

OFFICIAL MINUTES
PLANNING COMMISSION
WEDNESDAY, APRIL 24, 2019

A. CALL TO ORDER:

The Planning Commission meeting was called to order by Chairperson Kyle Brown in the City Council Chambers at 7:02 p.m.

B. PLEDGE OF ALLEGIANCE:

Commissioner Grajeda led the Pledge of Allegiance.

C. ROLL CALL:

Roll was taken by Development Services Director Gutierrez.

COMMISSIONERS PRESENT:

Chair Kyle Brown; Commissioners Jorge Grajeda, Alfredo Camacho-Gonzalez, Gwen Urey, Ron VanderMolen and Kristie Kercheval (arrived at 7:05 p.m.)

COMMISSIONERS ABSENT:

Commissioner Dick Bunce

STAFF PRESENT:

Acting Development Services Director Anita Gutierrez, Assistant Planner Sandra Elias, City Attorney Marco A. Martinez, Assistant Planner Sandra Elias, Senior Planner Vinny Tam

ITEM D:

PUBLIC COMMENT:

None

ITEM E:

CONSENT CALENDAR:

1. Approval of draft Planning Commission Minutes for the March 27, 2019 meeting.

Motion by Commission Urey, seconded by Commissioner Camacho-Gonzalez, carried by a unanimous vote of the members present (5-0-0-2), to approve the draft Planning Commission Minutes for March 27, 2019.

2. Time Extension (EXT 11650-2019); a request for a one-year time extension for Conditional Use Permit (CUP 4100-2016) which proposes a 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) located at 424-446 W. Commercial Street.

Chair Brown asked if this was the second extension on this project and if staff feels the applicant is making progress.

Development Services Director Gutierrez replied yes; this is another attempt at receiving tax credits. She reported the applicant updated their portfolio by receiving additional dollars to help increase that application, so staff should be hearing in the next thirty days about that tax credit application. She noted Deputy City Manager Kirk Pelsner has been in contact with them to help increase their likelihood of receiving those tax credits.

Motion by Commission VanderMolen, seconded by Commissioner Urey, carried by a unanimous vote of the members present (5-0-0-2), to approve Time Extension (EXT 11650-2019).

Commissioner Kristie Kercheval arrived at 7:05 p.m.

3. Time Extension (EXT 11704-2019); a request for a one-year time extension for Tentative Tract Map (TRACTMAP 4947-2016) and Conditional Use Permit (CUP 4607-2016) for the approved 14-unit residential condominium development on a property located at 1198-1236 S. San Antonio Avenue within the R-2 Low Density Multiple Family with Supplemental Use Overlay (R-2-S) zone located at 1198-1236 S. San Antonio Avenue.

Chair Brown clarified there are two extensions; one is for August of 2020 and the other for August 2019.

Development Services Director Gutierrez replied that is correct, the tract map and the underlying entitlement have separate dates.

Chair Brown replied August 2019 is not that far away but from speaking with staff the Commission can only grant a year approval.

Development Services Director Gutierrez replied that is correct.

Chair Brown asked if staff expects to see the applicant again in August 2019 for another extension.

Assistant Planner Sandra Elias replied the applicant did convey that they may need some additional time.

Chair Brown requested that is done in a timely manner.

Development Services Director Gutierrez replied staff will be looking for progress and if the applicant came back in August 2019 staff would ask for that information.

Motion by Commission Camacho-Gonzalez, seconded by Commissioner Urey, carried by a unanimous vote of the members present (6-0-0-1), to approve Time Extension (EXT 11704-2019); a request for a one-year time extension for Tentative Tract Map (TRACTMAP 4947-2016) and Conditional Use Permit (CUP 4607-2016).

ITEM F:
HEARING ITEMS:

F-1

PUBLIC HEARING – CHANGE OF ZONE (ZONE 10882-2018) & CONDITIONAL USE PERMIT (CUP 10881-2018) 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 1531 & 1533 WEST ORANGE GROVE AVENUE. THE REQUEST ALSO INCLUDES THE PROPOSED CONSTRUCTION OF A NEW 1,652 SQUARE FOOT SINGLE FAMILY STRUCTURE AND TWO-CAR GARAGE, A 704 SQUARE FOOT ADDITION TO AN EXISTING 800 SQUARE FOOT SINGLE FAMILY RESIDENCE AND NEW SINGLE-CAR GARAGE, AND A 339 SQUARE FOOT ADDITION TO AN EXISTING 1,163 SQUARE FOOT SINGLE FAMILY RESIDENCE LOCATED AT 1531 & 1533 W. ORANGE GROVE AVENUE.

Vinny Tam, Senior Planner, provided a presentation on this item.

Commissioner Urey asked to show the site plan with the landscaping. She asked if the eastern side of the project was going to be all asphalt.

Senior Planner Tam replied yes, that will be a driveway area. He stated because of the narrowness of the lot and to accommodate the minimum drive width for fire access it would have to maintained as a driveway.

Commissioner Urey asked if there was anyway to put any landscaping in that area because it seems where the landscaping is currently it is not going to get used.

Senior Planner Tam replied unfortunately because of the fire requirements for access, they have already had to receive a waiver just for that entry portion.

Commissioner Urey asked about the mature tree in the photographs.

Senior Planner Tam replied the landscaping plan has not been submitted and once it is staff will require trees and bushes be installed.

Chair Brown pointed out an area for potential landscape near the 20-feet required for the driveway. He asked what percent of the site is proposed to be landscaped.

Senior Planner Tam replied the applicant is above the 20% requirement. He reiterated the east portion of the property needs to be maintained as driveway, but below that the existing concrete could be converted to landscaping.

Development Services Director Gutierrez replied it's within the purview of the Commission to request more landscaping than what's required.

Commissioner Grajeda asked if the property will be owner-occupied or all rentals.

Senior Planner Tam replied the applicant is here and could answer that question. He stated he believes it's going to be a rented property.

Commissioner Grajeda expressed concerns about there not being enough green area and that a fire truck could not enter. He stated he thinks it's a good project, conforming within the area but there are a few changes he would like to see.

Commissioner Kercheval shared she drove by the property the other day and it was hard to go to the back. She asked about the green area.

Senior Planner Tam replied it's another private property.

Commissioner Kercheval asked if the only way to get to the property was off Orange Grove.

Senior Planner Tam replied that is correct.

Commissioner Kercheval expressed concerns about cars slowing down on a busy thoroughfare to turn into the narrow driveway. She asked if the City of Pomona had any laws that cover slowing traffic because it's a safety factor.

Acting Public Works Director Rene Guerrero replied this project would be considered like any normal building. He stated there is nothing that could be done specifically on Orange Grove to try to slow down motorists for a turning movement. He stated if there were some sightline issues for cars coming out of the driveway because other cars are parked on the street, then the City might be able to ask the developers to add red curb on the side yard approach to help.

Commissioner VanderMolen asked about the fencing along the driveway. He asked if the bushes were going to be taken out and replaced with a block wall.

Senior Planner Tam replied yes. He stated the resolution includes a condition to replace any non-block wall fencing with block wall at the appropriate height depending on the line of sight.

Chair Brown asked if that was in the draft resolution.

Development Services Director Gutierrez asked if that was a specific condition of the Conditional Use Permit.

Senior Planner Tam replied yes.

Development Services Director Gutierrez stated the condition states "the applicant shall replace any wood or chain link fencing along the property lines" but doesn't specifically say hedges.

Chair Brown stated there is a chain link there.

Development Services Director Gutierrez clarified she heard Commission VanderMolen's concern being specifically about overgrown bushes and shrubs.

Commissioner Camacho-Gonzalez spoke about the landscaping percentage requirement not always being realistic. He asked if staff, when working with applicants could suggest a higher green space requirement.

Development Services Director Gutierrez replied in general that is discussion staff can have with applicants, but it is ultimately up to the Planning Commission to request more than what is required by the code.

Commissioner Camacho-Gonzalez suggested staff inform applicants that this question might come up, so when they are looking at greenspace or landscaping, they can make sure it's usable.

Development Services Director Gutierrez replied yes.

Chair Brown asked what year built the home was built

Senior Planner Tam replied it's not pre-1945.

Chair Brown confirmed they don't have to be concerned about it being historic.

Senior Planner Tam replied he thinks its 1955.

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

Roger Su, the architect, spoke about the owner wanting to find a way to maximize the land use and stated he appreciates having the opportunity to further develop this site. He stated he believes the property will be rented and not owner occupied but can check with the owner to be sure.

Commissioner Grajeda spoke about having more control if the owner is on site. He noted the driveway would always be open because the owner would make sure no one parks there. He requested the rental agreement include that a car will be towed if it parks in the driveway. He expressed concerns that the driveway would be dangerous with kids running around and a car is parked in the driveway and another one going out. His voiced his support for more green space and for the project commenting it is needed in the City.

Commissioner Urey commended the applicant for having a single floor plan project. She commented there is going to be more demand for properties without stairs as the population ages. She expressed concerns about the landscaping and suggested including landscaping that provides shade.

Roger replied he will consideration adding a couple of trees.

Chair Brown closed the public hearing.

Chair Brown commented the project is meeting the minimum 20% landscaping requirement due the backyard of the third house, however, the middle house has very little green space. He voiced support to provide the minimum required driveway width and to maximize green space in front of the buildings. He noted a fire access turn around in that area, that's required, but could be approved as a turf block and other quasi green/hardscape solution. He encouraged the applicant to explore ways to maximize vegetation. He stated he was glad to hear the block wall requirement particularly for the eastern edge, because of headlights pulling in and out of those garages. He requested the elevation of that block wall be enough to block those lights.

Senior Planner Tam replied a minimum five feet to match the existing five-foot block wall.

Chair Brown replied that should be adequate.

Commissioner Grajeda agreed with Commissioner Urey about adding tree shade because it will be necessary in the summer. He stated he is willing to support this with a condition to add trees.

Development Services Director Gutierrez asked if Commission Grajeda would like a specific size of the tree.

Commissioner Grajeda replied he would like to have a shade tree.

Development Services Director Gutierrez suggested a 15 gallon.

Commissioner Grajeda replied that would be nice. He added he would also like to recommend adding green area in front of the properties.

Chair Brown asked if Commissioner Grajeda would be open to wording the motion as "approved as recommended by staff with the addition of directing staff to work with the applicant to maximize green space in front of the housing units".

Development Services Director Gutierrez added the wording "to add trees to the extent feasible".

Commissioner Kercheval added she would like to require at least two trees.

Chair Brown asked staff if this is how they interpreted Commissioner Grajeda's motion.

Development Services Director Gutierrez replied she heard "trees" plural to the extent feasible. She stated if the Commission wishes to specify a certain number they can.

Commissioner Grajeda suggested two trees.

Chair Brown stated he doesn't quite know how many trees should go in there, but we want as many as possible.

Development Services Director Gutierrez confirmed two trees minimum.

Commissioner Kercheval requested the trees be 15 gallons.

Motion by Commissioner Grajeda, seconded by Commissioner Urey, carried by a unanimous vote of the members present (6-0-0-1), to approve as recommended by staff the Change of Zone (ZONE 10882-2018) & Conditional Use Permit (CUP 10881-2018) with a condition to add trees to the extent feasible (minimum two, 15 gallon) and a request to that the applicant work with staff to maximize green space in front of the housing units.

ITEM G:

PLANNING COMMISSION COMMUNICATION:

Commissioner Camacho-Gonzalez mentioned Saturday is Pomona Beatification Day and encouraged his colleagues to register for a project at www.PBD2019.eventbrite.com or on Instagram or Facebook. He reported there are still several stops open and they'd like to have as many Commissioners represented as possible.

ITEM H:

DIRECTOR COMMUNICATION:

Development Services Director Gutierrez reported staff are making progress on the Downtown Pomona Specific Plan Update and are on track to have a public document ready for release the first week of May 2019. She shared staff are targeting a public workshop for May 21, 2019 and plan to bring it back to the Planning Commission in June 2019.

Chair Brown confirmed the next meeting is a joint study session with City Council.

Development Services Director Gutierrez replied correct on May 1, 2019 at Ganesha Park at 5:00 p.m. there will be a joint study session with the Planning Commission and City Council on the Fairplex and Cannabis zoning. She noted there will be brief staff reports to go with those items released Monday, April 29, 2019 with the agenda.

1) Staff Presentation on Planning topic; A presentation by staff on inclusionary housing.

Eunice Im, Assistant Planner, provided a presentation on this item.

- Inclusionary housing policy requires developers to reserve a certain percentage of housing units as affordable units in new residential developments. Developers are also presented with alternatives or incentive to meet this objective.
- The purpose of inclusionary housing policy is the following:
 - to create more affordable units
 - address economic and racial segregation by creating more economically diverse communities
 - reduce commutes for lower wage workers in high cost communities
 - address local mismatches between available jobs and housing supply
- The inclusionary housing policies are implemented through the General Plan, such as an inclusionary housing program in the Housing Element or as a zoning overlay.
- Inclusionary housing is the most important in high cost housing markets such as coastal economies like San Francisco Bay area, metropolitan Sacramento and San Diego County.
- Inclusionary housing policies include alternatives for developers who wish to opt of building affordable units on site. Options include:
 - an in-lieu fee, where the developers pay a fee into a local Urban Housing Fund, these are often calculated per unit or per square footage for each unit or on a sliding scale.
 - providing land instead of affordable units
 - credit transfers to credit affordable units from one project to another or provide affordable units on a different site.
- How affective are inclusionary housing programs? There was a study released by the Southern California Association of non-profit housing in 2005 that research productiveness of inclusionary housing policies in seven southern California cities. The study concluded:
 - it does not reduce the overall housing construction
 - it is effective in providing more affordable units and providing more funding that would not have been available
 - area staff influence effectiveness of this policy.
- Assistant Planner Im displayed a table of the seven cities that were studied showing the number of housing produced from 1998-2004, number of constructions needed for a regional housing needs assessment and the percentage of building permits issues over total construction needed.
- She pointed out cities like Pasadena, Irvine, San Clemente and Oxnard have failed to pass the number of constructions needed even with an inclusionary housing policy being implemented.
- One of the main arguments against inclusionary housing, is that it leads to decrease in housing production. However, studies find that cities also need to consider other influences such as rate of housing production, population growth, land availability, local housing market strength and land use trends.
- Assistant Planner Im displayed a chart showing Irvine's as having the highest level of population growth and the largest land area, developing the highest number of housing units from 1998-2004. She noted Irvine also annexed land and rezoned industrial to residential to allow for more development.
- She noted Pasadena also saw a high amount of development from 1998-2004 and also rezoned for residential use and completed a number of higher density infill and mixed-use developments.
- Where does Pomona stand in its future housing production?
 - there was a slight decrease in population from 2000-2010. The Southern California Association of Governance Regional Transportation Plan forecast the City to experience modest growth at 1.3% annually, reaching 13% at 2020.
 - assistant Planner Im displayed a chart showing significant population growth for Pomona compared to L.A. County and California at large.

- the City of Pomona's Housing Element provides a listing of vacant and underutilized sites within the R2 and R3 zones.
- the updated 2014 General Plan includes projects in the Downtown Specific Plan and Corridor Specific Plans to increase density.
- according to TruLy.com the median sale price of a home in Pomona \$405,000, the median rent per month is \$2,090. She noted the median sale and rental rate is competitive with neighboring cities (Montclair, San Dimas, Diamond Bar).
- according to HUD and California Department of Housing Community Development housing is affordable if it's equal or less than 30% of gross income.
- the City of Pomona's Housing Element indicates that Housing overpayment is more likely among renters than owners.
- 13% of Pomona Households are overpaying for housing and two-thirds of extremely low income spend over half their income on housing
- pomona's population growth, land available, land use trends and housing market indicates potential for increases in the housing market, housing development and implementing an inclusionary housing program will set aside affordable units for low income families.
- Assistant Planner Im displayed a chart showing how many units are produced through the implementation of inclusionary housing policy.
 - she noted The City of Irvine had developers build affordable units as a part of all residential development because there was strong laws and a unique relationship with the Irvine Company.
- She spoke about some inclusionary housing policies being ineffective because developers only wanted to pay in-lieu fees.
- She noted inclusionary housing also provides a major source of funding and cities like Pasadena and Oxnard have collected almost \$9 million dollars in just in-lieu fees.
- The effective of inclusionary housing programs depends on how well the code is designed. The common elements of an inclusionary housing code are the following:
 - applicability - developments that trigger the inclusionary housing program with a certain number of units or above
 - set aside requirements - the percentage of units that must be reserved for affordable housing, typically 4-25%
 - income charting - charting for the low- or moderate-income families)
 - providing alternatives and incentives - offer a wider variety of onsite development alternative and incentive alleviates burdens on the developers. Studies show inclusionary housing should provide flexibility and a wide range of alternative methods to providing affordable units.
- Assistant Planner Im displayed an example of how other cities have structured their code.
 - the City of Irvine requires all new developments to set aside 15% of their units for affordable units (5% to very low, 5% to low and 5% moderate)
 - other cities require inclusionary housing to be implemented with 10 or more units, setting aside a certain percentage for affordable units.
 - alternative included in-lieu fee, offsite development, donation, unit conversion of market for to affordability.
 - incentives provided by the City included flexibility in development standards, fee waivers, monetary assistance, a density bonus or reduction in impact fees.
- Having a clearly written policy structured to fit the needs and economics of a City, offering alternative and incentives and having support from city staff, politicians, community members and developers is more likely to provide a successful result.
- Assistant Planner Im introduced AB-1505, passed in 2018 as part of the routine housing bills. She reported AB1505 allows a jurisdiction to adopt an ordinance that requires a housing development to include a certain percentage of residential rentals units be affordable which can be beneficial to the lower class and communities overpaying for housing in Pomona.

Commissioner Grajeda asked if the inclusionary housing element was part of the State of California Housing Element and mandatory.

Development Services Director Gutierrez clarified the question was if the inclusionary housing policy was mandated by the state or optional. She replied it is optional.

Commissioner Grajeda shared people have been telling him that it is state mandated. He mentioned how this relates to the ADU ordinance affordability standard.

Development Services Director Gutierrez clarified he was speaking about deed restrictions. She stated those are different than inclusionary housing policy. She stated the inclusionary housing policy refers to maintaining rents at a certain affordability, which is something discussed during the ADU session and the City could require.

Commissioner VanderMolen asked to be reminded what stipulates extremely low, very low- and moderate-income levels, currently in California. He asked staff for statistics of how many people in Pomona are in those different levels.

Assistant Planner Im replied extremely low income is families earning less than 30% of the area's median income.

Development Services Director Gutierrez replied single person low would need to make under \$54,250 to qualify as low income. She stated L.A. County has categories in very low; an individual less than \$33,950 or a family of 8 less than \$64,000. She stated staff can send the commissioners a chart with the breakdown.

Commissioner VanderMolen replied that would be nice to have because what they consider in their minds to be extremely low and very low has changed, especially in California versus the rest of the country.

Commissioner Grajeda asked if that was FHA guidelines.

Development Services Director Gutierrez replied no, it's based-on area median income.

Commissioner Camacho-Gonzalez asked if this something that is currently in place in Pomona or forthcoming.

Development Services Director Gutierrez replied no, inclusionary housing policy is not currently in place in the City of Pomona; however, it has been discussed at the City Council level. She reported The Mayor has mentioned the potential and it's the direction that City Council wants to go. She shared the Mayor wants discussion on the total envelope of housing policies that could be available, including ADU, inclusionary housing. She noted due to this staff thought it was a timely topic to bring to the Planning Commission.

Commissioner Camacho-Gonzalez shared at his first job working for a developer he remembers cities setting aside 1 or 2 of the apartments as low income and he believed that was a norm for every city.

Development Services Director Gutierrez replied no, it's up the individual jurisdiction.

Commissioner Urey asked if inclusionary housing is being discussed with developers that are considering projects of that size to see what they think.

Development Services Director Gutierrez replied when she is talking to new developers, she is letting them know that it is the political will and discussions seem to be going that way, but it's not a current requirement. She noted most developers would not want to include affordable housing if they don't have to, so that is why making it a policy they can't get around is important to get those affordable units.

Chair Brown requested to go back to the table that summarized the incentives; He confirmed the set aside requirement percentages. He clarified the incentive column on this exhibit is really something the City agreed to do to make that requirement more palatable. He noted there are also incentive programs that exist that are optional, that a developer could chose to take advantage of, which is another approach besides inclusionary zoning.

Development Services Director Gutierrez replied that's a tool they use now with the State Density Bonus.

Chair Brown confirmed the State Density Bonus provides a break on parking standards or allows more units than the current zoning.

Development Services Director Gutierrez replied that correct. She stated it's a tiered system determined by the number of units set aside and the level of affordability. She noted the more a developer sets aside the higher the number of incentives with the max at 35.

Chair Brown commented there are a lot of potential tools available and this was why he was encouraging thinking more comprehensively about the housing situation at the last meeting. He noted some incentives seem to be effective at accomplishing goals. He asked if it was true that within the Corridor Specific Plan areas the projects haven't come anywhere near the maximum densities allowed.

Development Services Director Gutierrez replied she would agree with that comment regarding the projects that she has seen thus far. However, she and staff have met with numerous developers and have pushed the Density Bonus. She thinks in the future the Commission will see denser projects and developers taking advantage of the Density Bonus.

Chair Brown commented he hasn't recalled a situation where the Planning Commission has knocked down the density of a project, so he was curious if it was market forces or staff guidance directing that.

Commissioner Grajeda asked if there is a time limit to take advantage of the Density Bonus or a time period one must set aside units.

Development Services Director Gutierrez replied it varies by ordinance. She stated typically it is 55 years.

Chair Brown added the time period would run with the property so that if it was sold within that 55-year period the new owner couldn't get rid of it.

Development Services Director Gutierrez replied it's up to the Planning Commission, but typically she has seen 50-55 years for those covenants.

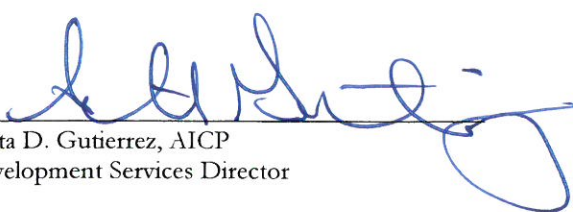
Commissioner Grajeda confirmed they have option to add it in and put it in writing.

ITEM I:
DISCUSSION:

None

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Brown at 8:09 p.m. to the special meeting on May 1, 2019 starting at 5:00 p.m. at the Ganesha Park Community Center.


Anita D. Gutierrez, AICP
Development Services Director

Jessica Thorndike, Transcriber

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

