns that as the majority owner of the Fairgrounds they have not been consulted regarding this action.

Joyce Chang, CEO's Office County of Los Angeles, spoke in opposition and expressed her concerns about the actions being recommended without input from the County. She stated in November the County met with the City Manager and City Staff to ensure they would be part of the process and was very surprised to find out last Friday that this item was on the agenda with no notice to the County. She requested the Planning Commission direct staff to work with the County to address concerns before this item is brought back to City Council.

Efren Herrera, spoke in support of the modifications to the F-Zone ordinance under recommendation to the City Council.

James Gayles, spoke in support and expressed concerns about the traffic congestion on the South Side of Ganesha Hills.

Jesus Campos, spoke in support and concurs with County Counsel. He also spoke about his community farm being asked to leave after 30 years.

Laura Lopez, opposes, does not wish to speak.

Lynn Swearingen, opposes, does not wish to speak.

Jason Warren, opposes, does not wish to speak.

Julie Mestas, opposes, does not wish to speak.

Chris Faull, opposes, does not wish to speak.

Rikki Fine, opposes, does not wish to speak.

Nick Warren, opposes, does not wish to speak.

Syd Swearingen, opposes, does not wish to speak.

Mickey Gallivan, spoke in opposition and expressed concerns about the recommendations impact on the National Hot Rod Museum and the Fairplex operations.

Tina Loza, District 6 Fairplex Board Member, spoke in opposition and shared her experience with the formation of the Ad Hoc committee. She spoke about the Fairplex's multi-session strategic planning and expressed concerns about the agendized F-zone vote on November 20, 2018 and the fact that the party affected was not included.

Karen Loehr, opposes, does not wish to speak.

James Gallivan, opposes, does not wish to speak.

Pat Newton, opposes, does not wish to speak.

Norma Martinez-Quinones, opposes, does not wish to speak.

Andrew Quinones, opposes, does not wish to speak.

Susan Vaughn-Acton, opposes, does not wish to speak.

Sara Orduna, opposes, does not wish to speak.

Lacy Flippin, supports, does not wish to speak.

Ciriaco "Cid" Pinedo, Board Chair at the Fairplex, spoke in opposition on behalf of the Fairplex Association. He requested a process that is inclusive and participatory. He stated they are willing to work with the City, Planning Commission and residents to be good neighbors.

Amos Young, spoke in opposition and full rejection of the current language presented.

Dennis Farley, opposes, does not wish to speak.

Tami Farley, opposes, does not wish to speak.

Anne Henderson, opposes, does not wish to speak.

Tammy Roush, Director of Engagement for Fairplex, spoke in opposition. She stated they are trying to be a good neighbor and extend invitations to private neighbor events and mail regular newsletters.

Kristie Kercheval, spoke in support. She expressed concerns with not being heard at a Fairplex planning event and oversight of traffic and emergency vehicles.

Matt Zarzana, George Cross and Sons, promoter of the Pomona Swap Meet and Classic Car Show, spoke in opposition and expressed concerns with the impact of the Conditional Use Permit's 10,000 people limit. He stated he would not want to spend time or money promoting future events if there is an unknown outcome.

Erica Frausto, Pomona Chamber of Commerce, spoke in opposition. She stated the Chamber of Commerce has concerns about the process and feels the amendments will deter new businesses from coming into the City. She requested that the City open lines of communication with the Fairplex.

Mike Rice, National Hot Rod Association, spoke in opposition. He stated he appreciates the long standing relationship and understand that the amendments will not have an impact on the long standing events that have been hosted since the 1950's.

Dennis Querio, opposes, does not wish to speak.

Michael Dreibe, spoke in opposition. He requested the Commission reject the proposal and start again. He stated the Fairplex is an economic engine generating millions of dollars in tax revenue.

Roberto Arnold, supports, does not wish to speak

Regina Wang, spoke in opposition. She strongly urges the Commission to revise language and start over to give Fairplex a chance.

M. Joyce Bakersmith, spoke in opposition. She expressed concerns with Fairplex not being included.

Sharon Willison, opposes, does not wish to speak.

Brenda Gomez, spoke in opposition and about the Fairplex's impact through community engagement, education programs and Junior Fair scholarships.

Mary Prendergast, spoke in opposition and about Fairplex's strategic planning process that gave the community members an unprecedented level of engagement with leadership. She highlighted the positive contributions of the Fairplex via tax revenue, engagement of police services, other part-time / full-time employment and donations to the school district.

Anne Tomkins, spoke in opposition and expressed concerns with the process. She requests that the Commission start fresh with amending the zoning code.

Beth Brooks, spoke in opposition. She stated she sees no issue with current operations and highlighted the educational, entertainment and economic contributions.

Alfredo Camacho-Gonzalez, spoke in opposition of the proposed changes.

Manuel Contreras, supports, not present.

Denise Marquez, supports, not present.

Ron Vandermolen, spoke in opposition and about the lack of communication through the process. He stated good government works together and encourages the Commissioner and staff to involve the Fairplex.

Carol Wilt, spoke in opposition and would to see the Fairplex involved in the process.

Roberta Perlman, Board Member of Pomona's Promise, spoke in opposition. She shared that the Fairplex donates buildings, staff and parking for an annual learning expo for the children and families of the community.

Kathy Have, spoke in support of the changes made by the Ad Hoc Committee as a start of allowing the City to have oversight over activities at the Fair. She expressed concerns about the ability to build a 29,999 sq. foot facility without a conditional use permit.

Brenda Morris, spoke in support and expressed concerns about the lack of environmental impact reports and oversight. She stated the Fairplex is a parcel of the City and the Planning Commission should review proposed changes as it does for the rest of the City. She noted she did not get a letter about the meeting.

Brian C. Brooks, spoke in support and shared his personal experience with Fairplex event attendees using drugs near his home. He stated he would like to get the oversight back to elected leaders.

Maru Vasquez, no position, no present.

Victor Preciado, spoke in opposition and stated the proposed restrictions will affect neighborhood programs. He commented that the Fairplex is an integral part of the community and collaboration with the City of Pomona is essential in the advancement of Pomona as a whole.

Judith St. John, spoke in support of the modifications. She stated the modification process of the F-zone has been going on for two and half years and included several public meetings with Fairplex speakers. She requested resident's get time equivalent to Fairplex representatives to speak. She suggested setting attendance limits based on traffic impacts.

David McElwain, spoke in opposition and urges the Commission to reject. He stated he works with low income parents to find employment and expressed concerns that the proposed amendments will have immediate, significant and lasting negative impact on the jobs available to local residents.

Robert Mendez, opposes, not present.

Tiffany Schindler, opposes, does not wish to speak.

Jeff Allred, San Gabriel Valley Economic Partnership, spoke in opposition. He stated the Fairplex is a significant asset and economic contributor to the quality of life in Pomona so the Partnership urges the Commission to work with Mr. Santana and oppose the proposed amendments.

Mike Suarez, spoke in support of the modifications to the F-zone and the recommendation of the City Council on November 20, 2017.

Deanna Puetthong, supports, does not wish to speak.

Dr. Reyna Garcia Ramos, spoke in support of zoning that is good for the City. She expressed concerns with the 1 minute time limits, and about the City giving up its oversight of the land use of the Fairgrounds in 2004 with the current F-zone.

Diodoro Garcia, supports, does not wish to speak.

Celia Garcia, supports, does not wish to speak.

Joe R. Silva, spoke in support, expressed concerns about the claims of a lack of transparency.

Mark Hill, spoke in opposition. He noted that as a concessionaire and commercial vendor at Fairplex, he has been involved for over 40 years and expressed concerns about the impact on employment opportunities.

Lisa Gomez, supports, does not wish to speak

Rose Marie Blanco, opposes, does not wish to speak.

Brian Schindler opposes.

Tania Vazquez supports the modifications to the F-zone.

Kathy Adkins, opposes, does not wish to speak.

Victor Caceres, spoke in opposition and about the lack of inclusion.

Jose Delgadillo, supports, does not wish to speak.

Rebecca Delgadillo, supports, does not wish to speak.

Antonio (no last name on speaker card), supports.

Alberto Acost, supports.

Robert Allen Wheder, supports, does not wish to speak.

Kelly Roxas, supports.

Noemi F. Rodamaker, supports, does not wish to speak.

Lisa M. Pellegrin, supports, does not wish to speak.

Felicitas Garcia, supports, does not wish to speak.

Frank Justice Porter, supports, does not wish to speak.

Kevin Reed, supports, does not wish to speak

Margaret L. Pinnt, supports, does not wish to speak.

Gary C. George, supports, does not wish to speak.

Uvon B. Cisneros, supports, does not wish to speak.

Clarence R. Webb, supports.

Donna S. George, supports, does not wish to speak.

Phyllis Ramella, supports, does not wish to speak.

Susan Tantee, supports, does not wish to speak.

Commissioner Hemming unofficially counted 54 opposed and 19 in support.

Development Services Director Suarez stated Staff will do their best to tally speaker cards. He noted he provided his business card to several audience members to contact him for further information.

Chair Juarez suggested they need to digest the information that was brought forward; therefore, he suggests continuing this workshop as he is not prepared to give a recommendation to the City Council at this juncture.

Commissioner Grajeda stated he appreciates everyone who came tonight, asked if there was a way to include residents outside District 6. He would like to hear more input from other areas in Pomona about this issue.

Commissioner Hemming thanked everyone who came and spoke. She stated that the most important thing heard was that L.A. County, the main property owner, wasn't included in the discussion process. She commented on the City Council's opposition to the F-zone and the way it was written and noted she still sees this as burdensome document that doesn't have the viewpoints of a wide variety of people and it wasn't done in the proper manner. She agrees with the suggestion to conduct transparent meetings to rewrite to include feedback from community members, city, the Fairplex (the business), L.A. County (property owner), The City of LaVerne (property owner), and City Planning.

Motion by Commissioner Hemming, second by Commissioner Arias, to reject.

Assistant City Attorney Jared clarified the history and process. He shared that there was a joint meeting between the City Council and the Fairplex Board about a year ago. At that meeting the City Council provided direction to create an Ad-Hoc Committee, comprised of three (3) council members to address the issues, as they saw them. That Ad Hoc Committee met, several times, and as a body as appointed by the Mayor was not required to be a Brown Act Body and therefore they did not have meetings that were publically noticed with public participation. He continued that from this Committee came a document that was considered by the City Council as a report back. He noted that this process was discussed and contemplated at the joint meeting of the Fairplex and the City Council, albeit the Fairplex did not have a say, because it was a City created Ad Hoc Committee. He noted that the City can rezone any property and does so from time to time without including every property owner in the rezone. He reported that when the Ad Hoc Committee presented to the City Council, in April and November, there was significant comment, which led to the direction to pass along to the Planning Commission for a public process. The types of public processes that are being requested may not be enough for everyone and there will be difference of opinion, but this is the process the City typically uses for zoning amendments. He shared it is atypical to have a meeting like this, that is freeform and providing comment before you vote. He commented that the Commissioners are not at a point to consider a motion and next is for this to come back for more formal consideration. He clarified that Commissioners can make a motion to consider the document further, for there to be further dialogue, or for staff to bring back something. He added that it would be helpful for staff to hear particulars of what the Commission wants to see in the process or in the content of the document itself.

Commissioner Hemming clarified that her motion is for the document to return to staff and be redone with more input.

Development Services Director Suarez expanded further on this the process. He stated that tonight was a start to understanding how a policy document works with regard to the zoning, providing background related to the vision of the area as shown by the General Plan and public comment to allow the Commission to provide staff direction. He stated that the Commission has the right to provide recommendations and strategies to move forward to include the creation of a process that provides further input, a request for clarification on issues or for staff to address concerns in order to bring forward a recommendation to City Council.

Chair Juarez requested detailed information in regards to what modifications are being recommended versus what exists and asked for synopsis to be clearer than what was presented today. He spoke about his experience on the Homeless Advocacy Committee and giving these issues a respectable amount of time and energy.

He recommends entering into the record everything that was discussed tonight about the creation of a new Ad Hoc Committee to include L.A. County, representatives of the Fairplex, the citizens committee PON [Protect Our Neighborhood] and any other interested citizens who want to give time and energy.

Further discussion ensued by the Commission concerning letters received and appreciating the public attendance in providing their input on issues related to the fairgrounds.

Commissioner Hemming reiterated that the City of LaVerne needs to be included.

Assistant City Attorney Jared stated there is a portion of the fairgrounds that is located in the City of Laverne, but the Planning Commission actions will not zone that portion.

Development Services Director Suarez noted that Staff contacted the Director of Community Development of the City of LaVerne to get additional information as it relates to their Specific Plan and there was a planner from the City taking notes in the audience.

Commissioner Grajeda asked if it was too late to include the Pomona Fair input in the next session.

Mr. Suarez stated it is not too late.

Chair Grajeda stated he would like to include input from other Districts.

Chair Juarez asked staff if they were satisfied with the comments that have been made and the direction of the Planning Commission has provided, so that they can take it to the City Council and we can have another joint session or create an Ad Hoc Committee that is more inclusive.

Development Services Director Suarez responded that this meeting has done exactly what it was designed to do, which was to open up stakeholder and public discussion, starting the transparency process. He stated that staff has interpreted what was done at Council level and provided an honest and straightforward meeting in terms of the current status. He requested to hear from the Commissioners if they have further comments and stated he has sufficient language to take back and devise a response for the first meeting in June.

Commissioner Hemming and Chair Juarez stated they do not want it to come back the Planning Commission until a discussion takes place and all the issues are looked at.

Development Services Director Suarez responded he will come back with a staff report about how that discussion will be organized and take place.

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Juarez at 10:26 p.m. to the regular scheduled meeting of May 23, 2018 in the City Council Chambers.



Mario Suarez, 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.