

OFFICIAL MINUTES
PLANNING COMMISSION
WEDNESDAY, MAY 8, 2019

A. 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.

B. PLEDGE OF ALLEGIANCE: Commissioner VanderMolen led the Pledge of Allegiance.

C. ROLL CALL: Roll was taken by Development Services Director Gutierrez.

COMMISSIONERS PRESENT: Chair Kyle Brown; Vice-Chair Jorge Grajeda; Commissioners Alfredo Camacho-Gonzalez, Gwen Urey, Dick Bunce, Ron VanderMolen and Kristie Kercheval

COMMISSIONERS ABSENT: None

STAFF PRESENT: Development Services Director Anita Gutierrez, City Attorney Marco A. Martinez, Contract Planner Jeff Hamilton, Acting Public Works Director Rene Guerrero

ITEM D:
PUBLIC COMMENT:

None.

ITEM E:
CONSENT CALENDAR:

No Items.

ITEM F:
HEARING ITEMS:

F-1 PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 9633-2018) AND VARIANCE (VAR 11693-2019) TO CONSTRUCT A GAS STATION AND CONVENIENCE STORE WITH FOUR (4) FUELING PUMPS, AND TO SELL BEER AND WINE (TYPE 20 ABC LICENSE) FOR OFFSITE CONSUMPTION; AND A VARIANCE (VAR 11693-2019) TO ALLOW A MONUMENT SIGN ON A PROPERTY WITH LESS THAN 200 FEET OF FRONTAGE AND A GROUND SIGN WITH MORE THAN 3 LINES OF TEXT, FOR THE PROPERTY LOCATED AT 1600 WEST HOLT AVENUE.

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

Chair Brown thanked Contract Planner Hamilton for the explanation of the front coverage requirement. He stated the staff report talks about how the proposed project is not applicable and the frontage coverage would be zero percent, therefore what is being proposed is not feasible. He asked if the sixty-foot width for the entrance and exit is a standard width for these kinds of facilities.

Contract Planner Hamilton deferred to Public Works to answer.

Acting Public Works Director Guerrero replied a sixty-foot width is larger than Pomona's standard width for a commercial drive approach and that is because of its location in the intersection. He stated staff wanted it to resemble

another leg of the street. He noted the length will accommodate vehicles and larger trucks that come to deliver fuel and other items.

Chair Brown stated he looked at this intersection on the Google street view and confirmed there is currently not a traffic signal for folks exiting the gas station.

Acting Public Works Director Guerrero replied he has not looked at that view. He will look and come back to answer.

Chair Brown stated he wants to know whether a traffic light is going to be required.

Commissioner VanderMolen asked if there are any cameras looking at that site and if so, how many.

Contract Planner Hamilton replied security cameras are proposed as a condition of the project. He stated he doesn't have a proposed number yet because that would be dealt with during plan check.

Commissioner VanderMolen asked about the size of the proposed sign compared to the gas station signs down the street. He stated he is trying to visualize the size of the sign.

Contract Planner Hamilton replied he didn't perform an analysis; however, he knows there was a recent change to make it a little bit smaller. He stated he believes it's supposed to be a maximum of six feet high and twelve feet wide and might be larger than what is found down the street because of the size of the 7-Eleven logo. He noted the area devoted to fuel price is very comparable to every other sign.

Commissioner VanderMolen asked if Alta Dena has a sign.

Contract Planner Hamilton replied yes.

Commissioner VanderMolen asked if the design is something that he talks about now or later.

Contract Planner Hamilton replied he could bring it up now.

Development Services Director Gutierrez clarified if it's a question he can bring it up now, but if its discussion then after public comment.

Commissioner VanderMolen stated he is waiting to see what it's going to look like. He expressed concerns that it's going to be one of the ugliest buildings on the boulevard, because it's a standard block 7-Eleven. He spoke about respecting the neighborhood by making it a nicer more interesting design.

Commissioner Camacho-Gonzalez asked if Contract Planner Hamilton has the total number of 7-Elevens in Pomona.

Contract Planner Hamilton replied he does not.

Commissioner Kercheval asked the liquor license districts staff were referring to.

Contract Planner Hamilton replied those are police reporting districts, which he thinks are essentially census tracts.

Chair Brown replied that is not accurate, police districts are much smaller and not as consistent as a census tract.

Development Services Director Gutierrez stated multiple reporting districts are within one large census tract.

Commissioner Kercheval asked to see that exhibit again.

Contract Planner Hamilton replied he just has the table, not the map.

Commissioner Kercheval stated it is not the same one.

Chair Brown replied the census tracts are shown at the top and the reporting districts are on a different one.

Chair Brown noted the census tract that this project is in is large, it goes all the way over to Temple Ave. into the Westmont area to the south and is mostly industrial areas. He stated since he has been on the Commission, they approved another similar license for the gas station at Humane Way and Valley Boulevard, that is not in operation yet, but has been approved so there are three licenses in that census tract.

Development Services Director Gutierrez replied that location may not have pulled their alcohol license yet, but yes, the Commission should count it.

She replied to Commissioner Camacho Gonzalez that a Google search resulted nine 7-Elevens existing within Pomona.

Commissioner Grajeda asked who the operator of this 7-Eleven is going to be.

Contract Planner Hamilton replied he would assume it's the applicant.

Development Services Director Gutierrez clarified Commissioner Grajeda wants to know who the franchise owner of that 7-Eleven is. She replied staff does not know.

Commissioner Grajeda commented it is important to know who the franchisee is. He stated the Commission usually gets statistics with the numbers of crimes (larceny, rape, killings, car burglary) with an explanation.

Contract Planner Hamilton replied the data he had access to did not break it down like that.

Commissioner Grajeda stated he has seen that information in other reports provided by the Police Department. He stated that information is important because if 86 are all alcohol related and the other 333 are cars broken into, that carries weight. He asked what was going to happen to the liquor license at Alta Dena.

Contract Planner Hamilton replied he has no idea.

Commissioner Grajeda asked if they are going to get a new one or they are going to continue with that license.

Development Services Director Gutierrez replied they can clarify that with the applicant, however, she believes they will be buying Alta Dena's license, so there would not be a net new one.

Commissioner Grajeda commented Alta Dena can sell single drinks and they don't have to sell close packages. He asked if the sign, being that it is not on a pole and its going to be six feet high, would interfere with traffic getting in and out, or block the view, since traffic on that side of the street moves from east to west.

Contract Planner Hamilton deferred to Public Works for that answer.

Acting Public Works Director Guerrero replied this is a signalized intersection. He stated there are no signals for vehicles exiting that driveway currently, but Condition #49 states that the existing traffic signal and phasing at the Dudley Street and West Holt Avenue intersection shall be modified and/or upgraded as necessary to control the new consolidated project access driveway. He reiterated that this project has that condition to provide signalization for cars exiting that approach and there will be a green light or arrow for them to exit.

Commissioner Grajeda stated there is a business right next to this project and people coming out of that parking lot will be going to right next to the sign. He stated they are going to have to look to their left and that sign is a little low.

Acting Public Works Director Guerrero replied staff can look at the proposed plans for that sign because there are line of sight calculations and studies staff can do based on those existing adjacent driveways to see what might be obstructing that line of site.

Chair Brown asked if the Commission should also be considering a revocation of the existing alcohol license.

Development Services Director Gutierrez replied staff can certainly do that as a condition of approval or bring it forth at a future Planning Commission date.

Commissioner Urey stated she was looking at the circulation diagram and asks if it was fact or illusion that people would be only turning right when they exit.

Acting Public Works Director Guerrero replied it's just an illusion, cars would be allowed to go through and make a right or left, because staff wouldn't restrict at a signalized intersection.

Commissioner Urey asked if the signal might have a left turn arrow.

Acting Public Works Director Guerrero replied initially the minimum volume of vehicles wouldn't warrant a left turn arrow, however, staff can ask the applicant engineer to do a preliminary evaluation.

Commissioner Urey commented she knows there is not that much traffic from Dudley, but there are a lot of pedestrians and a bus stop.

Acting Public Works Director Guerrero replied if a car is looking to make a left turn out of this potential site, and there are people wanting to cross Holt Ave. to go North to South, there will be pedestrian heads that allow people to walk and motorists have to abide by that and wait before they make their left turn.

Commissioner Bunce shared he is part of the Mayor's clean up crew that picks up trash in the city and around 7-Elevens and similar businesses and they find more than the usual amount. He stated on page 5 of 14, Item 9 states "the property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, sidewalks and landscape parkways in compliance with Pomona's City code". He commented it's interesting that its very clearly stated as to the number of hours/days that can go by before various types of graffiti need to be taken care of, however, the code is very vague regarding cleanups. He stated a regular cleanup could be once month or every three months and based on what he sees on the streets it's not often enough. He asked if there was a way to strengthen that statement, so the requirement so goes beyond what is stated in the city code.

Development Services Director Gutierrez replied it's within the Commission's purview to add language as a condition of approval about the frequency (daily, weekly, monthly) you'd like to see cleaning occur.

Commissioner Bunce suggested the cleaning be daily for the immediate premises, the sidewalks, and gutters surrounding the store and gas station area.

Commissioner Kercheval asked how loitering and pan handling would be enforced.

Development Services Director Gutierrez replied typically by Police.

Commissioner Kercheval commented she lives by CVS and it doesn't seem like it's always enforced.

Development Services Director Gutierrez replied it's a difficult to enforce in general and not unique to this site.

City Attorney Marco Martinez responded enforcement of general loitering and pan handling is difficult and only happens in the most egregious of circumstances according to case law.

Commissioner Kercheval commented it's more of a formality.

City Attorney Marco Martinez replied he thinks the Police Department now know what the rules are and are very good about using diplomacy as opposed to citations or arrests.

Commissioner VanderMolen asked about the crime statistics and any alcohol related issues with the existing business. He asked how that site has been so far in that location.

Contract Planner Hamilton replied the Police Department did not offer any specific comments about this location in terms of calls for service.

Chair Brown invited the applicants forward and opened the public hearing.

Ben Steckler, Certified Planner with APA and Engineer or Record Fieldergroup; He responded that they did a traffic analysis for this site and it recommended that the driveway align as completely as possible with Dudley and that they add a signal on Dudley facing the site so that traffic coming out would be regulated. He stated it also recommended a left turn arrow be added onto one of the directions on Holt Ave. to come into the site, so that all traffic motions surrounding the site would be regulated and so that the safest traffic flow would be maintained while they were in operation. He noted it would be a permanent improvement in the City. He responded to the aesthetic comments, stating it's a standard box store that will be decorated with two different tones of bricks panels to make it look like the historic portion of the community. He replied that the sign is setback five feet from the right of way at Holt Ave. per code and it was done at a height that would not be obstructive to any users coming in or out of either of the driveways. He stated the sign is setback from the sides of the property equidistance between the driveways so that it would not block the view of any of the motorists. He stated the standard typically would be fifteen feet by fifteen feet triangle for site view as you approach a driveway and they have respected that within their design. He stated they feel it is a safe design but do not have a problem working with the engineering division if they need to have additional criteria. He noted the sign is decorated in a manner that is consistent with the building and done to meet the size standards of the code.

Sherrie Olson, responded about the alcohol license. She stated they are in the process of purchasing the existing alcohol license at 1600 W. Holt Ave to have it transferred into 7-Eleven's name. She stated it has been posted and mailers have gone out. She stated the count will remain as three and the overall number will not increase. She replied that regarding revocation, the license does not reside with the property, the license resides with the applicant, so if the property owner wanted to take it someplace else, he/she could do that. She commented the licenses are based on census tracts and crime statistics and can answer any other questions on that. She addressed the Hours of Operation, stating to be consistent in all 7-Elevens with alcohol they operate 6:00 a.m. – 2:00 a.m. and all stores are open 24 hours. She reported this store has been operating in this location since 1994 without a single violation. She noted they are currently selling singles and agrees that it needs to be a more controlled environment and that is why 7-Eleven's have lockable coolers.

Chris Gabriele, consultant with 7-Eleven; He spoke about there being a need to have someone create connections with the stores and communities (schools, parks, Police, non-profits). He shared last year when the Mission and White store was being discussed a lot of folks talked about the blight of 7-Eleven and how it was a focus of neighborhood clean up days. He reported he spoke with councilmembers, stakeholders and community leaders and was introduced to the San Gabriel Valley Conservation Corp (SGVCC) and has been discussing working with them to do a consistent cleanup program at 7-Eleven stores. He responded to Mr. Grajeda about buying the existing alcohol license. He confirmed they can currently sell singles, malt and are pretty much unobstructed. He stated they are not over concentrated in the census tract, will not be adding to the total number of licenses, and the Part 1 and Part 2 arrests for the reporting district were low. He reiterated there hasn't been one incident. He requested the ability to operate 6:00 a.m. to 2:00 a.m. with the ability to also sell singles because there is low crime currently at the Alta Dena store and they will be building a beautiful new 7-Eleven with state-of-the-art security, locking coolers and the ability for age verification. He responded about the franchisee, stating this has not been decided yet. He stated franchisees are not selected until everything is approved and then there is a certain set of conditions. He shared the 7-Eleven operator that is closest to this site will have the first right of refusal, then if another franchisee is liked by the community, a good operator and can balance their financials there may be an opportunity for those individuals to become a multiple. He stated the new franchisee must make a big commitment to the community and be willing to hire locally and staff up. He noted sometimes late at night the older 7-Eleven's don't have a lot of employees, however, the new ones have a lot of folks to increase the presence and security. He shared since the last meeting they have done some rehab and renovations at different stores and introduced the Market Manager Stephanie Valsamides to share what they have been doing to improve and invest in Pomona.

Stephanie Valsamides, responded to the previous question, reporting there are eleven stores in Pomona. She stated she heard the concerns from the community and Commission about the stores in Pomona and used the asset protection department to devise a plan to protect the assets of the land, property, the franchisees, and the customers coming in and out of the stores. She shared they met with the Pomona franchisees and talked about the challenges they were having with loitering, pan handling and crime and then instituted a roving security patrol that 7-Eleven market is paying for on behalf of the franchisees. She stated security is not stationed at one store, but they are centrally located and checking in on the stores on a regular basis, as well as, stores have a direct line if there is an incident. She shared if a customer is aggressive or if there is pan handling that's aggressive happening outside than the security guard can get to that location quickly and work with Police if needed. She noted it's usually after dark, 6:00 p.m. into the next morning. She reported most of the 7-Eleven stores in Pomona were built from 1967 to about 1975 and so recently they invested roughly \$1.4 million dollars on seven stores within the last nine months. She reported the store on Indian Hill and Mission Ave. has a brand-new look on the inside and state of the art 360 degrees security cameras, bean to cup coffee brewers, new self-serve roller grills, and other new items that give a fresh and innovative look of 7-Eleven.

Chris Gabriele stated they are asking for additional hours to sell between 10:00 p.m. and 2:00 a.m. and wanted to explain why that's important. He shared in a traditional store, like this one, every dollar that is made is split 50/50. He stated between 10:00 p.m. and 2:00 a.m. in the Pomona the average profit into a franchisee's pocket is around \$12,000-\$15,000. He stated the ability to sell singles totals approximately \$35,000 of profit for the franchisee. He commented this is important to stay afloat and for the health of the business. He spoke about a person working third shift coming home at night around 11:00 p.m. stopping to get beer, chips, and pizza.

Commissioner Camacho-Gonzalez asked how many times ABC comes to their store a year.

Sherrie Olson replied she doesn't know because they don't give out their schedule and do decoys with the Police Department. She estimated most stores get a decoy one a year. She shared 7-Eleven has secret shoppers, now with hidden cameras, that shop all stores for age restricted products and compliance.

Commissioner Camacho-Gonzalez asked how many of the eleven stores were managed by the same business owner.

Sherrie Olson replied there are eight franchisees in Pomona and a few of those franchisees have stores outside of the city close by. She reported the overall Inland Valley market of 7-Elevens has 59 franchisees and 100 stores, so most of the multiples have two which is still a small business owner. She reported the biggest multiple in Pomona is three and most are single owners.

Commissioner Camacho-Gonzalez asked how likely 7-Eleven would be to pursue this project if the alcohol license was not approved.

Sherrie Olson replied alcohol has been at this site since 1994 and it is important to capture that use and so that is why they have secured the license. She stated they are not increasing the overall number and it is also important because people are accustomed to coming into a 7-Eleven and finding that as an item. She stated she feels it is a fair request because the Planning Commission just approved a gas station down the street and with a new license.

Commissioner Camacho-Gonzalez replied he was not here when that license was approved. He commented he understands they have census tracts with numbers on maps stating in theory there is not an oversaturation, however, as someone who grew up in that area, he knows for a fact there is an oversaturation of alcohol licenses. He asked again how likely it would be for 7-Eleven to pursue without an alcohol license.

Sherrie Olson replied the cities census tracts are built up by population and the ABC issues licenses based on population. She stated all the census tracts and all the businesses are all in one commercial area, you won't find businesses in residential neighborhoods, so when you put everybody together you are going to have overconcentration, but that is not just in the City of Pomona, it is in every single city in the State of California. She stated this census tract allows four licenses and there are only three.

Commissioner Camacho-Gonzalez asked if the answer was a no.

Ben Steckler replied none of the people here today can answer that question, it's a corporate decision made once there is a determination tonight.

Commissioner Camacho-Gonzalez commented they painted an awesome picture of 7-Eleven and all the wonderful things they are going to do for the community, however, as a Planning Commissioner he is looking out for the best interests of Pomona's residents and he knows there are several alcoholics in that perimeter, so he is wondering if that awesome picture still stands if they are not able to sell alcohol.

Chris Gabriele replied if you go to downtown Los Angeles there might store that doesn't need alcohol to survive. He stated the real answer is that it might not pencil out. He stated there was store that was put before the Planning Commission that didn't get alcohol that might not come to fruition because in certain areas you need alcohol as a traffic driver in order to do all those great things. He commented alcohol has existed at this site and the crime wasn't bad and now imagine having a store that going to commit to being safer and brighter. He stated having alcohol allows that operator to have a better fighting chance if any economic downturn happens.

Commissioner Urey questioned if the roving security patrol was making the site safer. She stated Condition #27 states if anyone knows that a crime occurred that it must be reported. She stated the roving security may keep crime down; however, it also suppresses the reporting of crime. She shared she had an experience at a competitor's store, where somebody shot her with a pellet gun several times while she was pumping gas. She stated when she went into that store and asked them to call the Police they said no, so that crime was never reported. She stated she likes having this condition in here but doesn't know how they enforce it.

Sherrie Olson replied the 7-Eleven roving patrol is an extra layer of security in case an incident happens, because sometimes staff must wait for police to arrive on site and they can diffuse an aggressive situation between a customer and employee or between someone that is loitering. She noted they also have panic alarms on the associate's pocket and all employees are trained to call.

Commissioner VanderMolen stated he has read enough about 7-Elevens to confirm the margins are tight. He commented someone is not going to get rich owning a 7-Eleven but could make a decent living if they run it right. He repeated his concerns about the aesthetics, stating two different kinds of tile doesn't make an architectural feature. He noted there are much nicer looking places in the neighborhood that have been remodeled in the last several years; one ranch looking and one mid-century. He commented it would be easy to add something that doesn't cost a lot, like a slant or flat roof to make it stand out because there are mid-century neighborhoods in that area. He spoke about already having a lot of little square boxes on the boulevard and about the City having plans for that Corridor and to change that boulevard. He commented Pomona and the neighborhood deserves a lot better design and one of the reasons he is on the Planning Commission is to see good design in Pomona.

Ben Steckler responded they would be willing to work with staff to update the appearance to better suit the needs of the Corridor if that's a condition the Commission wants to place on them tonight.

Commissioner VanderMolen spoke about Pomona being the City that Millard Sheets came from and about how he built buildings that nobody ever built before and people lined up to use them because they were so beautiful. He stated it was quite amazing and totally out of the box and he just wants a little bit of that.

Chair Brown reminded his fellow Commissioners that there is a packet of people that want to speak.

Commissioner Grajeda commented he is glad about the locking coolers; however, he has concerns about single sales in that area. He stated he assumes this is one of the reasons why they want to take over the existing license, instead of getting their own. He commented the operator is important to him and there is one down the street who is great and hopes he will get the first choice and go for it. He requested the applicants elaborate about the cameras and lighting and asked how they are really going to light up the area. He noted there are a lot of transient people in the area. He agreed with Commissioner VanderMolen about improving that corridor and stated he would like to see a more modern building because soon that's what the Boulevard is going to be.

Sherrie Olson replied the ABC can add any condition to their license they see fit, so singles are not a guaranteed thing.

Development Services Director Gutierrez confirmed the applicants had read the conditions, because there has been a lot of discussion about single sales and there is currently a condition to not have single sales; no fortified wines or no single can or bottles of beer shall be available for purchase.

Chair Brown agree and stated he heard Contract Planner Hamilton say operating hours were 8:00 a.m. to 10:00 p.m.

Development Services Director Gutierrez replied that's correct.

Contract Planner Hamilton clarified that's for alcohol sales.

Chair Brown asked the applicant if they had read and understood the conditions.

Chris Gabriele replied yes, they certainly read and understand but that was why they were petitioning to be allowed to operate 6:00 a.m. to 2:00 a.m. and spoke about margins being razor thin. He stated because there has been a demonstration of how singles have not blossomed a crime in that area and a track record of it working in that store, they are requesting the Planning Commission make that a condition.

Commissioner VanderMolen confirmed they are selling singles at Alta Dena.

Commissioner Bunce confirmed he heard that there will be a commitment to daily cleanup of the premises including sidewalks and gutters and architectural accents that will be consistent with a resurgent Pomona.

Chris Gabriele replied yes.

Chair Brown thanked the applicant and continued into public comment.

Lafayette Hannibal, neighbor to the east who owns a business in the back and has the adjacent driveway. He stated he has been there for 35 years, has known both owners and can tell them about this corner and the crime. He stated he would like to see something like this go in but doesn't think he will be able to get his semi-trucks into his driveway, as well as, he thinks 7-Eleven will increase traffic. He shared there is an element of crime there because it is industrial and residential. He reported someone was murdered on Christmas Eve, 15-18 years ago, he has had crime run through the back of the business trying to get away from the Police about 8-10 years ago and there have been traffic fatalities at that intersection. He reiterated he supports the project but doesn't want to be inconvenienced or hurt by it and just wants to get his trucks in and out.

Commissioner VanderMolen asked how many truck trips a day.

Mr. Hannibal replied five or ten, but they have a lot of cars too. He commented he isn't sure if the sign is going to be a problem too because there are times where it is tough to make a turn onto Dudley. He added it's a tight curve and if they put the landscaping where it's proposed it will prevent him from coming in his own drive.

Joshua Golchen, property owner; He thanked the Commission and stated he is excited about the opportunity to bring further development to the City of Pomona and to revitalize this piece of property with new construction and increased jobs. He spoke about it being mutually beneficial to the current owner of the business and shared he will get a large lump sum for establishing his business at this location and be able to move on to bigger and better things. He spoke about it being an operating facility that is dilapidated and old and if their application is rejected, it would still operate in that way because there are no other real solutions at this time. He spoke about bringing public improvements with the project, specifically with regards to traffic, security and cameras that will enhance the viability and safety for the entire community. He stated he likes the idea of working with the members of the Planning Department through the comments of the Planning Commission in order to address the aesthetics concerns. He shared the design of another project he did at 888 W. Mission was complimented on its design elements. He stated every aspect of this development will enhance the City of Pomona, creating more jobs and adding another tax generator and revenue stream with the gas station. He thanked the Commissioners for their consideration of this project and stated he looks forward to getting this done.

Marcos Molina, Prevention Project Coordinator at Day One; He stated Day One is a public health agency working to empower youth voices. He works in substance abuse prevention through placemaking workshops and prevention policy. He thanked the City staff for making his job easier, by providing a detailed presentation highlighting the census tract and adjacent areas to this 7-Eleven. He shared he counted nine existing locations that are permitted to sell alcohol within this area. He commented the census tracts with higher crimes are exposed to more access to alcohol, which can lead to higher crime rates and give disenfranchised youth more access to alcohol. He commented there is no need to have an oversaturation of alcohol access within this area and requested the Planning Commission reject the Type 20 ABC license. He stated youth access is an issue and substance abuse is an issue within the City. He commented he finds himself dumbfounded on weaponizing youth to ask the Planning Commission to approve an alcohol license and stated adding cleanups to this isn't solving the issue. He stated he is irritated that 7-Eleven is asking GVCC to add cleanups to hide the fact that there is a substance abuse problem within the City. He requested the Planning Commission consider pursuing the best interests for this community and stated 7-Eleven is not the only business to exist, there are other solutions and businesses that can add value to the City.

Development Services Director Gutierrez reported for the record that Commissioner Grajeda left the meeting at 8:12 p.m.

Danny Oaxaca, the Executive Director of San Gabriel Valley Conservation Corp; He shared SGVCC is a job training program for disadvantaged youth, some disenfranchised youth, young people currently getting out of foster homes or those on probation. He stated their goal is to instill work ethics in young people and provide a job training mechanism

and entry level jobs. He noted they do a lot of environmental work because they are a Conservation Corp, like tree planting and trail building; however, they also create opportunities to learn other work ethics such as how to be on time or get along with your supervisor. He shared when he was approached by 7-Eleven it wasn't to legitimize having a liquor license, it was to clean up the eleven 7-Eleven stores in Pomona. He noted they haven't gotten to a written contract but have a verbal agreement that they will purchase a pressure washer to help them move forward and create more jobs for their youth. He encouraged the Planning Commission to approve and asked the beneficiaries (his youth) to stand up.

Sonia Escanuelas, San Gabriel Valley Conservation Corps student; stated she supports the construction of a new 7-Eleven on Holt and Dudley. She shared she has lived in Pomona 17 years, all her life, and going to small convenience stores like 7-Eleven is part of her everyday routine. She stated she loves 7-Eleven because she does not live within a walkable distance to any grocery store, so she goes to them on a regular basis for milk, ice, water and even fruits and vegetables. She shared she enjoys getting coffee in the morning or grabbing a quick snack with friends. She spoke about the opportunities that the company will bring offering jobs to people that live in the area. She commented 7-Eleven is getting involved in the community by reaching out to local non-profits, schools and community members to better understand the ways they can make a positive impact here in Pomona.

Mauricio Munoz lives on Laurel Avenue and SVGCC student; He shared he uses Holt and Dudley often going to Cardenas and the other shops. He stated having a 7-Eleven there would be a nice variation, but he doesn't feel the alcohol use is appropriate. He stated he supports the installment and the design, as an artist himself. He expressed concerns that there is a security issue for the residents of Laurel Avenue and the students coming from Ganesha and Marshall.

Tony Jaurigue stated a 7-Eleven in Pomona on Dudley and Holt Ave would be a great idea for the community, especially for kids. He commented a 7-Eleven could be a hangout spot or safe zone. He shared he used to walk to 7-Eleven as a little boy to get a hot dog and bag of Cheetos and his favorite day was free Slurpee day when he would grab his biggest cup from home and fill it up. He stated it could create memories for people and will make the corner safer at night.

Romeo Martinez, SVGCC student; shared he moved to Pomona three years ago and has been going to 7-Eleven to buy snacks and he goes everytime he and his friends go to see a movie or to a baseball game in Los Angeles. He shared it is his families favorite place to go to grab a small bite to eat and they buy milk there sometimes when they don't feel like going to a grocery store. He commented it is very important that a small business like 7-Eleven is willing to work with the community to make it a safer place.

Rene Jimenez, Recycling Program Coordinator for SGVCC; stated SGVCC fully supports and is excited about the new building of 7-Eleven at the corner of Dudley and Holt. He stated the new commerce at that corner will assist in revitalizing that part of the community by keeping it bright, safe and secure at night. He reported the Conservation Corp contractual agreement will be beneficial by removing graffiti 48 hours after reporting. He commented "weaponizing youth" is a horrible term to use for their volunteers. He stated it's a store that people go to, to buy a Slurpee or hot dogs. He commented he appreciates public servants, but they don't need any more politicians and he feels like using that type of lingo is tapping into the bad side of politics. He noted the location they are hoping to improve currently has an alcohol license and he thinks 7-Eleven should be afforded the same opportunity. He stated there are other places on that street that sell alcohol 10:00 p.m. – 2:00 a.m. so if they are not getting it there, they are going to get it somewhere else and so limiting beautifying that area because of this seems unrealistic. He stated he is excited that 7-Eleven is reaching out to non-profits, schools and community members to see how they can collaborate and improve our community together. He shared that 7-Eleven is committing to a local hiring policy and that coupled with a community focus in a business plan that should be replicated and admired.

Maria Torrez requested translation from Rene Jimenez; stated she supports of the construction of the 7-Eleven because it is a great opportunity for employment and likes the fact that it is going to be open later at night, so they have other opportunities to buy Tylenol and Pedialyte. She stated they are already selling alcohol at that store and there is not that much criminal activity there. He commented they sell food, pizza, hot dogs, and many other things. She spoke about the current condition of the building being older, so she feels getting a newer building with the design suggestions will beautify that area.

Sandra Obando requested translation from Rene Jimenez; stated she supports a new building and hopes it will become a 7-Eleven because she thinks it will bring more business and it puts a gas station close by. She stated she is fine with

alcohol sales if they are abiding by the law. She noted the current business is a little older and the property could use some beautifying.

Leticia Lopez requested translation from Rene Jimenez; stated she lives in the area at 602 De La Rosa, Apartment 10 and she supports the construction of the 7-Eleven. She commented a 7-Eleven is beneficial for the community and having a newer building might brighten and beautify the area. She's reiterated she is in favor of the 7-Eleven and the sale of alcohol.

Gloria V. Torres requested translation from Rene Jimenez; stated she lives in the general area and is in favor of the 7-Eleven because she has kids and the hours work well for her. She commented the fact that it is open 24 hours allows her to get milk or medicine for their kids and even a Slurpee whenever they crave them. She voiced support to allow the sale of alcohol since there isn't too much criminal activity in the area and Alta Dena has already been selling.

Maricela Garcia requested translation from Rene Jimenez; stated she lives in the area and is in favor of the 7-Eleven because it is convenient for groceries, coffee, a quick meal and they also need a gas station. She commented getting more cameras will be a welcome sight because it will improve the security of the community in that area. She reiterated she is in favor because of the gas station, convenience, and the security cameras.

Balbina Delgado requested translation from Rene Jimenez; voiced support for the construction of the 7-Eleven. She stated she lives in the general area and feel it will be beneficial to the community to construct a new 7-Eleven in that location for people walking by to purchase things from the store. She noted it's convenient and good for all ages; kids, adults, older people. She spoke about older people having high blood pressure and wanting to relax with a refreshment. She stated she supports 7-Eleven because its will be close to her home and open 24 hours. She noted some people can't drive or don't have another mode of transportation, so having it be in a local area is convenient.

Layla Villafranca stated her opinion is to go through with it. She shared she did not grow up in this area but did grow up in an area where 7-Elevens are very convenient for medicine or food. She noted this will be a convenient area for people to walk to, who don't have other transportation. She added it is also useful for the homeless. She shared she has homeless family members and with a little bit of money they can go to the 7-Eleven and buy the food they need. She shared she goes to a 7-Eleven during lunchtime. She commented it will help kids get jobs and will clean up the area. She stated she understands the Commission is worried it won't stay cleaned, but if you gather people and ask the homeless maybe they would be willing to do it.

Eric Cohen stated the currently store has one owner/operator but a 7-Eleven coming in will add approximately 10 – 20 jobs and create more income for the citizens of Pomona.

Chair Brown invited the applicants to provide a response to public comment if they wish to do so.

Ben Steckler reported this evening they were presented with an issue that they were not aware of coming into this, because there was a gentleman's agreement by two different owners of the property, providing access to Mr. Lafayette Hannibal. He reported he worked with staff and Mr. Hannibal and they would be willing to add an access easement through the new driveway that is to be regulated by the stop light for him to access through their property. He shared they would break the wall at a point determined with the traffic engineer to provide access through their site onto his drive aisle and he would enter and exit through the area that is wide enough right now for our trucks shown on the site plan. He noted they would just be taking down a portion of the proposed wall and striping through that area with the ADA required access, while beautifying the streetscape with the landscaping as proposed out front and making the overall traffic safer in the area with the traffic signal modifications that are required.

Development Services Director Gutierrez clarified the issue they were scrambling around to talk about was that access issue. She pointed out where Mr. Hannibal currently accesses his site through 1600 Holt. She reported the proposed site plan would have narrowed the driveway and not have been a sufficient width to get the trucks through, because of power poles and signage. She confirmed there was an agreement to give access through the proposed new driveway (ingress and egress) and have an opening in the proposed wall here so that Mr. Hannibal can continue to access his site through 1600 W. Holt.

Ben Steckler stated they are willing to accept the condition this evening to enter into a formal access agreement. He stated the property owner is here and can also make that statement. He noted the agreement would be in place prior to building permit issuance.

Joshua Golchen, the property owner; he stated he enjoyed the conversation he had with Mr. Hannibal outside and working with the local community. He spoke about seeing the students come, the comments of the members of the Planning Commission about design and the adjacent tenant saying he is looking forward to this store becoming a 7-Eleven. He stated the upside is a phenomenal gas station with tax dollars, a new ABC regulated building and a new asset that the community has said numerous times that they want to see. He stated he looks forward to whatever conditions the Planning Commission wants to put on the approval and working together to get it done to have a successful project in Pomona.

Chair Brown closed the public hearing.

Commissioner VanderMolen stated he thinks it's a positive project. He encouraged the applicants to work with staff to tweak the architecture to something more dramatic (angled roof, lighting). He commented he doesn't see alcohol sales being a problem since there has been an existing alcohol license and there will be vastly improved security with cameras and better lighting. He stated he hopes that 7-Eleven continues to step up their involvement in the community by keeping their properties clean throughout the City. He commented this is a movement in Pomona and it comes from some grass roots and they want 7-Eleven to be a partner in our City. He stated he supports the project and if after a few years they prove themselves as a good neighbor then they could bring back the issue of extended hours.

Chair Brown stated he appreciated Commissioner VanderMolen comments that some tweaking needs to be done however; he would describe it as far beyond tweaking. He stated he doesn't have problems with the use and a commercial convenience market there is a good idea. He commented he has issues with the site plan and the project from a functional point of view, including the recent introduction of needing to provide access to trucks. He stated he appreciates staff trying to trouble shoot this problem in real time, but it seems Mr. Hannibal's operation is not insignificant, and he has some questions about the volume of traffic. He expressed concerns about this project meeting the standards of the Downtown Gateway segment of the Pomona Corridor Specific Plan. He stated he recognizes that this is a gas station and some of the standards don't apply, however, he disagrees with that. He stated gas stations were clearly articulated as a use when they developed these standards and he thinks the intention of the folks who adopted that plan was to live into those standards as much as possible. He referred to Page 14 of the Specific Plan regarding the Downtown Gateway Segments, reading "that a greater proportion of buildings will front onto the street, with parking lots behind or to the side, focusing on and encouraging activity on public sidewalks in contrast to traditional strip property frontages, dominated by surface parking in front and buildings set far back behind." He commented this project is the antithesis of the intention of Corridor Specific Plan and he knows gas stations present a different challenge, but he can think of many examples of urban designed gas stations where the convenience market is brought to the street to attract pedestrians to provide walkability. He read the Specific Plan states "this process is key to the creation of successful settings for new investment and revitalized activity on Downtown Gateway segments and a stronger identity for the city." He commented he appreciates hearing there is a willingness improve the building and is in favor of those changes, however, he thinks fundamentally the site plan is inconsistent with what the City of Pomona is trying to do on Holt Ave. with the Corridor Specific Plan. He stated he has a hard time imagining an approval due to this issue combined with the functional issue of providing access to the adjacent property owner.

Commissioner Camacho-Gonzalez thanked all the young people and community members who spoke. He stated he appreciates hearing what they want in their communities. He commented the Planning Commission has an opportunity to correct some of the uses in Pomona and although there is already an alcohol license at this site it is their job not to keep the status quo but to improve the neighborhood and reimagine it. He stated as someone who grew up in that area and went to Ganesha High School, Alta Dena was the place to go get alcohol if you were underage and that was why he asked how many times ABC inspects, because he knows there is a disconnect between the reported numbers and the actual amount of times young people are sold alcohol. He commented alcohol is the number one abused drug by young people in Pomona and they would be adding another alcohol outlet in an area that already has nine. He stated he is against the alcohol license. He spoke about 7-Eleven providing healthier options but it really being a convenience store with a lot of not favorable attributes. He stated he agrees that putting a 7-Eleven at this site would be an improvement, but he thinks they should reimagine something better and hold themselves to a higher standard. He spoke about pressuring developers to think bigger than convenience stores to get higher quality places in Pomona's neighborhoods. He reiterated he is against the alcohol license because higher alcohol density brings public and mental health issues into communities. He stated he understands that 7-Eleven's goal is to get this approved and paint a picture that it is going to improve our community, however, it's not, it's a convenience store not a place where anyone wants to hang out. He refuted the comment made by the developer that there is a thin margin without alcohol sales, by stating this location will also have a gas station to provide additional revenue. He commented the someone was offended by the term

“weaponizing youth”, however, only one student stated he didn’t agree with the alcohol license and all the others spoke about how great 7-Eleven is, so by having them come and do PR for 7-Eleven you are weaponizing youth and he didn’t find it appropriate. He addressed the comment about it bringing in 10-20 jobs, stating those are not full-time jobs with benefits, but part-time jobs in a 24-hour store and not jobs for young people because one must be 21 to sell alcohol.

Commissioner Kercheval thanked Commissioner Camacho-Gonzalez for his thoughts and perspective. She shared she lived near a 7-Eleven competitor, but her mom would never let her buy milk there because it was more expensive. She commented there are some really great things about the property, like the way Dudley just rolls on into the parking lot, and wonders if this is an underutilization of the property. She stated she thinks they could put in something bigger. She stated she is also concerned about the sudden easement for other property owner. She confirmed she was seeing that cars would come in on the left side, but then the neighbor with the semi-trucks must come in on the other side opposite.

Development Services Director Gutierrez replied vehicle access can go either way and showed the fueling trucks path of travel.

Commissioner Kercheval commented the Planning Commission needs to have some design standards for residential and commercial, something that fits into the neighborhood.

Commissioner Urey stated she is also concerned about the numerous minor variances that would be required to make this use fit into this space and has some other sites plan concerns. She thanked Chair Brown for bringing up the Gateway Specific Plan and that language. She commented this is a permitted use, but it seems like this particular use doesn’t really fit the site very well. She stated all the people who spoke, talked about the convenience of having this kind of establishment in this neighborhood and it sounded like they would all be getting to this location by walking or biking. She expressed concern that the Commission didn’t talk about the layout of the gas station part which dominates the front and stated she has concerns about the safety of pedestrians on the Holt Ave. sidewalks and those crossing Holt Ave. to get to the other side. She stated she is not liking the way it looks right now.

Commissioner Bunce stated he is prepared to vote in favor but thinks there is a message being sent by his fellow Commissioners. He commented he has lived in Pomona for 19 years and is tired of the overall assumption that Pomona will take anything. He stated he thinks the applicants made a good effort to have a professional store, but it’s certainly not exceptional. He summarized that the Commissioners are saying is that the Planning Staff need to think creatively and as Chair Brown mentioned, reconceptualizing what this site could be architecturally. He shared he can think of situations where there is an attractive building out front with landscaping and then one drives around the building to get to the pumps. He commented it is time for staff to think carefully before bringing something this routine to us.

Chair Brown asked about the options for proceeding. He stated he know they have the option of approving the Conditional Use Permit with variances as recommended by staff, or to denying that, but what other options exist. He asked if the Planning Commission can deny alcohol but consider the Conditional Use Permit.

Development Services Director Gutierrez replied the Commission can bifurcate the issues and approve one and not the other. She stated they could also continue this item for further clarification or have staff and applicant work to bring other options for consideration if the Commission believes they can come up with a solution that would be amendable. Lastly, if the Commission feels those issues raised tonight cannot be resolved then the option would be to deny.

Contract Planner Hamilton added if the Commission feels the site planning needs a significant redesign; he would suggest they continue the hearing.

Development Services Director Gutierrez clarified if the Commission feels the issues can be resolved through conditioning, then you could condition those things and trust that staff would work with the applicant to bring something acceptable, however, if there needs to be a major redesign or major significant changes, she would recommend continuing the item off calendar until such time as those issues could be resolved and brought back to the Planning Commission for consideration.

Chair Brown stated he feels strongly that the work that needs to be done goes beyond something that the Commission can condition. He stated he appreciates staff’s efforts to try address the circulation of the adjacent property and try to resolve that in real time, however, he feels they need more time really investigate the details of that situation and make sure that the solution works. He commented for him it goes back to the Standards for the Corridor Specific Plan and paying closer attention to where the work can be done more consistently with the intention of the specific plan.

Development Services Director Gutierrez shared the reverse scenario he is describing was discussed and it wasn't something the applicant was interested in pursuing.

Chair Brown made a motion.

Commissioner VanderMolen commented he likes the way this is going, he wanted it tweaked but this sounds even better. He commented that reinventing something as mundane as a 7-Eleven, done in the right way sets a direction for the City in general. He stated he hopes the applicants stick with the City as they try to envision a new Pomona on our corridors and elsewhere.

Commissioner Bunce stated he is with his colleagues in theory; however, he plans to vote against the motion due to the amount of time they have given to mild improvements, the professionalism in which this has been presented and the community support expressed. He stated when you put all of that together he is content with proceeding and that this latter part of the conversation for something quite transformative should be applied to future projects and kept firmly in mind.

Commissioner Camacho-Gonzalez stated he is against continuing this item because he would be favor of denying and is not content with the use. He commented they should hold this area to a higher standard, and it was apparent there wasn't a resolution today when he asked the applicant if they would continue without the alcohol license.

Motion by Chair Brown seconded by Commissioner Urey, carried by a majority vote of the members present (4-2-0-1), to continue this item off calendar, to provide an opportunity for the applicant and staff to talk through revisions that could be brought forward.

Roll Call Vote: Chair Brown - yes, Commissioner Grajeda- absent, Commissioner Camacho-Gonzalez - no, Commissioner Urey- yes, Commissioner Bunce - no, Commissioner VanderMolen - yes, Commissioner Kercheval - yes.

F-2

PUBLIC HEARING – GENERAL PLAN AMENDMENT (GPA 11831-2019) AND CODE AMENDMENT (CODE11832-2019) TO ADOPT AMENDMENTS TO THE 2013-2021 POMONA HOUSING ELEMENT AND AMENDMENTS TO THE POMONA ZONING CODE, THE DOWNTOWN POMONA SPECIFIC PLAN, THE POMONA CORRIDORS SPECIFIC PLAN, ORDINANCE NO. 4224 AND ORDINANCE NO. 4238 RELATING TO EMERGENCY SHELTER LOCATIONS AND STANDARDS, MINIMUM DENSITY REQUIREMENTS AND PARKING RATIOS.

Staff recommended continuing this item to May 22, 2019, to allow for enough time for the Commission review of all relevant documents distributed this evening.

Chair Brown requested to get a digital copy.

Development Services Director Gutierrez replied absolutely.

Chair Brown opened the public hearing.

Motion by Commissioner Urey, seconded by Commissioner Camacho-Gonzalez, carried by a unanimous vote of the members present (6-0-0-1), to continue this item to a date certain, May 22, 2019.

Roll Call Vote: Chair Brown - yes, Commissioner Grajeda - absent, Commissioner Camacho-Gonzalez - yes, Commissioner Urey- yes, Commissioner Bunce - yes, Commissioner VanderMolen - yes, Commissioner Kercheval - yes.

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner VanderMolen commented it was an interesting evening and a hard vote for him. He stated Chair Brown was able to voice things in a way that hopefully provides direction to the planning staff for future projects. He spoke about working towards a vision and stated that may be painful at times and they may make mistakes. He stated this was a good testament of the new Commissioners and a learning experience for all. He stated he is encouraged regardless of what happens.

Commissioner Kercheval stated she appreciated Chair Brown bringing the commissioners back to the General Plan. She stated she tends to dismiss it because it's not done, but they still need to look at it. She reported she has been driving around Foothill Blvd. and asked for an update about the addition of a crosswalk in front of the hotel where the young boy was hit by a car and died last year.

Development Services Director Gutierrez replied Public Works might be able to give an updated on that.

Acting Public Works Director Guerrero replied there is no update. He stated if it's a mid-block crosswalk they tend to stay away from those and encourage pedestrians to go to the nearest intersection that is hopefully signalized. He stated Foothill Blvd. is under Caltrans jurisdiction, not a City Street, so it becomes a little tougher. He reported the last thing done on Foothill was a traffic signal in front of the mobile home park, about 1 ½ years ago and that took 3-4 years to get through the Cal Trans process.

Commissioner Bunce stated he heard staff say they did consider having that reverse position of the building with the gas pumps and stated he doesn't see it as a good guys or bad guys thing, but rather a collaborative process they are involved in. He stated tonight it came across as being more over and against then was really intended. He commented he sees a lot of give and take and that tonight the Commission was finding their emphasis. He stated he appreciates Chair Brown's leadership and keeping the emphasis in a good place.

Acting Public Works Director Guerrero replied the other cross street for the traffic light on Foothill was Sumner Avenue.

Commissioner Kercheval asked how the City presses Cal Trans or if the people rise to demand it.

Acting Public Works Director Guerrero replied at this past Monday's City Council meeting he made a presentation on how staff evaluates requests for traffic signals, stop signs, or left turn arrows. He stated staff are guided by the California Manual on Uniform Traffic Control Devices, so there are certain guidelines and requirements they must review and abide by. He stated if the City implements a traffic signal that is not justified per the guidelines, it may create more liability. He stated one of the common warrants is number of reported accidents in a given twelve-month period and typically that number of five, so if there are five or more accidents at an intersection that is resolvable by a traffic signal.

Chair Brown spoke about the fire at 1980 S. Reservoir Street at a recycling facility last week. He shared people came out and spoke at the City Council meeting. He reported this was a facility that had been inspected in the summer of 2016 by staff, when they inspected 12-15 facilities around the city, identifying a list of violations. He commented was a bit of an existential moment for him as a Planning Commissioner because they are here trying to enforce standards and staff works hard to set quality standards but then if the City is not enforcing them or going to the lengths to protect the public health safety and welfare then he asks himself "What's the point?" or "What are we doing here?". He stated he really appreciates the work staff does and he knows that they need direction from community leaders about the extent to which they really value the standards. He expressed, in his small role as a leader, how important it is to hold our community to these standards and encouraged folks to reach out to their elected officials to make sure they are sending the proper signals to staff about enforcing these standards. He noted he was very involved in this issue prior to being a Planning Commissioner and he knows how serious the conditions are in those facilities and it's something that is very important to him.

Commissioner VanderMolen gave a shout out for support of American Idol contestant Alejandro Aranda.

ITEM H:

DIRECTOR COMMUNICATION:

Development Services Director Gutierrez reported in addition to the Housing Element at the next meeting on May 22, 2019 staff will have a presentation on the Downtown Pomona Specific Plan being released to the public on Monday, May 13, 2019. She stated she will be sending the link and staff will be hosting an open house in the back of the City Council Chambers at 6:00 p.m. for the public with a formal presentation to follow as part of the regular agenda of the May 22, 2019 meeting.

Chair Brown confirmed if that would be a discussion item. He asked if the Commission will be making any votes at that meeting.

Development Services Director Gutierrez replied it is just a discussion item. She stated staff are releasing it for all to review and will do a presentation on the key points with time for questions, potentially bringing it back to the Planning Commission for consideration in June.

Commissioner Camacho-Gonzalez asked if the Commissioners will be able to give comments.

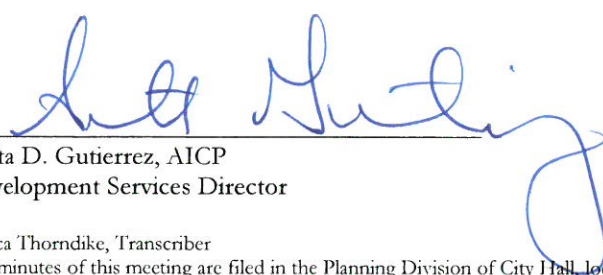
Development Services Director Gutierrez replied yes, this will be in the draft and public comment phase.

ITEM I:
DISCUSSION:

None

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Brown at 9:40 p.m. to the next regularly scheduled meeting of May 22, 2019 at 7:00 p.m. in the City Council Chambers.



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.

