

OFFICIAL MINUTES
PLANNING COMMISSION
JANUARY 9, 2019

CALL TO ORDER:

The Planning Commission meeting was called to order by Chairperson Kyle Brown in the City Council Chambers at 7:00 p.m.

FLAG SALUTE:

Commissioner Grajeda led the flag salute.

ROLL CALL:

Roll was taken by Planning Manager Gutierrez.

COMMISSIONERS PRESENT:

Chair Brown, Vice-Chair Grajeda; Commissioners Camacho-Gonzalez, Urey, Vander Molen, and Kercheval

COMMISSIONERS ABSENT:

Commissioner Ursua

STAFF PRESENT:

Planning Manager Anita Gutierrez, Contract Planner Jeff Hamilton, Assistant Planner Sandra Elias, City Attorney Marco Martinez

ITEM D:

PUBLIC COMMENT:

None

ITEM E:

CONSENT CALENDAR:

None

ITEM F:

HEARING ITEMS:

F-1

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 9649-2018) TO ALLOW THE CONSTRUCTION OF FIVE (5) NEW TWO-STORY RESIDENCES WITH ATTACHED 2-CAR GARAGES, AND REMODEL OF AN EXISTING RESIDENCE, ON THE 6-LOT (FINAL TRACT MAP NO. 61128), 0.90-ACRE PROPERTY LOCATED WITHIN THE R-2-S (LOW DENSITY MULTIPLE-FAMILY WITHIN THE SUPPLEMENTAL USE OVERLAY) ZONING DESIGNATION, LOCATED AT 1446 W. ELEVENTH STREET.

Jeff Hamilton, Contract Planner, provided a presentation on this item.

Commissioner Vander Molen asked about current city policy. He expressed concerns about the number of bedrooms for the square footage on a small cu-de-sac.

Contract Planner Hamilton responded in the last ten years or so, larger units are becoming more common. He spoke about there being split in the market with a demand for studios in high density/urbanized areas (like Downtown L.A.) and four and five-bedroom units in places like Pomona where the land values are not as high.

Commissioner Vander Molen spoke about the tendency for rooms to be rented out in four- and five-bedroom units. He asked if this was a gated community.

Contract Planner Hamilton responded no gate is proposed.

Commissioner Vander Molen asked how the trash will be collected.

Contract Planner Hamilton responded the private drive has enough room for a trash truck to access and it will be standard trash cans.

Commissioner Grajeda expressed concerns about the high density. He reported the Commission has seen quite a few 4-5 bedroom projects which have turned into rentals. He expressed concerns about parking in Pomona and stated having two parking spots per unit and six spaces for visitors on four- or five-bedroom units is not enough. He asked if the Planning Department can work with proponents on overcrowding and parking.

Contract Planner Hamilton responded the Commission has discretion to discuss options with the applicant. He noted staff are constrained by the code, however, if staff has an expressed will of the Commission on design or on parking, then they can pass that along to applicants. He stated if the Commission prefers that the project be smaller because of parking reasons it would be appropriate to discuss when the applicant comes forward.

City Attorney Marco Martinez responded the Commission has a lot of flexibility and the ability to require conditions that address the reasonable impacts that might be created by any project. He stated parking is certainly something within the Commission's purview.

Contract Planner Hamilton reported the applicant originally proposed six guest parking spaces, but was short on the required common open space, which is driven by bedroom count. He shared he negotiated with the applicant remove two guest parking spaces and replace with landscaping to meet the common open space requirements.

Chair Brown asked if the plan is consistent with the code at present.

Planning Manager Gutierrez responded the applicant is currently providing six, which is over the requirement of two guest parking spaces.

Contract Planner Hamilton responded the applicant is providing four guest spaces and reiterated the change he negotiated to meet the common open space requirements.

Commissioner Urey asked to see Plan A again.

Contract Planner Hamilton asked if Commissioner Urey wanted the elevation or rendering.

Commissioner Urey responded the rendering. She asked about the second story bedroom pillar.

Contract Planner Hamilton responded that it is not actually a bedroom but just a design element.

Commissioner Urey confirmed the element was the modification of the existing house.

Contract Planner Hamilton responded yes and commented that the feature is a little odd. He suggested a modest porch roof as a better choice.

Commissioner Urey asked to see the site plan again.

Contract Planner Hamilton displayed Plan A in the northeast corner.

Commissioner Urey asked if there was a circulation study done.

Contract Planner Hamilton responded no.

Commissioner Urey commented it seems like there are going to be a lot of cars coming and going and they may have some circulation problems.

Contract Planner Hamilton replied that Public Works Department reviewed the project and didn't require a traffic study because of the small number of houses.

Commissioner Urey stated the code language stated the design should be "explicitly compatible with the area" and this seems different. She asked Contract Planner Hamilton to elaborate the argument for getting to "explicitly compatible".

Contract Planner Hamilton replied he thinks much of the neighborhood consists of houses like this and that he doesn't think that the new housing proposed should look exactly like the existing housing. He spoke about the two units near the street, especially the existing one-story unit, providing a certain amount of compatibility. He stated unit B, because of the articulation on the street side, helps reduce the massing and makes it more street compatible. He noted he wouldn't want Unit C or D facing the street, but they are inward focused and don't present an architectural compatibility problem. He stated these homes represent a style that is very common (Mediterranean/Tuscan) and compatible with this neighborhood.

Commissioner Kercheval asked about the original zoning and history of the original house.

Contract Planner Hamilton responded the house was relocated from North Hollywood in 1956. He stated he isn't certain what the zoning was then, but it was probably all single-family zoned and then changed in the 1980's or 1990's to R-2, low density multi-family and the S-Overlay came afterwards as a control. He stated he would have to do research to confirm.

Commissioner Kercheval spoke about people wanting to buy, but everything is so big, so they end up renting which prevents them from saving for a single-family home. She commented she feels part of the problems Pomona is seeing are the result of zoning from the past.

Commissioner Vander Molen commented that the zoning makes sense and shared there are a series of units that look like they were built in the 1950's nearby, as well as, lots in South Pomona that are huge and go on for blocks.

Contract Planner Hamilton provided a picture of what Commissioner Vander Molen was speaking about.

Commissioner Vander Molen stated he agrees with Commissioner Urey on the strange design on Plan A and suggested finding a better way to make it more aesthetically pleasing. He expressed concerns about the windows being asymmetrical in placement and size.

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

Richard Ortiz, 9587 Arrow Route, Rancho Cucamonga, 91730; He stated he is the designer for this project working for Mr. George Gutierrez, the applicant, and is here to answer questions.

Commissioner Kercheval asked about the use of green or solar technology in the homes.

Mr. Ortiz responded they are not to that phase yet. He stated solar is mandatory and all the new homes are using some type of smart system to turn lights and thermostats on/off, so that will be implemented to make the homes more attractive.

Commissioner Vander Molen asked how the window placements were chosen, specifically the lower bottom, narrow window on a bedroom in comparison to the big window. He asked if they could be improved to be larger and more symmetrical.

Mr. Ortiz responded that people like their privacy in areas with showers. He spoke about providing some natural light. He mentioned the slider on the rear elevation being 15 feet away from the property line and spoke about trying to acquire the property next door to be able to provide more yard, however it wasn't affordable. He stated he was trying to be playful in his design because sometimes symmetry is boring. He stated he utilized big windows for the living area and then smaller windows in the bedrooms to provide privacy from neighbors. He stated if they put a big window in the bedroom then they don't have a headwall and people get mad because they don't want their head against the window. He noted Title 24 now prohibits number of windows on walls facing south, west and east and so he had to be playful with the architecture to provide windows for ventilation.

Commissioner Vander Molen asked if the Master bedroom window could be more than 2 feet wide. He stated drapery and blinds are an option for privacy.

Mr. Ortiz responded it's all about preferences. He noted they just built brand new houses in San Jacinto with 3-feet x 5-foot windows. He stated they get bored doing the same projects, so he decided to do something different. He noted the code asks for one window for natural venting and exiting and the front window is 6-feet by 6-feet.

Commissioner Vander Molen stated he doesn't have any problem with the front elevation, it's all the other elevations that seem strange. He noted people prefer light and airy.

Commissioner Grajeda asked if Mr. Ortiz if he brought any exterior material samples.

Mr. Ortiz responded not today.

Commissioner Grajeda asked what kind of materials the applicant plans on using on the exterior.

Mr. Ortiz responded they submitted a digital sample of materials. He stated they will be using stucco, foam, tile roofs, energy efficient windows, stone veneer, different cultured stone, river rocks, energy efficient (LED) lights, and decorative elements to accent the exterior façade and provide diversity from one house to another.

Chair Brown stated the material sample board is on sheet A305 of the plans that we received.

Commissioner Grajeda asked if it is necessary to build five-bedroom units.

Mr. Ortiz responded the owner has been working on this project since 2007 and he is permitted to build 8 houses on this lot, which would impact the site with even more with parking. He reported they made an agreement to do six houses. He spoke about analyzing what is selling and seeing a need for five bedrooms because parents are coming to live with their children or vice-versa. He commented the market doesn't seem very good and they need to sell by July. He expressed concerns with building something that is too small and not being able to sell it. He spoke trying to beautify by choosing attractive architectural elements so more people want to build in Pomona. He acknowledged concerns with Airbnb.com and individual room rentals, but he doesn't see that being an issue here.

Commissioner Grajeda commented that most of the units in that area are multiple-family units, not single-family. He commented this project will be more attractive because of problems with parking. He acknowledged the investor is looking to get as much return as possible and spoke about people looking for a house to stay in for five years and then they move on.

Mr. Ortiz stated he would rather have six guest parking spaces and be short on the percentage of landscaping.

Commissioner Urey asked Mr. Ortiz about the odd space on the primary house.

Mr. Ortiz responded he can change the tower on the primary home. He stated he was trying to be playful to give that home volume next to the bigger homes. He spoke about wanting to do a two-story home and not being allowed. He noted it is challenging to get a design for six homes that meets the City's setbacks (front, side) and parking.

Commissioner Vander Molen encouraged the applicant to do a drastic change on the primary home's architectural elements.

Mr. Ortiz replied he can just take it out.

Commissioner Vander Molen requested Mr. Ortiz to do something not just remove the element. He stated he agrees with Mr. Ortiz about allowing a couple more parking spaces. He noted the Councilmember in that district does not like a lot of parking on the street. He asked if the front yard was going to be a dry scaped.

Mr. Ortiz responded landscaping requirements state materials must be drought tolerant.

Chair Brown closed the public hearing.

Commissioner Camacho-Gonzalez asked City staff if was within the Commission's purview to allow for more parking and the removal of the greenspace. He noted he is a proponent of green space, however, he doesn't see it being used in this situation.

Planning Manager Gutierrez responded the applicant would have to pursue a variance in order to deviate from that open space standard.

City Attorney Martinez stated the applicant would have to apply for the variance and staff would have to re-notice the case and then there would be separate public hearing.

Commissioner Kercheval asked if the Commission could allow the applicant to add another story on the main house, Plan A.

Contract Planner Hamilton responded he doesn't know the history on that issue and it may have been a negotiation related to the compatibility issue.

Commissioner Kercheval asked compatibility to what.

Contract Planner Hamilton responded with the neighborhood.

Commissioner Kercheval commented she drove around the neighborhood today and noticed a lot of different designs. She commented she doesn't think it would stand out because there is a two-story development behind this property. Should stated she likes that they are building single family residential homes with space around them, instead of a condominium. She asked how her fellow Commissioners felt about this.

Chair Brown asked staff if a variance would be required for adding a second story on plan A.

Contract Planner Hamilton responded no.

Chair Brown clarified the second story was something negotiated in the design process.

Contract Planner Hamilton replied yes. He stated he never inquired about, and the applicant never pushed the issue, so it is his assumption that this was negotiated as part of the long gestation of this project.

Commissioner Urey commented that as the population ages there is going unmet demand for single story homes, therefore, she prefers leaving this as single story. She suggested taking the odd feature off the primary home to make it look different than the new homes in the development.

Chair Brown reiterated the concerns over the number of bedrooms and parking. He stated adding another story would add more bedrooms and more residents into that space, which needs to be considered.

Commissioner Urey commented she doesn't think changing the landscaping is a good option, since it would require a variance and put a big delay in the project.

Commissioner Vander Molen stated the map still shows the six spaces. He asked what two spaces were being removed.

Contract Planner Hamilton responded the two spaces on the southside of the guest parking area have been converted to landscaping.

Commissioner Vander Molen asked about the time frame of a variance.

Planning Manager Gutierrez responded at least 45 days.

Chair Brown asked the applicant to come forward. He asked if he was in favor of adding the two parking spaces back, knowing there may be a delay and additional processing.

Mr. Ortiz responded they are on a tight schedule and would prefer to proceed as is.

Commissioner Vander Molen commented the Commission shouldn't delay the project.

Commissioner Grajeda suggested the proponent remove the room on the first house. He stated he would love to see two more parking spaces, but the project has been delayed long enough. He made a motion to approve.

Contract Planner Hamilton stated for the Commission to implement their desire for a revised design for Plan A, they should add a Conditional of Approval stating, "The porch roof on Plan A above the main entrance should be revised to the satisfaction of the Development Services Director".

Chair Brown confirmed Commissioner Grajeda was comfortable adding this Condition to his motion.

Commissioner Grajeda agreed.

Commissioner Vander Molen provided a second to the motion.

Commissioner Kercheval asked if the applicant could come back later after everything is built to add parking.

Contract Planner Hamilton stated the applicant can always come back and seek a variance to modify the plan.

Motion by Commission Grajeda, seconded by Commissioner Vander Molen, carried by a unanimous vote of the members present (6-0-0-1), to approve Conditional Use Permit (CUP 9649-2018) to allow the construction of five (5) new two-story residences with attached 2-car garages, and remodel of an existing residence, on the 6-lot (Final Tract Map No. 61128), 0.90-acre property located within the R-2-S (Low Density Multiple-Family within the Supplemental Use Overlay) zoning designation, located at 1446 W. Eleventh Street with an addition Condition that the porch roof on Plan A, above the main entrance, be revised to the satisfaction of the Development Services Director.

Commissioner Ursua was absent for this item.

Planning Manager Gutierrez stated the appeal period for this time would be January 29, 2019.

F-2

PUBLIC HEARING – MAJOR SITE DEVELOPMENT PERMIT (MAJSDP 10938-2018) TO ALLOW THE CONSTRUCTION OF A ONE-STORY, 425-SQUARE FOOT ADDITION ON A SITE LOCATED WITHIN THE POMONA VALLEY HOSPITAL MEDICAL CENTER SPECIFIC PLAN AREA.

Sandra Elias, Assistant Planner, provided a presentation on this item.

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

Chris Aldworth, V.P. of Planning at Pomona Valley Hospital. He stated this project is a piece of a larger project where they are separating an older building. He reported they are required to have compliant space in order to bring food trays through and must create a new pathway to do that.

Chair Brown closed the public hearing.

Motion by Commission Kercheval, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (6-0-0-1), to approve Major Site Development Permit (MAJSDP 10938-2018) to allow the construction of a one-story, 425-square foot addition on a site located within the Pomona Valley Hospital Medical Center Specific Plan area.

Commissioner Ursua was absent for this item.

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner Grajeda asked the City Attorney how the measurements are taken for sensitive uses related to liquor licenses, specifically if the measurement is taken from door to door, building to building, or property edge to edge.

City Attorney Martinez Legal responded there is no standard in state law that he is aware of, however, some city codes have a description of how you take that measurement. He stated if the City of Pomona doesn't have a code section that addresses that, then the City Council or Planning Commission, with the recommendation, could promulgate either a code amendment to provide that interpretation or some sort of administration regulation.

Planning Manager Gutierrez clarified that current Pomona zoning code does not have a specific radius for sensitive uses, nor measurement details. She reported it's been practice for the planning staff to provide the distance from sensitive uses, such as schools and churches, for informational purposes. She stated a change would require a zoning code amendment.

Commissioner Grajeda responded this is great to know, because there have been a lot of applications for liquor licenses. He stated Pomona needs to establish how they are going to measure in order to be fair with everyone who applies.

City Attorney Martinez responded his concern is that whatever standard staff has traditionally been done is continued and applied consistently. He noted if the Commission wants to change it, then that must be done formally through a code amendment or an administrative regulation.

Chair Brown clarified that there isn't a specified distance of separation for uses; therefore, there is discretion and if the Planning Commission is considering this factor on a consistent basis, it may not need to be as accurate.

Planning Manager Gutierrez confirmed that there is just a finding that must be made in relation to the proximity to sensitive uses, but there is no specific distance requirement.

Chair Brown commented applying it one way in Case A and a different way in Case B, could be problematic.

Commissioner Grajeda expressed concerns with real estate signs for a new development being in the public right of ways. He noted his biggest concern was by Village Loop and Willowbrook because that sign blinds traffic from east to west, causing near accidents. He requested staff could do something about this issue.

Planning Manager Gutierrez responded they will report Commissioner Grajeda concerns to code and compliance. She shared she is currently working with the Manager for Code Compliance to determine priorities needing to be addressed City wide.

Chair Brown welcomed the new Planning Commissioners and Staff; Ms. Anita Gutierrez as acting Development Services Director, Mr. Marco Martinez as the Legal Counsel, Alfredo Camacho-Gonzalez representing District 2, Dr. Gwen Urey representing District 3 and Ron Vander Molen representing District 5.

ITEM H:
PLANNING MANAGER COMMUNICATION:

Planning Manager Gutierrez thanked the Commissioners for their welcome and stated she looks forward to working with them throughout the new year.

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Brown at 8:07 p.m., to the regular scheduled meeting of January 23, 2019 in the City Council Chambers.


Anita D. Gutierrez, AICP
Acting 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.