

OFFICIAL MINUTES
PLANNING COMMISSION
WEDNESDAY, JUNE 26, 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 Gwen Urey led the Pledge of Allegiance.

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

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

COMMISSIONERS ABSENT: Commissioner Dick Bunce

STAFF PRESENT: Development Services Director Anita Gutierrez, City Attorney Marco A. Martinez, Assistant Planner Alina Barron, Contract Planner Jeff Hamilton, Senior Planner Ata Khan, Senior Planner Vinny Tam.

ITEM D:
PUBLIC COMMENT:

Alfredo Lamón Edmond, expressed concerns and read aloud his written thoughts asking for support from the Planning Commissioners for ideas he has to address some of the City's issues and help the community to grow and prosper. He asked how he and other community members could make an appointment to sit down with a Commissioner to take about some of his ideas.

Chair Brown informed Mr. Edmond each Planning Commissioner has their own policies about how they meet with the community, applicants, and others and that he could make that request through the Planning Division. He stated Planning staff can provide contact information and will reach out to the Commissioners to decide whether they are able to meet.

ITEM E:
CONSENT CALENDAR:

1. Approval of draft Planning Commission minutes meeting of May 22, 2019 and June 12, 2019.

Chair Brown requested a separate vote separately because must abstain from May 22, 2019.

Motion by Commissioner Grajeda, seconded by Commissioner Camacho-Gonzalez, carried by a majority vote of the members present (5-0-1-1), abstention by Chair Brown, to approve the draft Planning Commission minutes meeting of May 22, 2019

Motion by Commissioner Grajeda, seconded by Commissioner Kercheval, carried by a unanimous vote of the members present (6-0-0-1), to approve the draft Planning Commission minutes meeting of June 12, 2019.

Chair Brown reported there would be an adjustment to the published agenda. He stated because of staff considerations this evening Item I-1, Discussion on the City Clerk Presentation on Social Media Communication and Brown Act will be moved to the front of the agenda, followed by hearing Items F-1 and F2.

ITEM F:
HEARING ITEMS:

F-1

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 8366-2017) TO ADD A 1,600 SQUARE FOOT, 3-BEDROOM APARTMENT WITH ATTACHED 2-CAR GARAGE TO THE FIVE EXISTING APARTMENTS ON THE PROPERTY LOCATED AT 1194 WEST GRAND AVENUE.

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

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

Tomas Ursua, project applicant, shared this is a bucket list project and explained that thirty years ago he submitted this project to the City with the exact same configuration, however, at that time he was required to dedicate the back 15% of the lot for street improvements, because the City anticipated building a street. He noted he could only build the 5 units. He reported that in the 1990's the City dedicated a piece of property it owned on Hamilton to Habitat for Humanity and they built two homes on the site, which threw out the idea of a building a street, even though there were already some development in that portion. He stated since that time other neighbors have built within that area, so he was motivated to come back. He shared he has a financial arrangement to build the new units and use the additional funds to renovate the existing five units top to bottom. He stated he has been working with the staff and met all the requirements. He noted on the landscaping they just provided a general treatment; however, they plan to provide a full fledged landscaping plan. He commented based on all the criteria the city has he thinks it will look a lot nicer than it looks right now. He stated he would appreciate their consideration and requested the Commission's support.

Commissioner VanderMolen asked if Mr. Ursua was going to save the mature trees and palm trees or explore the possibility of selling them because they are large.

Mr. Ursua replied he plans on moving the palm trees, the old Eucalyptus are like stumps, and everything else will be reused.

Chair Brown closed the public hearing.

Chair Brown clarified that the landscape requirement mentioned by Mr. Hamilton are included in the resolution.

Development Services Director Gutierrez replied yes as a condition of approval.

Contract Planner Hamilton reported Condition #9 of the Conditions of Approval requires additional shrubs, an additional tree and a revised landscaping plan.

Commissioner VanderMolen stated it looks like a good project. He loves that it will be freshened up because after thirty years homes become tired. He stated he thinks it will be an improvement to the neighborhood.

Commissioner Grajeda agreed it is a good project and progress for the area. He stated its perfect timing because they need housing. He thanked the applicant for building 1,600 square foot unit with three bedrooms. He commented the applicant is doing the right thing and setting a good example because 1,600 square feet. He motioned to approve the item with the conditions recommended by staff.

Chair Brown also agreed it is a good project and stated he appreciated hearing that the applicant is going to be reinvesting the property and the neighborhood. He noted that this is good model property for the community.

Motion by Commissioner Grajeda, seconded by Commissioner Urey, carried by a unanimous vote of the members present (6-0-0-1), to approve Conditional Use Permit (CUP 8366-2017) to add a 1,600 square foot, 3-bedroom apartment with attached 2-car garage to the five existing apartments on the property located at 1194 West Grand Avenue with the conditions recommended by staff.

F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 11327-2019) AND TENTATIVE TRACT MAP (TRACTMAP 11071-2018) TO ALLOW A CONDOMINIUM CONVERSION AND SUBDIVISION OF A 10-UNIT RESIDENTIAL DEVELOPMENT IN THE R-2 (LOW DENSITY MULTIPLE FAMILY) ZONE LOCATED AT 1361-1379 LAUREL AVENUE.

Alina Barron, Assistant Planner provided a presentation.

Commissioner VanderMolen asked about the size of the units.

Assistant Planner Barron replied they are all approximately 830 square feet. She shared she has a map if the Commissioner would like to take a closer look.

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

Dana Hurt, project applicant; shared there are three owners of the property who are all here tonight. He thanked councilmember Rubio Gonzalez in the District 1 for encouraging them to do this project and Assistant Planner Barron for all her hard work. He stated his partners and their wives have owned the property for twenty-three years and had a presence in Pomona for a long time. He shared they had the idea to convert these rental units to individually owned condominiums, but wanted to meet with Councilman Rubio Gonzalez, District 1 to make sure they were in alignment with the City of Pomona. He reported the Councilmember Gonzalez encouraged them to move forward but informed them it would be a lot of work and steered them to the right people. He shared the property has consisted of 10 individual rental units on one lot, they have always provided good condition properties and have never had a vacancy problem. He stated rather than sell the property as a ten-year rental, they felt it would be beneficial to themselves and the City to convert the units to condominiums and sell them to individual families. He reported they will offer the units to the tenants first to purchase. He spoke about the benefits, stating home ownership should decrease the crime rate, property values will increase and the County Fire Departments condition requiring fire sprinklers be added to the houses will make it safer for the occupants living there. He stated they understood that the City that Pomona would like to increase their number of homeowners. He noted they are real estate investors and not opposed to reinvesting some of this capital back into Pomona. He urged the Commission to approve the project because their goals are aligned with the City's.

Commissioner Urey stated she sees a shared owner private driveway and common area, but she doesn't see a condition for a Homeowner's Association (HOA). She asked if there should be one.

Mr. Hurt replied they are going to establish an HOA and CC&R's. He reported they are going to open the center of the property so there will be 20,000 square feet of common area.

Commissioner Urey asked if he is going to change the way it looks.

Mr. Hurt replied not the units; they don't want to touch the footprint.

Commissioner Urey confirmed that the new common area as going where there is a fence now.

Mr. Hurt replied yes, there is a fence straight down the middle that they plan to take out and then block out both ends with a gate. He stated they don't want people coming up the middle of the houses off the street and Planning requested that they open more common area.

Commissioner Urey asked if Mr. Hurt would object to a Conditional of Approval for a HOA and the CC&R's.

Mr. Hurt replied no.

Development Services Director Gutierrez responded she thinks that is appropriate.

Commissioner VanderMolen stated having an HOA was one of his questions too, because he thinks it's a requirement for condos and should always be put in there.

Development Services Director Gutierrez replied correct.

Commissioner VanderMolen asked what the units rent for currently.

Mr. Hurt replied approximately \$1,500 each for one bedroom and one bath with a garage.

Commissioner VanderMolen asked what Mr. Hurt thought the current market value might be on something this small.

Mr. Hurt replied maybe \$350,000 each.

Commissioner VanderMolen replied that is great. He commented that he loves that there is a movement in the City towards affordable units so people can get that first home.

Commissioner Grajeda asked the applicant why in a time when a lot of condominiums are turning into rentals, they decided to go the other way around.

Mr. Hurt replied they figured it was better to be 10 individual properties and it would be more of a benefit to them.

Commissioner Grajeda asked what is going to happen to the people who live there now.

Mr. Hurt replied the current residents are going to have an opportunity to buy them.

Commissioner Grajeda asked if the units are all going to be priced the same regardless of their location.

Mr. Hurt replied yes unless they want things like wood floors or appliances.

Commissioner Grajeda stated he appreciates the concept of allowing ten more people/families to become homeowners in Pomona. He stated he supports this project.

Commissioner Kercheval asked if all three owners are tenants.

Mr. Hurt replied no.

Commissioner Kercheval commented the places are cute and she likes having more single-family homes. She expressed concern that the people living there now will not be able to afford to buy. She shared she checked on FHA loans and its difficult for condominiums to get an FHA loan, especially a condominium that was a conversion from a rental. She asked Mr. Hurt if he was aware of that.

Mr. Hurt replied they have conventional financing, not FHA.

Commissioner Kercheval asked if that meant 20% down.

Mr. Hurt replied they have 5% down. He stated he hopes the tenants buy them all, but he is not sure that is going to happen.

Commissioner Kercheval replied that's not terrible. She asked if the applicants have done anything to help the tenants with their credit. She shared there are companies, like Rental Karma or Experian, where the residents could build up their credit.

Mr. Hurt replied they usually just give a letter. He reported their tenants usually stay there a long time, one who was there when they bought the property in 1996, who ended up being there 25-30 years.

Commissioner Kercheval replied the problem is the renters don't get credit ratings automatically, so you must set that up.

Mr. Hurt replied they will let them retro that by call the credit company and reporting that the tenant has paid on time from the date of the rental agreement.

Commissioner Camacho-Gonzalez thanked staff for working with the applicants to provide more common green space. He stated he hopes that continues.

Commissioner Grajeda asked if the people who live on this property been notified about what is happening.

Mr. Hurt replied yes.

Assistant Planner Barron replied they were all notified and as a part of the agenda packet the Commissioners should have a copy of all the mailers that went 60 days before the application.

Commissioner Grajeda asked staff if they have received any feedback from anyone.

Assistant Planner Barron replied no, she has not.

Commissioner Grajeda commented he is surprised none of the tenants are here.

Mr. Hurt shared he hasn't received any calls from anybody either.

Commissioner Kercheval asked if Mr. Hurt if he has spoken to the residents personally. She suggested he knock on their door. She asked if there were any seniors living there.

Mr. Hurt replied he doesn't think so but doesn't know for sure.

Development Services Director Gutierrez reported that there is a Condition for the CC&R's and HOA included in the resolution on the tract map resolution, page 5 of 10, Condition #7.

Chair Brown closed the public hearing.

Commissioner VanderMolen commented he thinks it is terrific and that this might become a movement in the City. He spoke about having units like this that can put on a lower market level for first home ownership and the opportunity to own a home in the \$350,000 range. He noted the payments may only be \$400 higher than what they are paying for rent. He stated he remembers buying his first little house and being pushed by his parents to buy a piece of junk, but he is glad he did. He stated that pride of ownership changes things. He stated he hopes when the developer sells these units that they use that money to buy another set of rentals and do the same thing. He commented he thinks it would be a great movement for people to own properties in a City that is affordable compared to the cities around them. He stated he is excited to see this happening, likes what the applicant had to say and is glad they spoke to Councilmember Gonzalez. He encouraged his fellow Commissioners to support the project because he thinks it could be a good trend for Pomona.

Commissioner Kercheval stated she has mixed feelings. She commented the City needs more smaller homes that people can buy as starter homes, however, 5% down is \$17,000. She spoke about schools not teaching how to save for a first down payment or about financial goals. She stated if someone is not prepared or is living on a limited income \$17,000 is a lot of money. She spoke about needing parents and the benefit generational wealth on her husband's side to get into her first home. She stated she looked at the FHA and HUD requirements for rentals to condo conversions and one of them is that the conversion must have happened at least 12 months before the unit will get on the list to be approved for a lower interest rate and also the tenants have to be the ones to organize the homeowners association and sponsor the conversion. She stated she doesn't totally agree with those federal guidelines. She commented she would like to see more people become homeowners and feels the City should come up with some type of plan to help people get ready for homeownership rather than pushing people out of Pomona to bring other people in. She suggested starting at the school district. She reiterated that she has mixed feelings, hates to think about people being pushed out, but also knows there are a lot of people that need a home.

Commissioner Grajeda stated this is the kind of project Pomona needs and is sold on the idea that ten people could become homeowners in Pomona. He stated he wishes the tenants were here to express themselves and say if they are interested or not. He spoke about there being more freedom for financing, with low down payments, and possible expenses paid through the lender of the seller.

Commissioner Urey stated she also likes this project. She spoke about it not just being new homeowners moving into these little houses, but also seniors, because there is a demand for single story homes, and nobody is building them. She stated to have new investment in existing single floor homes is a real asset and may attract some senior buyers who are downsizing, making their bigger houses available for families. She stated she is also thrilled to approve a project that has single car garages.

Commissioner VanderMolen agreed with Commissioner Kercheval that the current residents probably won't qualify for FHA because the units are older and there are very stringent qualifications, however, there are a lot of other programs for first time homebuyers that will hopefully come into play. He stated he is in a business where a lot of people are downsizing and agreed that after living in a 2,500 square foot house with four bedrooms, once the kids are gone, this might be perfect. He commented he is hoping that Pomona residents that are currently renting buy these units. He stated he is very encouraged.

Chair Brown commented he too thinks this is a good project and complimented the property owner for the maintenance and stewardship of the property. He commented it appears by all indications to be a model property and the Commission has two of those on the docket tonight and that doesn't always happen so it's nice to see.

Motion by Commissioner Grajeda, seconded by Commissioner VanderMolen, carried by a majority vote of the members present (5-1-0-1), to approve Conditional Use Permit (CUP 11327-2019) and Tentative Tract Map (TRACTMAP 11071-2018) to allow a condominium conversion and subdivision of a 10-unit residential development in the R-2 (Low Density Multiple Family) zone located at 1361-1379 Laurel Avenue, with conditions as recommended by staff.

Commissioner Kercheval opposed the motion, voting no.

F-3

PUBLIC HEARING – A comprehensive update to the Downtown Pomona Specific Plan (SPA 6409-2016) and related updates to the Pomona Corridors Specific Plan (SPA 12106-2019) and Pomona Zoning Ordinance (ZONE 12104-2019).

Ata Khan, Senior Planner provided a presentation.

Commissioner Kercheval thanked staff for the presentation and confirmed the P-2 in the MUCBD was between Third and Fourth and Parcels across from the Inner Health Center.

Senior Planner Khan replied correct.

Commissioner Kercheval asked if that area was zoned for 12 stories.

Senior Planner Khan replied it is, but it's limited by the transect, so one wouldn't be able to hit the 12-floor maximum because that transect doesn't call for that, it is a 4-floor max.

Commissioner Kercheval clarified transecting means its adjacent to something.

Development Services Director Gutierrez replied the transect is the General Plan.

Senior Planner Khan added it is the density adopted by the General Plan.

Commissioner Kercheval commented that sounds great.

Commissioner VanderMolen expressed concerns with making the Offsite Type 20 Alcohol permit a minor Conditional Use Permit because it has been a big issue in Pomona for a long time.

Development Services Director Gutierrez replied this is just for the downtown. She clarified the change to a minor Conditional Use Permit would only apply to onsite and offsite liquor stores would continue to be Conditional Use Permits.

Commissioner VanderMolen stated it sounded like they were making that a lesser.

Senior Planner Khan replied on-sale would just be the minor Conditional Use Permit; the Conditional Use Permit for off-sale would go untouched.

Chair Brown stated he is not proposing an eleventh-hour amendment, however, there is an obvious exception that has been part of this Specific Plan of the Packing House over on the east side of Towne Avenue. He asked if there had been any discussion about addressing the block of Palm Drive that leads to it and perhaps incorporating that into the Downtown Specific Plan because both represent exceptions.

Senior Planner Khan confirmed Chair Brown meant in the sense of street improvement that would be contemplated for that area.

Chair Brown replied he is just thinking about general future uses and it is an awkward situation for Palm Drive leading down and terminating at a MUI use and just to the east is an M use. He asked if that was discussed at all and if so why it was not pursued.

Senior Planner Khan replied it was discussed and when staff analyzed it was a challenge of sequencing, because they Pomona has a comprehensive zoning code update coming, that was intended to predate this, so the sequencing is reverse right now. He stated Parcels is a perfect example and noted if the City took this area back to the base code for a clean boundary here, the base code wouldn't support the Packing House today, so staff wanted to retain that to prevent non-conformity. He stated long term when the comprehensive zoning looks at M2 and M1 and how distinct this area is from some of Pomona's other industrial uses. He stated it will be an appropriate conversation to amend the code so this area included in the downtown or for a special zoning designation that our new zoning code will adopt to provide some uses or permissions that are different than the other industrial zones. He stated staff shelved it for now with an eye for the zoning code update.

Commissioner Grajeda commented he thinks the incentives are a little bit too nice and he is hoping City Council will catch that.

Senior Planner Khan confirmed Commissioner Grajeda was referring to both incentives.

Commissioner Grajeda replied yes both incentives.

Commissioner Camacho-Gonzalez thanked Senior Planner Khan for all his work and efforts to make downtown more walkable. He stated he saw staff included the linear park on First Street as an implementation and expressed concerns about the 75% reduction in green space incentive. He stated he understands why a developer would feel that as burdensome, but the downtown does not have that much greenspace as it is now. He shared that the City of Portland and City of San Diego have eco roofs and was wondering how that would work and asked about the pocket park that would be privately owned, public open space. He stated on paper as an incentive it looks great, but in practice there could be issues. He shared he has noticed in the downtown an issue with perception of safety and therefore property owners may feel that they are not safe and want to lock it. He stated he understands it's a Director level decision to figure out if that would work, but he would hate for a lot these folks to take advantage of the incentive and create all of the privately owned, public open spaces that are not accessible or can't be located. He reported Pomona has 27 public open parks and he has residents that don't know where they are, and they don't have gates around them. He commented he understands that the developers find it burdensome but other cities have found a way to make this a reality. He noted the downtown is densely populated and there are many reasons why green spaces is necessary and beneficial to residents. He stated he hopes that the implementation is looked at more carefully, because he has seen property owners in the downtown that are very cognizant of people stepping into property and they'd want to keep folks out even though it is privately owned public open space. He stated he supports the incentive and showing that there is a balance between developers and residents, but the implementation is an issue for him.

Development Services Director Gutierrez clarified Commissioner Camacho-Gonzalez prefers to developer required common open space that would only be accessible to the residents as opposed to privately owned public open space.

Commissioner Camacho-Gonzalez replied yes. He shared that he has noticed by living in apartments for most of his life, there are residents don't have access to open space and people must go and recreate in a park somewhere else. He spoke about privately owned, public open space not truly being accessible to the public because its locked, or they can't find it

or because residents don't want the public there. He commented that being accessible on paper and accessible in practice are two different things. He shared he has been in the downtown where residents have looked at him differently for walking on public land in the street.

Development Services Director Gutierrez replied that's a valid concern that staff have discussed, however, staff have also tried to balance hearing the need for open space in the downtown and creating connectivity between the parks. She stated there is no space that the City is going to be able to purchase in downtown soon, so staff thought about how to create those items without making it a mandatory requirement on top of common open space. She stated Commissioner Camacho-Gonzalez's comments a valid concern and something staff could amend.

Commissioner Camacho-Gonzalez replied it doesn't need to be amended. He stated if there is development in the downtown and it follows all these conditions it won't come to the Planning Commission, so he wouldn't have an opinion or voice, therefore, is just requesting some oversight from staff to make sure the public open space is used as it is intended to be used for.

Commissioner Urey commented staff did a lot of work and she is very impressed. She stated she likes the thinking explained about the parking. She shared she has some concerns about the incentive for public open space and asked if it could be fragmented.

Senior Planner Khan confirmed she was asking in terms of if they wanted to use this incentive. He stated he doesn't see why it couldn't be because there isn't a prohibition stating it must be contiguous. He noted there are provisions about it needing to be visible or if on a rooftop or courtyard clearly marked, as well as, that it couldn't be locked during the day if it was behind closed doors or it was a plaza it would be 24/7.

Development Services Director Gutierrez added referencing Commissioner Camacho-Gonzalez's point that staff would require that it is a usable open space, so it couldn't just be broken up into several different planters because that's just landscaping.

Commissioner Urey confirmed staff would have to approve what it would look like for the incentive to work. She stated it seems like a very generous incentive.

Development Services Director Gutierrez replied it is and purposefully because staff are trying to encourage open space in downtown where there is a lack of it. She stated staff's thought process was to incentivize that as much as possible to get those pieces of open space throughout downtown.

Commissioner Urey asked about the allowance for banner signs for a temporary use up to six months. She stated that seems like a long time to use a banner sign, and that later in the Prohibitions section there is a prohibition on freestanding banner signs. She asked what that is.

Development Services Director Gutierrez replied those are flags like the ones you see on apartments.

Commissioner Urey reiterated six months for a banner sign seems like a long time.

Senior Planner Khan responded it is something that came out of counter conversations. He stated Pomona has a temporary banner permit and the language in the base code says a person can have a temporary banner for thirty days but then they must take a month off but could do it again and so it ends up being a total of six months out of a year. He stated it's a provision that doesn't really work well for a grand opening because in some cases folks want to promote something for six months to get traffic in the door. He stated in downtown staff felt that might be appropriate.

Commissioner Urey replied that makes sense.

Chair Brown opened the public hearing and closed the public hearing.

Commissioner Camacho-Gonzalez requested to discuss the use the matrix where it talks about the on-sale and off-sale of alcohol and it being a minor Conditional Use Permit. He confirmed this was for restaurants and bars in downtown.

Senior Planner Khan replied yes and added for Type 47 restaurants.

Commissioner Camacho-Gonzalez asked what the current process is if a restaurant or bar in downtown wants to sell alcohol, liquor and beer.

Senior Planner Khan replied it depends on whether it is an on-sale or off-sale permit. He stated if they are going to have liquor, beer and wine as part of a night club or bar and its not for sale to take outside it would be on on-sale license, however, if it was a liquor store or convenience market where folks take it offsite it would be an off-sale. He stated in either case the applicant would have to come forward to the Planning Department file a Conditional Use Permit and come before the Planning Commission to receive approval. He noted if the off-sale location is in a census tract that is considered high crime by the Police Department or if they exceed the authorizations then they would also have to go to City Council for a Public Convenience finding.

Commissioner Camacho-Gonzalez commented in his experience working in substance abuse prevention in the past alcohol is all consuming in Pomona, and nothing is happening. He stated he has an issue with this change and that it would not come to the Planning Commission. He commented that when folks are drinking at restaurants and bars, they drive home sometimes. He shared he was just looking at the Office of Traffic and Safety and the number of accidents in the past four years has increased. He stated he doesn't understand the rationale for making this change.

Development Services Director Gutierrez replied staff heard from the downtown business owners and developers that if the City is wanting to make downtown an entertainment destination a component of that is having restaurants open at night and bars to create that night activity. He shared going through a full Conditional Use Permit can be lengthy, expensive and burdensome, so staff wanted to make an easier path for the types of uses the City wants to encourage in downtown. She stated a minor Conditional Use Permit would still have conditions, would still be reviewed by the Police Department, could be appealed to the Planning Commission, by the Planning Commission or a member of the public or be automatically called up to the Planning Commission by the Director if it was particularly problematic.

Chair Brown asked if there is a public notification process with the minor Conditional Use Permit.

Senior Planner Khan replied there is not.

Chair Brown asked how the public would know about it to appeal it.

Senior Planner Khan replied this is like the City's Minor Certificate of Appropriateness in a historic district. It's a permit where would have to establish a process to communicate that there is a permit on file for a minor Conditional Use Permit and that it's appealable.

Commissioner Camacho-Gonzalez stated he understands why a business owner, or a developer would want to expedite that because the sale of alcohol is lucrative. He stated he doesn't see the rationale for the downtown when they are making it more walkable at the same time, he doesn't see that as congruent with each other.

Senior Planner Khan asked Commissioner Camacho-Gonzalez to if he sees a distinguishing factor in the impacts he cited between restaurants and bars. He asked there would be a better outcome if the minor Conditional Use Permit only applied to Type 47 restaurants and not to bars or nightclubs.

Commissioner Camacho-Gonzalez replied he doesn't think it matter, because he knows people that their main place to drink is a restaurant. He stated he really doesn't see the rationale or a difference.

Chair Brown commented he is not opposed to the minor Conditional Use Permit. He shared in the time he has been on the Planning Commission there have been several Conditional Use Permits for on-sale alcohol in the downtown area that have passed, however, it's been far from a rubber stamp. He shared there were dissenting votes on every single one and it can be a contentious issue within the community. He stated there is a plurality of views and he feels they would need to think about ways in which folks are made aware of that process if we proceed with it as a minor Conditional Use Permit to make sure there is plenty of opportunity for people to express reservations and concerns.

Commissioner Camacho-Gonzalez asked if a Planning Commissioner could appeal.

Senior Planner Khan replied it could be the Planning Commissioner, the next highest body and that is for any minor Conditional Use Permit.

Commissioner Camacho-Gonzalez asked if it would be agendized as a minor Conditional Use Permit on appeal.

Senior Planner Khan replied yes added within 20 days of the action.

Commissioner Camacho-Gonzalez confirmed the Commissioners would be notified.

Development Services Director Gutierrez replied yes

Commissioner Camacho-Gonzalez expressed concerns of how that would work if it is not agendized. He confirmed this is not something the City already does.

Senior Planner Khan replied no it is not, but there is a minor Conditional Use Permit path currently in the Downtown Plan that hasn't been exercised often. He reported staff has noted that the implementation of communication would be critical.

Commissioner Camacho-Gonzalez asked if the threshold would be just one Planning Commissioner who says I want to put this on the agenda.

Development Services Director Gutierrez replied yes.

Commissioner Urey asked if a minor Conditional Use Permit for alcohol was issued to a restaurant by staff would the Commissioners be informed.

Development Services Director Gutierrez replied yes, the Planning Commission would be notified of the decision. She added if the Commission feels a majority of these would be appealed, it might make sense to just make it a Conditional Use Permit. She stated the point of making it a minor Conditional use Permit was to make it an easier path, but if the overall sense is that most will be appealed and there is some controversy, it might be better to make it a Conditional Use Permit and have it come straight to the Planning Commission.

Commissioner Urey commented she feels a lot of the permits would end up getting appealed by someone.

Commissioner Grajeda stated the issue is that every two years there are new Commissioners. He expressed concerns about the new Commissioners being notified. He stated is he is not confident with minor Conditional Use Permits and think it's best to keep it the way it is it so that everybody will have the opportunity to speak.

Commissioner Urey confirmed the Commission needs to make a recommendation to City Council to approve.

Senior Planner Khan replied yes, the Commission would be adopting the resolution which in the resolution states the recommendation to City Council to take first reading of the ordinance, for all three of those actions; the zone change, the two Specific Plan amendments.

Development Services Director Gutierrez suggested Senior Planner Khan display the recommendations. She reviewed that the recommendation are to approve the adoption of the Comprehensive Downtown Plan, adopt the amendments, adopt the zone changes and the environmental and recommend approval to City Council.

Senior Planner Khan stated Commissioner Urey could make the motion to approve as stated in the resolution and include any amendments.

Commissioner Urey motioned to recommend to City Council all recommendations with the exception that the of the change of the alcohol minor Conditional Use Permit.

Chair Brown added to maintain on-sale as a major Conditional Use Permit. He commented it's a good step forward and was pleased to see the revisions, specifically parking. He stated staff did an excellent job seeking input in the last few months and he is very pleased to support the draft and feels they are on the right pathway. He noted Senior Planner Khan referred to the future of the Vehicle Parking District and feels the City should be asking some tough questions about whether a Vehicle Parking District makes sense in Pomona in the future.

Motion by Commissioner Urey, seconded by Commissioner Grajeda, carried by a unanimous vote of the members present (6-0-0-1), to approve the comprehensive update to the Downtown Pomona Specific Plan (SPA 6409-2016) and related updates to the Pomona Corridors Specific Plan (SPA 12106-2019) and Pomona Zoning Ordinance (ZONE 12104-2019), as recommended by staff with an amendment to maintain the on-sale alcohol permit as a major Conditional Use Permit process.

ITEM G:
PLANNING COMMISSION COMMUNICATION:

Commissioner Grajeda thanked staff, the City Attorney's Office, Development Services Director Gutierrez and the City Clerk. He stated the changes that have been made are exceptional and he sees nothing but good things, he is very proud. He thanked the City Council for working exceptionally hard too and commented he is looking forward to a new City Manager.

Chair Brown shared he received a letter from Omni Trans and CTA San Bernardino County Transportation Authority with a notice of availability for a draft environmental impact report (EIR) and public meeting for the West Valley Connector project. He reported this is a 35-mile-long bus route and transit corridor that would connect the cities of Pomona, Montclair, Ontario, Rancho Cucamonga and Fontana and include up to 60 station platforms in 33 locations. He stated there is a draft EIR available and he has more information if anyone is interested, including dates of the public meetings. He asked staff if they received it as well.

Development Services Director Gutierrez replied she thinks it just came in her box today but hasn't looked at it yet.

Chair Brown reported several of the Commissioners attended the community workshop at Washington Park Community Center around the Cannabis ordinance and he thought staff did a terrific job in terms of laying out the issues from a zoning perspective. He stated he thinks it was a useful model and was glad to see they are having more of those kinds of meetings going forward. He reported Councilmembers Garcia and Preciado set up this meeting and other City Council members are setting up future ones.

Commissioner Urey also thanked staff for the cannabis meeting and reported it was great with approximately 170 people there. She shared Commissioner Camacho-Gonzalez and herself were on a community advisory council for the Arrow Highway Multi-Modal corridor. She shared Pomona along with Glendora, San Dimas, Laverne and Claremont are looking at ways to promote active transportation and transit to move around the five cities without cars. She stated it was a cool meeting and there are going to be more meetings, so if anyone is interested in those issues, they can talk to her.

ITEM H:
DIRECTOR COMMUNICATION:

Development Services Director Gutierrez shared the cannabis discussion was well attended and staff received a lot of positive feedback. She reported the City is planning to have two additional meetings, the weeks of July 15, 2019 and July 23, 2019 potentially at St. Paul Church potentially and Westmont Community Center. She stated she will send that information out the Commissioners as soon as its final. She shared staff are continuing to do a lot of research and work on the cannabis ordinance with a team of three planners and herself working on that. She shared Senior Planner Khan and herself went to a conference on Friday and made connections with the City of L.A. and with the state regulators that regulate and inspect the manufacturing sites. She staff are learning from other jurisdictions what they have done wrong or right and continuing to make changes to the draft as they listening to the community. She estimated bringing that ordinance to the Planning Commission by the Fall.

Returned to this item after Discussion Item I-2.

Development Services Director Gutierrez reported staff took the Housing Element to City Council as a first hearing last week and it passed, so they are going to second reading on Monday. She stated after adoption all the ordinances will be sent to HCD so that Pomona will have a certified Housing Element.

Commissioner VanderMolen asked if there was any potential of public counsel blocking it.

Development Services Director Gutierrez replied at this point they can't block it. She stated they could still oppose it, but it would be in the State's hands and their determination of whether we have met their interpretation of state law.

Commissioner VanderMolen replied which the City has already figured out.

Development Services Director Gutierrez reported that the new Homeless count came out and Pomona saw an 11% reduction, which further supports the Housing Element and the additional sites being zoned for emergency shelters. She reported July 10, 2019 is the next scheduled meeting; however, she may be cancelling that meeting because the two cases staff were planning to bring are not going to be ready for that date.

Chair Brown shared he is not able to attend the July 10, 2019 meeting nor the other meeting in July.

ITEM I:
DISCUSSION:

1. City Clerk Presentation on social media communication and Brown Act.

Rosalia A. Butler, thanked the Commission for their time to report on a couple policies the City Council has recently approved and that affect each of the Commissioners as an appointed member of the Planning Commission.

- During the June 17, 2019 City Council Meeting the City Council was presented with a copy of the proposed City Social Media Policy which establishes administrative guidelines for the use of social media sites by the City of Pomona as a means to disseminate information regarding the City's Mission, meeting activities, events and current issues to member of the general public.
- This policy is intended to mitigate risks, as well as govern use, of all city social media accounts which include but are not limited to Facebook, Twitter and Instagram, regardless of whether the social media site are accessed from city computers, computers outside the city or mobile devices.
- This policy addresses a pervasive issue, which has not previously been constrained by clear guidelines and many individuals, including employees, elected and appointed officials, volunteers and agents will be impacted by this policy.
- The second City Council approved item is with respect to an allegation of a Brown Act violation, made by some of the members on the Historic Preservation Commission.
- A copy of the staff report on this item was presented to the City Council at the June 17, 2019 City Council meeting. The staff report reads "California's open meeting law (a.k.a. the Brown Act) requires that all discussion of the business of City Commissions be done in properly noticed public meetings."
- Social media presents a new challenge for City officials, while social media platforms offer opportunities to broader interactions with the public it violates the Brown Act for most members of a Commission to discuss Commission business outside of a Commission meeting, including indirectly through social media.
- Pomona resident Jacqueline Elizalde presented to the City Council at the June 3, 2019 meeting a printout from the website Next Door of an exchange of facts and opinions among a quorum of Historic Preservation Commissioners.
- This exchange is an example of a prohibited serial meeting, no action was taken by the Commissioners outside the meeting and their intent appears to have been an effort to spread the word about the fate of the Pomona Stables project a June 4, 2019 City Council related agenda item.
- The in-term City Attorney indicated that no action needed to be undone in order to cure the violation, but an admonition was warranted.
- Along with the staff report, each Commissioner has been given a copy of a guidelines to prevent serial meetings. A copy of these guidelines was also provided to all attendees of the May 2, 2019 Brown Act Training which was hosted by the City Clerk's office and presented by the City Attorney's office.
- The City Clerk asked for a show of hands of who attended that Brown Act training. No one indicated they attended.

- The City Clerk requesting that the Commissioners review the attached social media policy and guidelines to prevent serial meetings and complete the acknowledgement of receipt for each one, turning the signed forms into the City Clerk's office.

Commissioner Grajeda shared he served on the Historic Preservation Commission and remembers having a Brown Act conversation with the previous City Attorney although it was not as specific as it is today. He commented social media has gotten out of hand but there are a few people who are making things better. He stated maybe some need a reminder of what the Brown Act is about and how to behave in Public, as well as at the dais, and so he appreciates what is happening; but he is not sure if this is going to take care of the problem. He suggested more training for Commissioners when they are first appointed. He stated they need to be shown how to handle an agenda and how to behave at the dais because for the first year most who serve are completely lost. He shared he had the privilege of leading a meeting a few weeks before and hadn't done that before, and he felt at a loss.

City Clerk Butler replied to Vice-Chair Grajeda stating that is why she is here tonight. She agreed that more interaction with staff and the City Clerk's office and working one on one with the Commissioners would be good, because maybe one day they will be sitting on the dais a Councilmember. She shared the direction given by City Council was to have the City Clerk redistribute the policy to the Commissioners and she could have done a quick email, but she decided to present it, putting a face to the policy to be available for questions or concerns. She stated she agrees with the Vice-Chair Grajeda 100%.

Vice-Chair Grajeda replied he appreciates every effort the City Clerks' office, City Attorney, Mayor and City Council are doing to try to educate everyone.

Commissioner Camacho-Gonzalez commented he is prohibited from making comments on social media and has seen a lot of misinformation out there. He stated he stands in full support of his colleagues on the Historic Preservation Commission because he understands their intent.

He commented everyone is on social media and members of the public have questions and a lot of Commission meetings are not well attended. He stated he thinks there is a problem and we need to fix the issues. He commented that the Brown Act was written in 1953 and technology has changed completely. He spoke about feeling some responsibility for educating, however, that is a Brown Act violation. He stated there is a community engagement piece that is missing, and he doesn't know what the solution is if social media is off the table, because most of our residents are communication on social media via smart phones.

City Clerk Butler agreed that the Brown Act it is very antiquated and shared that has been discussed at the City Clerk conferences and seminars she attends. She stated she is not trying to discourage anyone from going online, on the contrary, she encourages the use social media as an informational tool to get the agenda out there and let the public know of events that are happening within the City. She stated the Brown Act is tough because technically when the Planning Commission starts talking back and forth online about items it does becomes a serial meeting. She stated its about getting public engaged into the item or topic but as it was explained during the roundup training by the City Attorney there is agenda for a reason, and that is so people at home can say an item interests them and attend the meeting to speak. She stated when the conversation happens online, and it hasn't been properly agendaized per the Brown Act and they are not giving the public a fair chance to put in their comments. She reported the Brown Act stems from the State level, and they can't amend it, however, it is being worked on in Sacramento to be brought into today's time frame, but that takes time.

Commissioner VanderMolen asked if a one on one discussion with another Commissioner was ok.

City Clerk Butler replied a violation would be if four of the Commissioners were in a discussion because there are seven.

Commissioner VanderMolen replied so if it had been three online it would have been ok.

City Clerk Butler replied yes, however, there might be a perception issue. She stated how would the public know there wasn't a comment deleted from a fourth, so you must be very careful.

Commissioner VanderMolen shared the reason he brought that up was because he has a conversation with somebody in elected City government yesterday and they mentioned an issue and when he asked for more details, he was told they couldn't tell him because of the Brown Act.

City Clerk Butler replied they were being overly cautious. She shared the City Attorney during the Brown Act training suggested each person from a legislative body get a Brown Act buddy, so if there is a question or a topic comes up, you have someone else on your team.

Commissioner Kercheval stated she thinks what happened online was that one person too many said something, and she would hate to go back to there not being any interaction. She asked if there was some way to have an agreement as a board that they stop after one or two because she doesn't want to have the fear of not being able to announce a meeting. She shared she has tried to limit to saying there is a meeting and it affects people in my district and probably wouldn't say anything else, like how she felt about a subject. She noted she thinks it would be ok if others did though.

City Clerk Butler replied that is the education they are trying to bring the forefront. She stated use social media to interact for information, don't stop, keep doing that but it can be a slippery slope.

Chair Brown thanked City Clerk for coming and sharing this. He commented it was helpful. He echoed Commissioner Grajeda's thoughts about more training. He shared he knows that the City Clerk's office is very accessible, and she responds quickly to questions he has had about filings or other things. He stated the City Attorney's office is also very responsive to these kinds of things. He encouraged his colleagues to reach out and get that information if they have questions. He stated he would hate for there to be a backlash as a result of City Officials not communicating effectively with the public. He shared in his experience with other cities he has seen situations where elected officials are using the Brown Act as an excuse not to communicate with their constituents, so he encourages folks to not give up on that, but to ask questions and get the information they need to be responsible.

City Clerk Butler agreed and stated her doors are always open for questions or concerns or if they want to post something need confirmation first. She shared has a good relationship with the City Attorney's office and so if she can't answer she will go to to them.

Chair Brown asked what to do with the signed forms.

City Clerk replied send the signed forms to the City Clerk's office or scan and email them to her directly.

2. Accessory Dwelling Unit Draft Ordinance.

Development Services Director Gutierrez noted this is a discussion item that will be coming back at a separate time for vote and consideration. This is just to reiterate what we have learned and what we have talked about since the May 1, 2019 meeting and give the Commissioners an opportunity to comment.

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

- Continuing the conversation on yet another long-range project that the Planning Division is working on; the Accessory Dwelling Units (ADU) new ordinance.
- Steps taken so far relating to the ordinance:
 - December 2018 and February 2019 staff spoke with Historic Preservation Commission and the Planning Commission to introduce the topic of ADUs as well as the new State standards that were implemented in January 2017 and 2018.
 - The State revamped the laws related to ADUs to help encourage the development of those types of housing, by streamlining the permitting process for them.
 - Staff then prepared a draft ordinance which was discussed at the April 2019 joint study session of the Planning Commission and the Historic Preservation Commission.
 - Staff took comments from the public and the Commissioners at that meeting and reviewed the first draft of the ordinance.
 - A revised version of that draft ordinance and a memo describing the revisions was distributed for this meeting.
 - Staff will present on the most significant revisions to the ordinance itself.
 - Staff made some minor revisions related to phrasing and spelling, as well as, definitions which have been capitalized throughout the document for easy reference and use by applicants and staff.

Chair Brown clarified that printout that was given to the Commissioners at the beginning of the meeting today, is that identical to what was sent out electronically.

Development Services Director Gutierrez replied yes.

Senior Planner Tam noted there was one minor edit to attached ADUs being limited to 50% of the primary dwelling unit or 800 square feet, whichever is less. He reported the version issued to the Commission didn't have the "whichever is less" language.

Development Services Director Gutierrez shared she has a copy if anybody from the public would like one.

- **Definitions.** Staff revised several definitions as follows:
 - Attached ADUs - added a definition for interior ADUs and owner.
 - Staff felt it was necessary, after processing over 100 permit requests, to include a revision that identified scenarios where applicants would convert portions of the existing primary dwelling unit as well as having an addition, so that there was clarity on how to apply standards as they relate to attached ADUs.
 - Interior ADUs (enclosed ADUs, garage conversions) – included a definition and special standards section to address that this is state mandated requirement.
 - Chair Brown questioned on how to address these at a previous meeting and if the City could limit the development standards. Legal responded at the Joint Study session that the state mandates the standards that apply to enclosed ADUs can't be touched.
 - Owner – revamped the definition to read "owner means the property owner on the latest property tax assessment role. If the owner is not a natural person or a group of natural persons, for example the owner is a trust or corporation, then the owner shall designate a natural person for the purpose of satisfying the owner occupancy requirement."
 - There was some conversation during the Joint Study Session regarding the definition of -owner and how to address scenarios where you have a non-person as an owner. This rewritten definition helps clarify how the City applies the owner occupancy standard that is within the ordinance.

Commissioner Grajeda confirmed the City of Pomona could change owner occupancy requirements if they wished.

Senior Planner Tam replied that is correct.

Commissioner Grajeda stated he has been insistent on not making it necessary for the ADU to be owner occupied. He stated if the City wants this to happen and these units to be built by everybody its necessary for for those that don't live on the property because it's another rental. He recommends removing the owner occupancy clause, so both units could be rentals. He spoke about the personal example he provided about his kids, who live in their own homes, inheriting his home with an ADU and one unit on the property having to be left vacant.

Chair Brown respectfully disagreed. He stated they talked about at the workshop that there is a plurality of views on that. He thinks the owner-occupied requirement is important and is still be supportive of that. He stated he thinks Commissioner Grajeda brought up some interesting circumstances that can have some unintended consequences and his understanding was that staff tried to address that. He invited staff to talk about that.

Senior Planner Tam replied Chair Brown is correct, there were multiple comments addressing support for both views on the owner occupancy requirement, so staff included a provision for relief from the owner occupancy requirement that he will review later the presentation.

- **Discretionary Review.** Staff added language into the ordinance that allowed for a discretionary review path in certain circumstances. With the experience that staff has had in reviewing over 100 ADU permit requests they found that for certain lots, of say 6,000 or 7,200 square feet, because of certain configurations on those lots, there were instances where it was challenging for applicants to construct an ADU that met the minimum standards and so in these certain instances only, as it relates to lot coverage, minimum distance between

buildings or the side/rear yard, staff included language for the Commission to consider related to providing some relief in those instances.

Chair Brown stated for lot coverage it was a 10% deviation that was allowed and a couple feet on the setback.

Senior Planner Tam replied that is correct. He stated the original ordinance included what we allow with our minor deviation variance already (45%, 3 feet on side/rear yard), so staff took a step back and applied the base standard per the comments received and now lot coverage is 35%, side and rear yard is 5 feet and now there is a mechanism for the Planning Commission to consider if they feel that is appropriate.

- **Number of Rooms.** There were a lot of comments about issues related to parking, which the Commissioners have identified as an ongoing issue throughout the City. Staff listened and explored the definition for bedroom looking for loopholes and found there was already a definition in the zoning ordinance for rooms and decided to work off that definition and limit the number of rooms overall and tie that to the unit size. The draft proposes a four-room maximum for ADUs less than 800 square feet and a six-room maximum for ADU's 800 square feet or greater.

Commissioner VanderMolen asked if a kitchen is considered a room?

Senior Planner Tam replied that does not include kitchens. He read the definition aloud for room, "an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches." He noted they have not had to add any definitions, but rather are working off what is in the current code.

- **Unit Size.** There was a lot of conversation related to unit size, so staff took data from the county assessor and analyzed scenarios on different lots sizes adding ADUs ranging from 800 to 1600 square feet to figure out the breaking point of floor area that hits the 35% lot coverage limit. Staff identified that the breaking limit for lots that are 6,000 and 7,200 square feet was approximately 800 square feet and set that as the maximum unit size for lots that are less than 7200 square feet. Staff looked at the larger lots and 1,200 square feet seemed appropriate for anything larger than 7,200 square feet. Staff also added a minimum size of 220 square feet which matched the efficiency unit because HCD stated the City must include efficiency units and consider them as ADUs. Senior Planner Tam noted that Commissioner Urey made a comment about maintaining a 50% relationship between ADUs and primary dwelling units, so the draft reads 50% maximum or 800 square feet, whichever is less.

Chair Brown asked if most residential lots in the City of Pomona are below 7,200 because they only have one zoning district above that, the R-10000.

Senior Planner Tam replied that is correct.

Chair Brown replied then for most of the City they will see an 800 square foot max.

- **Owner Occupancy Requirement.** Staff added language to provide a mechanism for relief as it relates to the owner occupancy standard. The new language allows for someone to be out of compliance with the standard for 18 months over a span of five years. Staff reviewed what other cities have done and they didn't find many other cities that were addressing this, except for Claremont, so staff used similar language and that is what is before the Planning Commission this evening.
- **Interior ADUs.** Staff added a definition and language to maintain consistency with the state mandates for a ministerial review for ADUs going in an existing single-family home or an accessory structure.
- **Historic Properties.** Staff revised the language and after looking at the standards that the state is requiring right now for any interior ADUs they felt it would be important to maintain consistency, so the draft proposes a ministerial review for interior ADUs on historic properties; however, for the Historic Preservation Commission to have the ability to protect historic properties staff made all attached or detached ADUs a major Conditional Use Permit.

Chair Brown commented that makes a lot of sense and was a good approach to handle that.

- **Revocation.** Staff noticed there wasn't any language related to revocation and assumed the issue would eventually pop up. If there is an instance where someone is not compliant with any of the standards that are required and the

City is requiring folks record a covenant against their property to maintain compliance as it relates to ADUs, there is new language that gives the Director the ability to revoke a permit for an ADU and also gives the ability for applicants to appeal that revocation.

- Senior Planner Tam reported staff plan to take this discussion to the Historic Preservation Commission on July 3, 2019 to receive any additional comments. After that meeting staff will revise the ordinance once more in hopes of bringing the draft back to the Planning Commission for a recommendation to City Council for a first reading and approval.

Chair Brown commented he thinks that this draft is responsive to the conversation he heard at the Joint Study Session. He thanked staff for responding and addressing many of the Commission's proposals in an artful and legal defensible way. He stated some items in the draft refer to the underlying zoning (i.e. lot coverage) and yard setbacks are absolute. He confirmed those apply to all zoning districts equally and stated for most cases that makes sense, however, it does appear that there are some residential zones that have different yard setback standards, like the R2, R3, R4 and he thinks it's an equation with the building height. He asked if the absolute standard makes sense or if some other kind of reference to the underlying zoning district might be more appropriate. He stated Pomona also has several small lots in the residential zone that were approved a couple of years ago which have very different setback standards that would not qualify for anything other than an interior ADU. He noted there seems to be some deviation in those standards and asked if it better to reference the underlying zoning district or keep to the explicit.

Senior Planner Tam replied to the first point about the R2 district, stating a single-family dwelling unit or related type of structure would deviate to the R17200, not deviate to the R2 setback.

Chair Brown confirmed these are only allowed in the single-family structure situation.

Senior Planner Tam replied that is correct. He agreed Chair Brown has a good point and for clarity staff could update if the Commissioner felt that would help. He commented it seems like it would.

Chair Brown replied he doesn't know which is better.

Development Services Director Gutierrez replied they can do some more analysis on that to see what is better, using the standard or deferring to the underlying zone.

Commissioner Kercheval thanked staff for their work and appreciates staff's efforts to simplify and remove conflicts. She stated the "whichever is greater" and "whichever is less" language is good. She commented she is pro ADU and doesn't know if it will ever gain traction but with the state trying to do away with the R1 zoning this is a good solution to let people have the freedom to make a little money on their property.

Commissioner Urey asked if condominium owners would be allowed to have an interior ADU.

Senior Planner Tam replied they could not because there are multiple units on that lot that would preclude them from being able to construct an ADU.

Commissioner Urey confirmed they couldn't even do an interior ADUs.

Senior Planner Tam referred Commissioner Urey to legal for a response.

City Attorney Marco Martinez asked for the question to be repeated.

Commissioner Urey asked if somebody could build an interior ADU inside their condo.

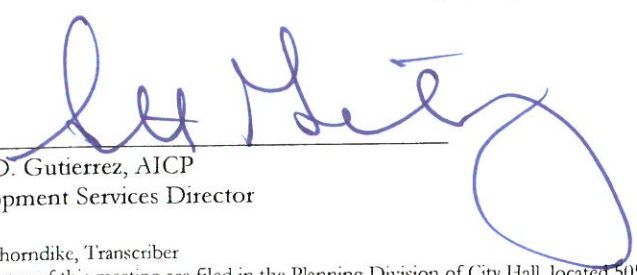
City Attorney Marco Martinez replied most of the time a condo project is multi-family and the answer in every multi-family situation is no ADU of any kind, interior or exterior. He note that there are some rare cases where the developer wanted to get the streets more narrow, so they put a condo map on what looks like a single family detached neighborhood and the individual parcel includes the single family homes, but the common area is the super narrow streets. He stated in a situation like that they may be allowed but it would depend on how that single-family home is defined on the lot.

Commissioner VanderMolen commented he thinks staff did a great job answering questioning and listening to the Commissioners. He stated he had some concerns about 1,200 square foot ADUs in general, but those with lots zoned R2 or R3 will mostly likely build a multi-unit on their property instead of an ADU.

Development Services Director Gutierrez reported the next step will be for staff to take this to the Historic Preservation Commission as a discussion item next month. She requested to go back to Director Communication.

ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Chairperson Brown at 9:33 p.m. to the next regularly scheduled meeting of July 10, 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.