

OFFICIAL MINUTES
PLANNING COMMISSION
WEDNESDAY, JUNE 12, 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 Kercheval led the Pledge of Allegiance.

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

COMMISSIONERS PRESENT: Chairperson 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, Assistant Planner Lynda Lara, Assistant Planner Eunice Im

ITEM D:
PUBLIC COMMENT:

See Item G Planning Commissioner Communication.

ITEM E:
CONSENT CALENDAR:

1. Approval of draft Planning Commission minutes meeting of May 8, 2019.

Chair Brown requested an amendment to the minutes; under Item F-2 it should be noted that they did open the public hearing prior to the motion to continue.

2. Miscellaneous (MISC 11867-2019).

Motion by Commissioner Bunce, seconded by Vice-Chair Grajeda, carried by a unanimous vote of the members present (7-0-0-0), to approve draft Planning Commission minutes meeting of May 8, 2019 and Miscellaneous (MISC 11867-2019).

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

ITEM F:
HEARING ITEMS:

F-1

PUBLIC HEARING – CHANGE OF ZONE (ZONE 11492-2019) FROM M-1 (LIGHT INDUSTRIAL) TO R-1-6,000 (SINGLE FAMILY RESIDENTIAL) AND A MAJOR VARIANCE (VAR 11494-2019) TO DEVIATE FROM THE POPULATION DENSITY, AND THE FRONT AND REAR YARD SETBACKS REQUIREMENTS OF THE R-1-6,000 DISTRICT FOR A PROPERTY LOCATED AT 261 S. CASWELL STREET.

Lynda Lara, Assistant Planner, provided a presentation on this item.

Commissioner VanderMolen asked this was originally one lot that included the house in front, and it was split at one point in time. He stated it's strange that the front house is on a small lot like this lot and it's new.

Development Services Director Gutierrez replied she doesn't have any information on that.

Commissioner Camacho-Gonzalez commented he is happy something is going to be developed because he drives by the site daily and it is an eyesore. He thanked staff for their presentation.

Commissioner Grajeda asked if it was a new property owner.

Assistant Planner Lara replied yes.

Commissioner Grajeda asked if the owner and staff had noticed the condition of that property with all the trash accumulation.

Assistant Planner Lara replied yes, staff are aware of it and she has spoken with the owner. She shared the owner will be taking care of the trash immediately, having her maintenance team clean it up this week.

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

Silvia Gehna and Isaac Gehna, the applicants, came forward. Silva Gehna shared they purchased the property in November of last year and it took forever for escrow to close. She reported they did have it cleaned up about three months ago when she initially gave the Planning Commission pictures, but it looks like it is dirty again. She stated she has the maintenance guy scheduled for tomorrow and can provide updated pictures on Friday. She shared their general contractors and are planning to build a single-family home like the neighbors.

Commissioner VanderMolen commented there may be homeless people sleeping and living on the site. He asked how long it will be before they are able to build.

Silvia Gehna replied her understanding is that they will be going to the Building Department next to submit plans. She stated once this gets approved it will then be whatever time it takes to go through that process. She estimated 2-3 months.

Commissioner VanderMolen commented nothing bothers him more than the state of Pomona's vacant lots and when he drove by and saw the state of this lot he was upset. He encouraged the owners to do a weekly cleanup and make sure the weeds are chopped down because they are tall enough to hide in. He requested that between now the build out of the property they keep the lot clean free of trash for the neighbors. He asked if they were going to sell, rent or live in the house they are building.

Silvia Gehna replied they will take care of the site and be consistent. She responded they plan to sell or rent. She noted they may be fencing the lot off too.

Commissioner Kercheval commented she was excited to see they were building a single-family home because it's a great use of the property. She asked if the garage on the west side of the property was against the property line or setback a little bit.

Silvia Gehna replied no the garage is on the front and attached.

Commissioner Kercheval clarified she was referring to the garage on the adjacent property to the west. She shared she was looking at it more closely on Google Maps and it looks like it is up against the property line. She stated she noticed that the set back on that side of the property is 4 ½ feet and asked what the standard is for this building.

Assistant Planner Lara replied correct. She confirmed the question was for the rear.

Commissioner Kercheval replied yes.

Assistant Planner Lara replied its 25 feet.

Commissioner Kercheval asked what the variance they are asking for is for.

Assistant Planner Lara replied the front and rear yard setback.

Commissioner Kercheval asked if the variance on the back was going to be 4 ½ feet.

Assistant Planner Lara replied yes.

Commissioner Kercheval expressed concern that the building will be too close if it is right against the property line, especially if there is an eve.

Development Services Director Gutierrez replied the eve is probably about a ½ foot overhang.

Commissioner Kercheval stated she there is a fire code that there needs to be a setback of at least 5-6 feet.

Assistant Planner Lara replied there is a 3-foot setback for accessory structures and that is if you have a fire rated wall, and they will be beyond that.

Commissioner Kercheval confirmed it is considered an accessory structure.

Assistant Planner Lara replied yes.

Chair Brown reiterated the comments of Commissioner VanderMolen, sharing he too drove by the site and was disappointed to see the condition of it. He stated he is heartened to hear the efforts they made in the past to clean it up and the owners pledge to do that again this week. He encouraged the owners to maintain good stewardship of the site as long they own the property.

Commissioner Bunce shared he drove to the site and had the same reaction to the condition of the property. He commented this house, as it is designed, will enhance the neighborhood. He stated it is attractive and they are making the best possible use of a rather small lot.

Chair Brown closed the public hearing.

Chair Brown shared he spoke with Development Services Director Gutierrez about the condition of this lot. He stated this has been far from an isolated incident and just about every project he has seen while being on the Planning Commission has had major clean up issues, especially these small infill projects. He shared he asked Development Services Director Gutierrez to think about what can be done in the application process. He asked Development Services Director Gutierrez to share her response with the rest of the Commission.

Development Services Director Gutierrez thanked Chair Brown for bringing the issue to staff's attention. She agreed that they can do a better job in the Planning Division. She stated the developers want to get to a hearing and have an end goal but there is also a need in Pomona to ensure properties within the City are being maintained and not being left in a dilapidated condition. She reported she is encouraging staff to do early site visits, as soon as they receive applications, to note the condition of the sites and then bring any issues to the applicant's attention in hopes of getting early action on some of these violations. She stated if violations are issued, owners would then have to resolve those before their case goes to a hearing. She stated this provides an incentive to improve sites and keep them maintained until a project come to a hearing. She shared there was also discussion about adding stronger conditional language post entitlement to ensure that sites are maintained and hold developers accountable. She stated she heard comments on this item about wanting to ensure the site is free from trash and debris. She suggested adding a condition that states "must be maintained, free of trash and debris and weeds maintained, monthly or bi-weekly, until such time as the project building permits are pulled."

Chair Brown replied that's great to hear and he would be very supportive of those ideas. He commented Commissioner VanderMolen brought up a good point in asking how soon this project will happen. He stated hopefully this one will be happening sooner than a lot of our projects that seek extensions. He stated he would welcome the recommended language with follow through.

Commissioner VanderMolen agreed that should be standard practice to make sure developers are maintaining their properties, because it's a constant struggle in a City like Pomona. He shared when he was previously on the Planning Commission, they had a Chair, Frank Delgado, and for every project he would ask if the applicant was going to take care of the graffiti long before there was the graffiti abatement that exists now.

Commissioner Urey stated she would be happy to make a motion. She stated the variance seems like a correction and the Conditional Use Permit seems like the best way to make sure of that property.

Development Services Director Gutierrez as for clarification of the motion. She stated she gave the option of monthly or bi-weekly cleanups. She asked if Commissioner Urey had a preference of what she wanted to specify or if she wanted to leave it up to the applicants.

Commissioner VanderMolen replied he likes bi-weekly.

Commissioner Urey and Commissioner Camacho-Gonzalez agree to bi-weekly.

Motion by Commissioner Urey, seconded by Commissioner Camacho-Gonzalez, carried by a unanimous vote of the members present (7-0-0), to approve Change of Zone (ZONE 11492-2019) from M-1 (Light Industrial) to R-1-6,000 (Single Family Residential) and Major Variance (VAR 11494-2019) to deviate from the population density, and the front and rear yard setbacks requirements of the R-1-6,000 District for a property located at 261 S. Caswell Street; with a condition to maintain the property bi-weekly as recommended by staff.

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

Development Services Director Gutierrez noted there is a twenty-day appeal period.

F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 011186-2018) AND TENTATIVE TRACT MAP (TRACTMAP 9725-2018) TO ALLOW CONDOMINIUM CONVERSION AND SUBDIVISION OF 12 UNIT RESIDENTIAL DEVELOPMENT IN THE R-2 (LOW DENSITY MULTIPLE FAMILY) ZONE LOCATED AT 1452 S. WHITE AVENUE.

Eunice Im, Assistant Planner provided a presentation.

Commissioner Kercheval asked what will happen to the residents. She asked if this is just switching over the condos and the residents will stay.

Development Services Director Gutierrez replied they would be given an option to purchase.

Commissioner Kercheval asked if they would be evicted if they don't want to purchase.

Development Services Director Gutierrez replied the owner can clarify the timeframe.

Assistant Planner Im replied she is aware that the Developer is not intending to sell these units anytime soon, but they wanted to move forward with the conversion of the rental to condominiums.

Commissioner VanderMolen confirmed it is just strictly a term change from one to the other and they will not be doing anything to the property.

Assistant Planner Im replied correct.

Commissioner VanderMolen asked if when the first project came up it was always intended to be rentals.

Assistant Planner Im replied yes, it was built as rental units.

Commissioner VanderMolen asked what the price range was going to be on these condos.

Assistant Planner Im replied the applicant is here to answer questions.

City Attorney Marco Martinez reported there is one important aspect that should be considered with respect to a condominium project. He stated there is a requirement that there are CC&Rs and Homeowners Association and so as part of that the City has a condition that will allow it to review those. He shared he is working with staff on making sure they implement specific requirements for continual maintenance of the project and hold the Homeowner's Association responsible for that.

Chair Brown asked if that language was included in the conditions in the resolution before the Commission.

Commissioner Urey replied yes, it's in the conditions.

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

Jim Moran, 1452 S. White Street, the applicant. He stated he is here tonight to get permission to record the tract map. He shared he is proud because it is a beautiful project, landscaped, with artwork. He shared he stood here a couple years ago when the Planning Commission gave permission to build. He stated the intention here is to keep options open and this is just the first step in that process. He noted they need to get the map recorded, go through the CC&Rs, create a homeowner's association, go through the bureau of real estate through the State of California and get approvals from the City. He stated there is still a lot of work to do and so this isn't going to happen overnight. He reported all the tenants are aware of the situation, and they will give them the first right. He stated it is a win for both sides if they were interested in buying. He noted the association will be FHA approved, which means buyers can take advantage of some of the loans that are out there. He shared the homes will be priced at mid - \$400 in today's market and there are 12-units. He commented sometimes a property looks a little nicer if there are homeowners taking care instead of a management company, but that driving by one may not notice any difference.

Commissioner Grajeda commented he was fortunate enough to be here when the applicant came to the Planning Commission with this project. He confirmed the developer met every condition. He commended Mr. Moran for the way they built and kept things concealed and clean. He stated he supports whatever project they take on because he knows they will comply with. He commented it saddens him that they are not going to be rentals, but it also a great idea to turn them into condominiums. He noted some of the condos will become rentals anyways.

Commissioner VanderMolen asked the sizes of the units.

Jim Moran replied they are 1,800 square feet, three-bedroom 2 ½ bath with attached garage.

Commissioner VanderMolen asked what the homes currently rent for.

Jim Moran replied it's a range and depends on where the doors are location, but between \$2,100 and \$2,400 per month. He noted right now they are completely occupied.

Commissioner VanderMolen spoke about providing a chance for people to become homeowners and stated this is a great way to do it. He shared his wife has been looking for a house for somebody in that area and \$400's is about the right price.

Jim Moran commented if you back into the number the new owners might even be paying the same rent or less and be a homeowner.

Chair Brown closed the public hearing.

Commissioner Kercheval stated she agrees with home ownership. She expressed concerns that people won't have a down payment, but she is also excited for people to own homes in Pomona. She stated she thinks it's a good thing.

Commissioner VanderMolen replied there are now requiring very small down payments, so a person can get that down payment without too much effort since they are already FHA compliant. He agreed he thinks it's good.

Commissioner Camacho-Gonzalez expressed concern that it will have a HOA attached to it.

Development Services Director Gutierrez replied its part of the map back that it is required.

Commissioner Camacho-Gonzalez shared he has family that are realtors and HOAs are always a factor, because even after you pay off the house you are going to have to continue to pay that fee. He stated he is an advocate for home ownership, especially in Pomona where there are some many renters, however, HOAs are turn off. He commented he knows the benefits of an HOA, but also understands that it creates a barrier for folks.

Commissioner Urey replied part of the reason they must have an HOA is because there is community property, like the private street, so they must have a vessel to care for it. She made a motion to approve. She stated she thinks it is great.

Motion by Commissioner Urey, seconded by Commissioner VanderMolen, carried by a unanimous vote of the members present (7-0-0-0), to approve Conditional Use Permit (CUP 011186-2018) and Tentative tract map (TRACTMAP 9725-2018) to allow condominium conversion and subdivision of 12-unit residential development in the R-2 (Low Density Multiple Family) zone located at 1452 S. White Avenue.

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

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner Grajeda shared there is a new group in Pomona that was trying to introduce themselves. He asked if they could have a few minutes to speak.

Marco Martinez clarified the group was planning to submit a card for Public Comment, but they got here a bit too late. He stated it is the Planning Commission's discretion if they want to reopen public comment.

Chair Brown did not receive any objections and reopened public comment.

Yesenia Miranda Meza, President of PUSH (Pomona United for Stable Housing); shared Commissioner Grajeda attend their elections yesterday. She stated she was glad to see the Commissioners asking the questions that need to be asked right now. He stated rent costs are one of their concerns and an area they want to focus on in the City of Pomona. She shared they were here to introduce themselves and reported the results of the organizations recent elections;

- John Nolte, Vice-President, a former Councilmember.
- Ben Wood, Treasurer, from the PLC Center.
- Anel Anang, Secretary
- Jose Diaz, Community Outreach.

She stated they are looking forward to working with the Planning Commission and have questions. She asked what the best way was to communicate with the Planning Commission about different projects that are going on in the City that are currently affecting tenants.

Jose Diaz, Community Outreach for PUSH; shared his concern is for tenants in the City of Pomona. He stated people have troubles in apartment complexes and so they are fighting for these people. He asked for help dealing with the problems. He commented they need to help the families, most importantly the children. He thanked the Commission.

Chair Brown responded they can always reach the Commissioners through the Planning Office; however, it is up to individual Commissioners to decide if they wish to provide other means of connection.

Development Services Director Gutierrez stated they can go through her and she can send any requests to the Commission.

Commissioner Grajeda complimented Alan at the Planning front desk. He shared he has been there a few times for information and he is awesome. He shared Alan going through items in detail, takes time, is patient and knowledgeable.

Development Services Director Gutierrez replied this is excellent to hear and she will pass along the compliment.

Commissioner Grajeda reported some tree cutting and cleaning occurred in the area by Rainbow Ridge between Skyline and Turnpost Lane, maybe by the Fire Department, and the workers left big piles that are now drying out and dangerous. He stated he was going to inform the Public Works Director if he was here today but instead will share with planning staff. He reported within the same street, Phillips Ranch on Rainbow Ridge, there have been several people who have received a notice from the City to move their trashcans behind the home. He spoke about there being confusion about where to put trashcans because the Phillips Ranch Specific Plan states they must be guided by CC&R's and reads they must be 25 feet behind the fence. He stated there are homes that are not even 25 feet long that means that they must go all the way in the backyard, which would be an inconvenience and trashcans back there could lead to people jumping the fence. He stated he doesn't have a copy of the CC&Rs and thinks that something is being misinterpreted because they don't have them. He shared he is doing this for the neighbors for people that he knows in the area because they came to him.

Development Services Director Gutierrez replied code compliance does not enforce CC&Rs; those are enforced among private property owners. She asked if he knows what code section was referenced. She stated there is a section on property maintenance within the Phillips Ranch Specific Plan that does address maintaining nearby properties, so they do not have a detrimental impact. She noted it mentions basketball backboards, trash, screens, trash cans, other things like that specifically.

Commissioner Grajeda confirmed the location of trash cans.

Development Services Director Gutierrez replied it doesn't give a specific number of feet but was there a code section that was referenced.

Commissioner Grajeda replied he was given a paper and didn't bring it with him tonight. He stated he will send the details Development Services Director Gutierrez.

Development Services Director Gutierrez replied that would be great, she'd like to see what code section they are referencing because it should not have been a CC&R because that's not something under the purview of the City to enforce.

Commissioner Grajeda replied they may have had CC&Rs a long time ago, but they don't have them anymore. He stated they don't have an association, so it is something they need to revisit.

Development Services Director Gutierrez asked that he provide a specific address that received a violation, so she can look that up or provide her a copy of that violation.

Commissioner Grajeda replied he will.

Commissioner VanderMolen asked what was happening with the enforcement of the current maintenance and fencing ordinance of vacant lots.

Development Services Director Gutierrez replied there was a big push prior to her coming to the City of Pomona in 2018 to do some enforcement on that ordinance, however, she now understands there may be some conflicts in that ordinance making it difficult to enforce. She reported there were some violations issued but it became an issue for them to comply, so there hasn't been much activity. She stated the ordinance needs some clean up and that is something on the Planning Division list for code compliance that she will be getting to in the coming year. She stated this applies to the whole strategy of code compliance, outlining the priorities because there are a lot of areas that need attention. She stated vacant lots are one of those priorities. She suggested they have a conversation about the ordinance separately.

Commissioner VanderMolen responded he thought it was something like that because he hasn't seen much change in the lots being maintained.

Development Services Director Gutierrez added they also need the enforcement team to support it.

Commissioner VanderMolen agreed, commenting why have these ordinances if you can't enforce them.

Development Services Director Gutierrez commented enforcement of vacant lots is very difficult because the owners are typically out of Country or State and tracking them down, following up on the violations and putting the liens on is time and resource intensive.

Commissioner VanderMolen commented he knows there are a lot of new technologies for code enforcement, where staff can electronically access information standing in front of a lot and take care of the issue on the spot. He asked if the City of Pomona is moving in that direction.

Development Services Director Gutierrez replied she hasn't heard it discussed specifically, but she would foresee that being the goal. She stated identifying the name of the owner is easy but getting their contact information is difficult.

Chair Brown asked if there have been efforts to fill the vacant Planning Manager position.

Development Services Director Gutierrez replied yes.

Commissioner Kercheval shared she got a postcard in the mail about a property for sale and she recognized it and it was something they approved in South Pomona for a condo project. She asked if it was common for someone to come before the Planning Commission, get the permits, the variances and then sell the property.

Development Services Director Gutierrez confirmed it was already entitled as a for sale product and then they are selling it.

Commissioner Kercheval replied yes and the Commission approved the project.

Development Services Director Gutierrez replied yes, that is actually very common. She shared some companies only work in entitlements and then sell the project fully entitled to someone who will build it. She noted some applicants are not builders they are just the entitlement stage.

ITEM H:
DIRECTOR COMMUNICATION:

Development Services Director Gutierrez reported the next meeting, June 26, 2019 will have a heavy agenda. She shared she will have the Downtown Pomona Specific Plan for their official consideration, and staff will be bringing back a discussion on ADUs to share the work they have done since the last joint study session. She stated staff will be informing the Commission of the changes they have made, and this will be another opportunity to get the Planning Commission's feedback before bringing it back as an action item.

Chair Brown confirmed the Downtown Pomona Specific Plan is a public hearing item.

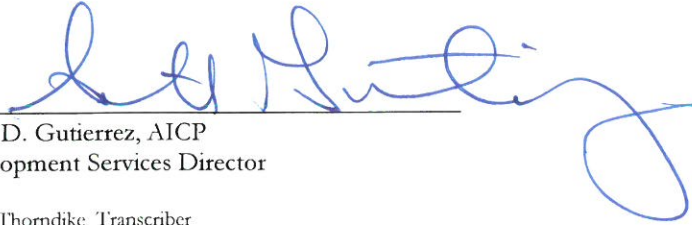
Development Services Director Gutierrez replies yes and ADU's will be a discussion.

ITEM I:
DISCUSSION:

None

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Brown at 7:58 p.m. to the next regularly scheduled meeting of June 26, 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.

