



**CITY OF POMONA**  
**PLANNING COMMISSION AGENDA**  
**POMONA, CALIFORNIA – CITY COUNCIL CHAMBERS**  
**505 South Garey Avenue, Pomona, CA 91769**  
**REGULAR MEETING OF**  
**WEDNESDAY, January 14, 2015 @ 7:00 PM**

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- A. **CALL TO ORDER:** Planning Commission Chair
- B. **FLAG SALUTE:** Planning Commission Chair
- C. **ROLL CALL:** Planning Manager Johnson

**Commissioner Denton Mosier, Commissioner Ismael Arias, Commissioner Luis M. Juarez, Commissioner Edward C. Starr, Commissioner Carolyn Hemming, and Commissioner Samuel Tharpe**

**D. PUBLIC PARTICIPATION (*Three (3) minute Limit on Non-Agenda Items Only*):**

1. At this time, the general public is invited to address the Planning Commission concerning **any items that are not listed on the agenda**, which are not public hearings, or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to three (3) minutes in accordance with City policy.
2. Any applicant or member of the public wishing to speak on **any item that is listed on the agenda** is requested to adhere to the following protocol procedures/guidelines:
  - a) *Prior to the meeting, or during the meeting prior to an agenda item being discussed, any person wishing to address the Planning Commission shall complete a speaker card and submit it to the Planning Manager. Speaker cards are available in the foyer of the City Council Chambers and from the Minutes Clerk.*
  - b) *When called upon, the person shall come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. Whenever any group of persons wishes to address the Planning Commission on the same subject matter, the Chair may, at his/her discretion, request that the group choose a spokesperson to address the Commission.*
  - c) *All remarks should be addressed to the Planning Commission as a whole, and not to individual Commissioners. Questions, if any, should be directed to the presiding Chair who will determine whether, or in what manner, an answer will be provided.*
  - d) *Every person addressing the Planning Commission will be limited to three (3) minutes or such reasonable time as is granted by the majority of the Planning Commission.*

**E. CONSENT CALENDAR:**

**Note:** All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

**1. APPROVAL OF PC MINUTES:**

- a) [November 12, 2014](#)
- b) [December 10, 2014](#)

**F. PUBLIC HEARING ITEMS:**

**1. TENTATIVE PARCEL MAP (TPM 14-007)**

**Project Address:** 1110 and 1196 S. Reservoir Street  
1265, 1271, and 1283 E. Grand Avenue  
**Project Applicant:** Sara Bova – Thienes Engineering, Inc.  
**Project Planner:** Nancy Lee, Associate Planner  
**Council District:** CC District No. 3

**Project Description:**

The applicant is proposing to consolidate ten existing parcels into three new parcels on an 8,022 acre project site in the M-1 (Light Industrial) zone. Pursuant to the provisions of the California Environmental Quality Act (CEQA – Public Resources Code, Section 21084 et. seq.), this project meets the requirements for a Categorical Exemption in compliance with Article 19, Section 15315 (Class 15 – Minor Land Divisions).

**Recommended Action:**

The Planning Division recommends that the Planning Commission approve Tentative Parcel Map (TPM 14-007), subject to conditions.

**2. CONDITIONAL USE PERMIT (CUP 13-023), TENTATIVE TRACT MAP (TTM 13-002), VARIANCE (VAR 15-001), and CHANGE OF ZONE (CZ 13-004)**

**Project Address:** 700 E. Harrison Avenue  
**Project Applicant:** Tom Y. Lee  
**Project Planner:** Leonard Bechet, Assistant Planner  
**Council District:** CC District No. 6

**Project Description:**

The applicant is proposing a Conditional Use Permit (CUP 13-023) to allow the construction of a 123 unit multi-family residential development, Variance (VAR 15-001) to vary from development standards, and Change of Zone (CZ 13-004) to change the zoning district from M-1 (Light Industrial) to R-3 (Medium Density Multiple Family), and Tentative Tract Map (TTM 13-002) to subdivide the airspace for 123 condominiums on an approximately 7.45 acre property. Pursuant to the provisions of the California Environmental Quality Act (CEQA), an addendum to a previously adopted Environmental Impact Report has been prepared consistent with CEQA Section 15164.

**Recommended Action:**

The Planning Division recommends that the Planning Commission approve Conditional Use Permit (CUP 13-023), Tentative Tract Map (TTM 13-002), Variance (VAR 15-001), and recommend City Council approval of Change of Zone (CZ 13-004), subject to conditions.

**G. NEW BUSINESS:**

1. Selection of Chair and Vice Chair

**H. PLANNING COMMISSION COMMUNICATIONS:**

**I. PLANNING MANAGER COMMUNICATIONS:**

**J. ADJOURNMENT:**

The City of Pomona Planning Commission is hereby adjourned to the next regularly scheduled meeting of **January 28, 2015** starting at 7:00 p.m. in the City Council Chambers.

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**\*\*\* CERTIFICATION OF POSTING AGENDA \*\*\***

I, Brad Johnson, Planning Manager for the City of Pomona, hereby certify that the agenda for the January 14, 2015 Planning Commission meeting was posted on Thursday, January 8, 2015.



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Brad Johnson  
Development Services Manager

**F1 – 1110 and 1196 S. Reservoir  
 1265, 1271, 1283 E. Grand Avenue  
 F2 – 700 E. Harrison Avenue**



UNOFFICIAL MINUTES  
PLANNING COMMISSION MEETING  
NOVEMBER 12, 2014

CALL TO ORDER: The Planning Commission meeting was called to order by Acting Chairperson Mosier in the City Council Chambers at 7:00 p.m.

FLAG SALUTE: Commissioner Ixco led the flag salute

ROLL CALL: Roll was taken by Planning Manager Johnson

COMMISSIONERS PRESENT: Commissioners Ixco, Juarez, Mosier, and Valencia

COMMISSIONERS ABSENT: Chair Coble and Commissioner Starr (both excused)

STAFF PRESENT: Community Development Director Lazzaretto, Planning Manager Johnson, Assistant City Attorney Jared, Senior Planner Sanchez, Associate Planner Lee, Assistant Planner Bechet, Traffic Engineer Rene Guerrero, and Minutes Clerk Casey

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ITEM D:

CITIZEN PARTICIPATION: None

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ITEM E:

CONSENT CALENDAR:

**1. APPROVAL OF PC MINUTES:**

- a. October 8, 2014
- b. October 22, 2014

Motion by Commissioner Ixco, seconded by Commissioner Valencia, carried by a unanimous vote of the members present (4-0-0-2) Chair Coble and Commissioner Starr excused, adopting the Planning Commission meeting minutes of October 8, 2014.

Motion by Commissioner Ixco, seconded by Commissioner Valencia, carried by a majority vote of the members present (3-0-1-2) Commissioner Ixco abstained and Chair Coble and Commissioner Starr excused, adopting the Planning Commission meeting minutes of October 22, 2014.

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ITEM F:

PUBLIC HEARING ITEMS:

F-1

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 13-021) TO ALLOW A 61,719 SQ. FT. EXPANSION TO AN EXISTING 129,851 SQ. FT. WAL-MART STORE IN THE R-C (REGIONAL COMMERCIAL) LAND USE DISTRICT OF THE PHILLIPS RANCH SPECIFIC PLAN LOCATED AT 80 RIO RANCHO ROAD.

Acting Chair Mosier stated due to the location of the item he would recuse himself from the discussion and consideration of this item.

Assistant City Attorney Jared stated due to the lack of quorum, Conditional Use Permit (CUP 13-021) would be continued to the December 10, 2014, Planning Commission meeting

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F-2 PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 14-043) TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (ON-SALE BEER AND WINE – TYPE 41 ABC LICENSE) FOR ONSITE CONSUMPTION AT AN EXISTING RESTAURANT LOCATED IN THE CITY GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN LOCATED AT 305 E. HOLT AVENUE.

Associate Planner Lee provided a staff report regarding a request to allow the sale of alcoholic beverages at an existing restaurant. Acting Chair Mosier opened the public hearing. The applicant, Mr. Li Qiong Yu, agreed with the staff report and asked the Commission to approve. Acting Chair Mosier inquired whether an alcoholic beverage would be able to be purchased without the purchase of a food item. Mr. Li Qiong Yu stated he did not intend to operate his restaurant as a bar nor did he intend to promote the sale of alcohol, but rather provide the option to serve an alcoholic beverage with dinner. Acting Chair Mosier closed the public hearing.

The Commission discussed and agreed although these requests were not typically supported by the Commission, they felt they could support this request as the sale of alcohol was in conjunction with a restaurant which was located in a low saturated area.

Motion by Commissioner Valencia, seconded by Commissioner Ixco, carried by a unanimous vote of the members present (4-0-0-2) Chair Coble and Commissioner Starr excused, adopting Resolution No. 14-048, approving Conditional Use Permit (CUP 14-043).

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F-3 PUBLIC HEARING – WIRELESS COMMUNICATION FACILITY PERMIT (WCF 12-004) TO INSTALL A FREESTANDING WIRELESS COMMUNICATION FACILITY AND RELATED GROUND EQUIPMENT IN A VACANT LOT LOCATED AT 1748 ALAMEDA STREET IN THE C-3 (GENERAL COMMERCIAL) ZONE.

Senior Planner Sanchez provided a staff report regarding a request to allow the installation of a wireless facility. Acting Chair Mosier inquired whether a water tower was proposed for the site. Senior Planner Sanchez stated a water tower was proposed by the applicant, but staff did not feel it would be appropriate for the requested location. He stated progress had been made with the applicant, but staff and the applicant could not agree on a design nor a location for the facility. Acting Chair Mosier opened the public hearing. Ms. Alexis Abby, representing AT&T, provided a presentation regarding the process in which location of wireless facilities were determined, she provided letters from property owners denying the use of their sites, and she spoke regarding the lack of feasibility for co-location as staff suggested. She asked the Commission to approve the

request before them. Acting Chair Mosier inquired whether AT&T would take legal action if the request was not approved. Ms. Alexis Abby stated she hoped it would not come to that, but she was a lawyer and she felt AT&T would have a good case. Acting Chair Mosier invited the public for comments. Mr. Dean Jennings stated a community meeting was held, Ms. Alexis Abby communicated effectively, and she provided a walkthrough of the site. He stated he felt the new location was an improvement, but he was still not in favor of the facility. Ms. Elizabeth Miller stated Ms. Alexis Abby and her team were easy to work with, but she still was not in favor of the facility as it was too close to her property. She stated she did not feel the proposed design nor a tower would be aesthetically pleasing so she could not support the request. Ms. Alexis Abby stated the City of Pomona's process to install a wireless facility had been much more difficult than any other city as she has never been required to provide such evidence regarding the lack of other locations for the facility. Acting Chair Mosier closed the public hearing. Commissioner Juarez stated if a facility was going to be in the area he thinks it should be a tree design. He stated although he was sensitive to the nearby residents he did not have any findings to deny AT&T's request. Commissioner Ixco stated although he was sensitive to the nearby residents, he felt AT&T had exhausted their options.

Motion by Commissioner Juarez, seconded by Commissioner Valencia, carried by a unanimous vote of the members present (4-0-0-2) Chair Coble and Commissioner Starr excused, adopting Resolution No. 14-049, approving Wireless Communication Facility Permit (WCF 12-004).

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F-4

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 14-051) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT A PROPOSED NEW GAS STATION WITHIN A PROPOSED COMMERCIAL SHOPPING CENTER LOCATED IN THE C-4 (HIGHWAY COMMERCIAL) ZONING DISTRICT LOCATED AT 805 RIO RANCHO ROAD.

Senior Planner Sanchez provided a staff report regarding a request to allow the sale of beer and wine for off-site consumption. In addition, he stated Condition No. 15 should be revised to read, "The four proposed 24 inch box Purple Leaf Plum trees located at the southwest portion of the site shall be replaced with four Canary Island date palm trees with a minimum 14 foot BTH." Acting Chair Mosier inquired whether the non-refrigerated items would be displayed in the back with the refrigerated items. Senior Planner Sanchez stated the end caps would be displayed in the back facing the refrigerated coolers. Commissioner Juarez stated a concern regarding the sale of alcohol at a location so close to a major highway. Acting Chair Mosier opened the public hearing. Mr. Fred Cohen, representing the applicant, stated he was in agreement with all conditions; all employees would be properly trained for the sale alcohol, he agreed with the staff report, and asked the Commission to approve. Acting Chair Mosier inquired when the establishment would be open for business. Mr. Fred Cohen stated the construction was estimated to be 3 to 4 months and the site was expected to be open for business in June of 2015. Commissioner Ixco inquired what the tenant mix would be and whether this would be the only business on the site providing off-site consumption. Mr. Timothy Reeves stated some tenants would be for a pizza establishment, a fitness center, and a cell phone service. He stated he believed this would be the only request for off-site consumption sales on the property. Acting Chair Mosier closed the public hearing.

The Commission discussed and agreed to revise Condition No. 15 to read, “The four proposed 24 inch box purple leaf plum trees located at the southwest portion of the site shall be replaced with four Canary Island Date palm trees with a minimum 14 foot BTH.”

Motion by Commissioner Mosier, seconded by Commissioner Valencia, failed by lack of a majority vote of the members present (3-1-0-2) Commissioner Juarez denied and Chair Coble and Commissioner Starr excused, denying Modification of Conditional Use Permit (CUP 14-004).

Planning Manager Johnson stated there would be a 20 day appeal period which would begin on 11/13/14.

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F-5

PUBLIC HEARING – MODIFICATION OF CONDITIONAL USE PERMIT (MCUP 14-003) TO MODIFY CONDITIONS OF A PREVIOUSLY APPROVED CONDITIONAL USER PERMIT (CUP 09-006) RELATED TO THE DEMOLITION OF AN EXISTING RETAIL STORE AND CONSTRUCTION OF A NEW RETAIL STORE AND AUTOMATED CAR WASH LOCATED IN THE C-4 (HIGHWAY COMMERCIAL) ZONING DISTRICT LOCATED AT 3111 TEMPLE AVENUE.

Planning Manager Johnson provided a staff report regarding a request to allow modifications to previously approved Conditional Use Permit (CUP 09-006). Acting Chair Mosier inquired whether staff was recommending the structure be reconstructed. Planning Manager Johnson stated yes staff recommended reconstruction. He stated the Commission could determine whether the item be continued or the CUP be modified tonight, but the conditions did need to be modified. Commissioner Juarez stated he was in favor with allowing the carwash to remain and having the Conditional Use Permit back before the Commission in February. He stated he would not want to negatively affect the business so he would like to continue the item rather than deny it.

Acting Chair Mosier opened the public hearing to continue the item to February 25, 2015.

Motion by Acting Chair Mosier, seconded by Commissioner Valencia, carried by a unanimous vote of the members present (4-0-0-2) Chair Coble and Commissioner Starr excused, continuing Modification of Conditional Use Permit (MCUP 14-003) to the February 25, 2015, Planning Commission meeting.

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ITEM G:

NEW BUSINESS:                      None

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ITEM H:

PLANNING COMMISSION COMMUNICATIONS:

Acting Chair Mosier requested staff resume mailing calendars to the Commission.



ITEM I:  
PLANNING MANAGER COMMUNICATIONS:

Planning Manager Johnson stated Commissioner Beans resigned from the Planning Commission due to relocating out of Pomona.

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ITEM J:  
ADJOURNMENT:

The Planning Commission meeting was motion to adjourn by Acting Chairperson Mosier at 8:47 p.m. to the regular scheduled meeting of December 10, 2014 in the City Council Chambers.

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Brad Johnson  
Planning Manager

Maureen Casey, Transcriber

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

UNOFFICIAL MINUTES  
PLANNING COMMISSION MEETING  
DECEMBER 10, 2014

CALL TO ORDER: The Planning Commission meeting was called to order by Chairperson Coble in the City Council Chambers at 7:00 p.m.

FLAG SALUTE: Commissioner Starr led the flag salute

ROLL CALL: Roll was taken by Planning Manager Johnson

COMMISSIONERS PRESENT: Chair Coble and Commissioner Starr; Commissioners Arias, Ixco, Juarez (arrived at 7:12pm), and Mosier

COMMISSIONERS ABSENT: Commissioner Valencia

STAFF PRESENT: Community Development Director Lazzaretto, Planning Manager Johnson, Assistant City Attorney Jared, Associate Planner Lee, Associate Planner Gonzales, Assistant Planner Bechet, City Engineer Rene Guerrero, and Minutes Clerk Casey

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ITEM D:  
CITIZEN PARTICIPATION: None

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ITEM E:  
CONSENT CALENDAR:

1. **APPROVAL OF PC MINUTES:**
  - a. November 12, 2014

Due to the lack of a quorum, as a portion of the Commissioners were not present at the November 12, 2014 Planning Commission meeting, the consideration of the November 12, 2014 Planning Commission meeting minutes was continued to the January 14, 2015 Planning Commission meeting.

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ITEM F:  
PUBLIC HEARING ITEMS:

F-1 PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 13-021) TO ALLOW A 61,719 SQ. FT. EXPANSION TO AN EXISTING 129,851 SQ. FT. WAL-MART STORE IN THE R-C (REGIONAL COMMERCIAL) LAND USE DISTRICT OF THE PHILLIPS RANCH SPECIFIC PLAN LOCATED AT 80 RIO RANCHO ROAD.

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Chair Coble stated he would like to recuse himself from the item due to a partnership with a company which would be bidding on the project.

Commissioner Mosier stated due to the location of the item he would like to recuse himself.

Commissioner Starr recommended moving item 1 to the end of the public hearing agenda.

Motion by Commissioner Starr, seconded by Commissioner Ixco, carried by a unanimous vote of the members present (6-0-0-1) Commissioner Valencia absent, approving moving item 1, Conditional Use Permit (CUP 13-021), to the end of the public hearing portion of the agenda.

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Commissioner Juarez joined the meeting at 7:12pm

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F-2

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 14-048) TO ALLOW THE ESTABLISHMENT OF AN ADULT DAY PROGRAM FACILITY SERVING DEVELOPMENTALLY DISABLED CLIENTS LOCATED AT 1532 SAN BERNARDINO AVENUE IN THE C-3 (GENERAL COMMERCIAL) ZONE.

Associate Planner Lee provided a staff report regarding a request to allow the establishment of an adult day program facility. Commissioner Mosier requested Condition No. 33 be amended to specify the amount of bike racks to a minimum of two racks. Commissioner Starr inquired whether fifty parking spaces would be adequate for this use with the approved minor deviation on the site. Associate Planner Lee stated if the code standards were applied, one parking space per every five clients and one parking space per employee, it was over fifty parking spaces for the entire site. Commissioner Starr requested language be added to Condition No. 18 to read, “with the exception of approved offsite activities.” In addition, he requested language be added to Condition No. 24 to address the removal of illegal dumping and language be added to Condition No. 26 requiring carbon monoxide detectors. Commissioner Juarez inquired whether there was a condition set regarding painting of the exterior of the building. Planning Manager Johnson stated a condition could be included requiring painting the exterior of the building if the Commission would like. Chair Coble stated a parking concern and inquired whether the sixty clients allowed onsite would be onsite all day and whether they would be brought onsite from public transportation. Associate Planner Lee stated a maximum of sixty clients could be onsite at any time and it was staffs’ understanding that they would be brought to the site, and dropped off at a designated area onsite, by a company vehicle or public transportation. Chair Coble requested language be added to Condition No. 24 requiring trellis work on the trash enclosure to be constructed with noncombustible and low maintenance materials and in such a way that the trash enclosure cannot be opened when the gates are locked. In addition, he requested language be added to Condition No. 8 to address excessive window signage for the entire site. Commissioner Starr inquired if a condition was set to address painting of the exterior of the building whether the condition could be set for both buildings on the site. Community Development Director Lazzaretto stated the Commission would have to produce a nexus between the tenant space and the other building on the site. Commissioner Starr stated he believed the nexus was the Commission decision to approve the continuation of the Minor Deviation variance. Chair Coble opened the public hearing. Mr. Amed Franco, representing the

applicant, provided background on services provided. He agreed with the staff report, but stated a concern with utilizing funds for carbon monoxide detectors and going above and beyond city code for the trash enclosure. He asked the Commission to approve. Commissioner Starr requested Condition No. 24 be revised to be made clear of what is required for the trash enclosure. Commissioner Mosier mentioned the parking concerns and inquired whether the facility would serve primarily Pomona residents. Mr. Amed Franco stated the facility would serve immediate areas and zero percent of the patients being served would drive their own vehicles so parking should not be a concern. Commissioner Starr inquired whether the applicant was in agreement with a condition requiring painting of the exterior of the building. Mr. Amed Franco stated the program was operating with limited means therefore they did not have the funds for exterior improvements as they would prefer to spend their limited funds on equipment and other items to serve the clients. He stated the owner did mention possibly painting the exterior of the buildings in the future, but he was not positive if she had the funds at this time. He stated if a requirement was placed he would hope that a twelve month window would be offered to make the exterior improvement. Commissioner Arias inquired whether window signage was planned. Mr. Amed Franco stated he believed the condition regarding signage was pertaining to another building on the site. Chair Coble stated the property was in violation of code in many ways such as the exterior of the property and the excessive signage which was the responsibility of the property owner but was often left to the tenant which is why conditions were required for a facility in such despair. In addition, he inquired on the size of the largest vehicle which would be utilized to transport clients. Mr. Amed Franco stated the largest vehicle would accommodate 15-passengers. Chair Coble inquired whether clients would be onsite all day. Mr. Amed Franco stated the clients would attend the program for six hours a day, the same clients would arrive in the morning and leave in the evening, and there would never be more than sixty clients onsite at one time. Commissioner Ixco asked the property owner to address the exterior concerns. Ms. Villatoro, the property owner, stated she was working hard with the applicant and in the past years she did not have any income from the building as it had been vacant. She stated improvements could be made little by little once the tenants begin to pay rent and she was open to cleaning the site, but requested additional time to do so. Chair Coble stated a concern with the property owner owning the site for over fourteen years and not making improvements. Chair Coble invited the public for comments. Mr. John Mendoza stated a concern with the facility having a negative effect on nearby schools. Associate Planner Lee stated there was a school in the area, but there was not a distance requirement for the proposed use. Chair Coble closed the public hearing. Commissioner Starr stated he would like to set a requirement stating improvements must be made prior to issuance of the Certificate of Occupancy. Chair Coble requested a condition be set limiting vehicles to two axle vehicles which will provide door to door service.

The Commission discussed and agreed to add language to Condition No. 8 to address removal of excessive window signage for the entire site, to add language to Condition No. 18 to read, "with the exception of approved offsite activities", to revise Condition No. 24 to be made clear of what is required for the trash enclosure, add language to Condition No. 24 to address the removal of illegal dumping, and add language to Condition No. 24 requiring trellis work on the trash enclosure to be constructed with noncombustible and low maintenance materials and in such a way that the trash enclosure cannot be opened when the gates are locked, to add language to Condition No. 26 requiring carbon monoxide detectors, and to modify Condition No. 33 to specify the amount of bike racks to a minimum of two racks. In addition, the Commission discussed and agreed to add a condition requiring exterior improvements be made prior to issuance of the Certificate of

Occupancy and to add a condition limiting vehicles to two axle vehicles which would provide door to door service.

Motion by Commissioner Starr, seconded by Commissioner Mosier, carried by a unanimous vote of the members present (6-0-0-1) Commissioner Valencia absent, adopting the attached Resolution No. 14-051, approving Conditional Use Permit (CUP 14-048).

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F-3

PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 14-046) TO ESTABLISH AND OPERATE AN ELECTRONIC WASTE (E-WASTE) COLLECTION AND TRANSFER FACILITY WITHIN AN APPROXIMATELY 4,997 SQUARE FOOT UNIT OF AN EXISTING MULTI-TENANT INDUSTRIAL BUILDING LOCATED WITHIN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT LOCATED AT 1256 E. THIRD STREET.

Associate Planner Gonzales provided a staff report regarding a request to establish and operate an electronic waste collection and transfer facility. Commissioner Mosier inquired on who requested the exclusion from the moratorium and inquired on how long the applicant had been operating without a license. Community Development Director Lazzaretto stated staff recommended it because there were three applicants which were already working so we wanted to legalize this rather than wait a year in limbo and deal with conditions at that time. On two other occasions the applicant opened in the city with a business license so we felt the applicants willingness to move through the process was a way to legalize the use without having the applicant wait a year. Associate Planner Gonzales stated the applicant was cited by Code Enforcement in August. Chair Mosier stated a concern regarding identity theft and inquired whether the computers would be cleared. Associate Planner Gonzales stated the computers would be cleaned and when the operations were closed the front gates would be closed and locked. Commissioner Juarez inquired where the salvaged items would come from. Associate Planner Gonzales stated the items would be donated from an offsite location. Commissioner Starr requested Condition No. 20 be modified to add “entering” the property as well. In addition, he requested Condition No. 21 be modified to remove “generated by the operation of the facility” as all trash and debris should be removed from the property no matter where it is generated from. Chair Coble requested Condition No. 13 be modified to be more clearly defined regarding containment of leaking or broken items and so that it is made clear disassembly of any items is not allowed onsite. Chair Coble opened the public hearing. The applicant, Mr. Daniel Kirkland, stated at their previous locations they had a business license, but they were never required to obtain a CUP. He stated that they had come to the city when they moved to their third location and they were told they just needed to verify the zoning, but when they returned to change the address on the business license they were told they needed to obtain a CUP. In addition, to address security concerns, background checks are performed on all employees and the site has exterior and interior security cameras. He stated this is more of a transfer station as all items are pre-packaged before they are brought to the site and onsite the items are just double packaged and transferred to a final location in Hayward, California. Chair Coble invited the public for comments. Ms. Linett Tovar, resident of Pomona, stated she did not support the request as she felt this would not benefit the community with jobs or recycling benefits. She stated she felt this

would add to the pollution with the truck traffic and hazardous materials. Ms. Ingrid Gutierrez, resident of Pomona, stated she did not support the request due to concerns regarding the business operating illegally, pollution, and possible fires at the industrial site. Ms. Erin Runions, resident of Lincoln Park, stated she did not support the request as she felt it had dangerous effects of pollution, it would negatively affect the health of the community, it was not Pomona's waste, and they were fined by The Department of Toxic Substance Control in the past. Ms. Olivia Offit, resident of Pomona, stated she did not support the request as she felt it was a disadvantage to the area and it would bring negative effects to the children. Mr. John Mendoza stated that he is a concerned citizen who felt this was just one more business of this type of use saturating City Council District 3. In addition he felt there should be some compensation for all those who are suffering from these types of uses. Mr. Art Jimenez stated he is against the request as he felt there were too many of these types of uses in the community. He asked the Commission to deny this request and allow the community to study these types of uses. Mr. Benjamin Wood stated he had been reading the staff report and he felt it was odd the business was provided the opportunity to come into compliance without stopping their operation while going through the process to become compliant. He stated he felt this business was being treated favorably over others in the community. He stated he felt this was hazardous to the community and he felt the operation should be brought to a halt until the moratorium was completed in June. Mr. Mark Fierro stated he opposed the requested use as he felt it was not an appropriate district to store or transfer e-waste. He stated he felt there were already issues in the community and he asked the Commission to deny the request. Mr. Chris Gutierrez stated he was against the request. Mr. Mike Suarez stated he was a member of the moratorium task force and he was against the request and he felt this should be under the moratorium review. The applicant, Mr. Daniel Kirkland, stated they were not operating a recycling center as they do not recycle or break items apart, but rather just consolidate items at the facility. He stated containers are not opened at the site and they had never been cited. Commissioner Juarez stated a concern regarding a fire at the site. Mr. Daniel Kirkland stated all items such as batteries were self-contained, employees were hazmat trained, and the site had fire extinguishers. Chair Coble closed the public hearing. Commissioner Starr inquired whether the description of the operation provided by the applicant was the way staff understood it. Planning Manager Johnson stated that is the way staff understood the operation to be. Chair Coble inquired whether Public Works had any concerns. City Engineer Rene Guerrero stated Public Works did not have any concerns regarding the operation. Chair Coble requested a condition be placed prohibiting community e-waste collections and a condition be placed stating all containers must be DOT approved containers and must not be opened at any time. Commissioner Mosier stated he had an issue supporting this request due to the operations compliance issues and he felt the applicant should wait for the moratorium. He felt security cameras were not adequate security for the site, the operation was not collecting Pomona's e-waste, and the business would not be creating Pomona jobs. Commissioner Juarez stated he had an issue with Pomona being asked to decide on a transfer station which stored hazardous materials. He was concerned the operation could cause a disaster if there was a fire at the site and therefore he could not support the request.

Motion by Commissioner Starr, seconded by Commissioner Ixco, failed by a majority vote of the members present (3-3-0-1) Chair Coble, Commissioner Juarez and Mosier denied and Commissioner Valencia absent. No action was taken due to a 3-3 vote result. Four affirmative votes are required for adoption of a resolution decision.

Assistant City Attorney Jared stated the decision could be appealed within 20 days to the City Clerk.

ITEM G:  
PLANNING COMMISSION COMMUNICATIONS:

Commissioner Mosier requested a copy of the grading on job creations report for Pomona performed by the Claremont Group. In addition, he stated a gopher issue in Phillips Ranch and requested the watering schedule for Phillips Ranch.

Chair Coble stated this would be his last meeting as he would be resigning.

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Chair Coble and Commissioner Mosier excused themselves from the meeting.

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F-1 PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP 13-021) TO ALLOW A 61,719 SQ. FT. EXPANSION TO AN EXISTING 129,851 SQ. FT. WAL-MART STORE IN THE R-C (REGIONAL COMMERCIAL) LAND USE DISTRICT OF THE PHILLIPS RANCH SPECIFIC PLAN LOCATED AT 80 RIO RANCHO ROAD.

Assistant Planner Bechet provided a staff report regarding a request to allow an expansion to an existing Wal-Mart. Commissioner Starr mentioned a correction needed on the staff report to exhibit A which should reflect today's date rather than November 12. In addition, he inquired whether the variance for parking which was approved in the past would continue over to this request and new parking or just existing parking. Assistant Planner Bechet stated the variance would continue with the existing parking and staff would work to ensure the new parking met the current code requirements. In addition, he stated a condition could be set stating the existing parking would be subject to the current variance. Commissioner Juarez stated a concern with the statement in the report stating traffic impacts were less than significant as he felt the expansion and future projects coming to the area would affect the currently congested 71 highway. Planning Manager Johnson stated additional projects will come for the area and those projects would have environmental documents similar to the document tonight. The traffic would continue to be analyzed and the reports will continue to be sent to Cal Trans. He stated at some point the 71 freeway would need to be dealt with and the future environmental documents will assist. Mr. Ross Gellar, Environmental Consultant, stated there is an improvement plan for the 71 freeway, but Cal Trans has proven that their programs never coincide with impacts so there is a lag period which is why an overriding of consideration was adopted. Commissioner Starr opened the public hearing. Ms. Kathleen Wilus, representing Kimley Horn and Associates agreed with the staff report and asked the Commission to approve. Commissioner Arias inquired if approved, how long construction would take. Ms. Kathleen Wilus stated construction would take about 12 months. Commissioner Starr inquired whether it was understood that the variance would carry over for existing parking only. Ms. Kathleen Wilus stated she did understand the variance and the project extends over parking requirements. Commissioner Starr invited the public for comments. Mr. Art Jimenez, resident of Pomona, stated he opposed because he felt the traffic would negatively effect the community. He stated the store was a poster child of why he did not want a Wal-Mart in the city. He stated he felt this would negatively affect WinCo and its pedestrians. Ms. Roberta Perlman, resident of Pomona, stated Rio Rancho had existing traffic issues and she felt the traffic report did not significantly

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reflect the current traffic. She stated Cal Trans would be closing a couple of exits which would cause traffic to exist on Rio Rancho Road. She stated she felt the store currently looked blighted and she strongly urged the Commission to deny the request. Mr. John Mendoza, resident of Pomona, stated the store had issues when it was voted to come to north Pomona. He stated he felt there were many traffic issues that were not being addressed. He stated he felt community meetings should be held which would include the districts which would be impacted by this expansion. He stated he felt the request should be referred to the City Council to resolve. Commissioner Starr closed the public hearing. Mr. Ross Gellar, Environmental Consultant, stated the closing of off ramps on the 71 freeway was addressed in the report. In addition, he stated a number of notices as well as the initial study were sent to the community for review. Commissioner Starr inquired whether any issues raised tonight were new issues. Mr. Ross Gellar, Environmental Consultant, stated the issues raised were previously heard. Community Development Director Lazzaretto stated the issue regarding blight raised tonight was not the responsibility of Wal-Mart, but rather YK America and staff would contact the company. Commissioner Juarez stated he had an issue with approving the overriding consideration as he felt the trips calculated for the project would negatively affect the area. He stated he could not make the finding that the EIR was complete nor that this request would be beneficial for the city. Commissioner Starr stated he felt the traffic concerns expressed were valid, but staff stated as new development took place in the area so would road improvements. He stated he felt the conditions placed on the project would address Commissioner Juarez's concerns. He stated he felt the idea of an overriding consideration for the 71 highway was the best the city could do.

The Commission discussed and agreed to add a condition stating the existing parking would be subject to the current variance.

Motion by Commissioner Ixco, seconded by Commissioner Arias, a majority vote of the members present (3-1-2-1) Commissioner Juarez denies, Chair Coble and Commissioner Mosier abstained, and Commissioner Valencia absent. No action was taken due to a 3-1 vote result. Four affirmative votes are required for adoption of a resolution decision.

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ITEM H:

NEW BUSINESS:                      None

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ITEM I:

PLANNING MANAGER COMMUNICATIONS:

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ITEM J:

ADJOURNMENT:                      The Planning Commission meeting was motion to adjourn by Vice Chairperson Starr at 11:35 p.m. to the regular scheduled meeting of January 14, 2015 in the City Council Chambers.

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Brad Johnson

Planning Manager

Maureen Casey, Transcriber

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