

ORDINANCE NO. 4302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN AMENDMENT TO THE POMONA ZONING CODE TO INCLUDE AN ADDITIONAL THREE (3) PARCELS INTO THE EMERGENCY SHELTER OVERLAY (“ES” OVERLAY ZONING DISTRICT) AND AMEND OFF-STREET PARKING REQUIREMENTS FOR “EMERGENCY SHELTER” LAND USES

WHEREAS, the City of Pomona has duly initiated amendments to the 2013 – 2021 Pomona Housing Element in order to bring the element into compliance with state housing element law; and

WHEREAS, in an ongoing effort to bring the City’s housing programs into compliance with State law, Planning Staff conducted a zoning site inventory analysis recommending additional sites be included in the Emergency Shelter Overlay District (“ES Overlay”) as outlined by comments from State of California Department of Housing and Community Development (HCD) recommending said actions to Planning Division Staff; and

WHEREAS, on March 1, 2021, Planning Staff brought said analysis to the attention of the City Council for direction on which site(s) to include into the ES Overlay; and

WHEREAS, based on feedback received from City Council, Planning Staff began to include the sites located at 3505 – 3551 Pomona Blvd into the ES Overlay, as well as explore a potential reduction in the required number of parking spaces for “Emergency Shelters”; and

WHEREAS, Planning Staff initiated Code Amendment (CODE 15614-2021) to address the items outlined above and, after giving notice thereof as required by law, presented said Code Amendment to the Planning Commission of the City of Pomona on March 24, 2021; and

WHEREAS, the Planning Commission of the City of Pomona, after considering all pertinent testimony and the staff report offered for the Amendments, unanimously voted in favor of recommending the approval of Code Amendment (CODE 15614-2021) to the City Council of the City of Pomona ; and

WHEREAS, the City Council of the City of Pomona, after giving notice thereof as required by law, held a public hearing on April 19, 2021, concerning the Code Amendments and carefully considered all pertinent testimony and the staff report offered for the Amendments; and

WHEREAS, the City Council has duly considered the proposed Code Amendments and found them consistent with the goals and policies of the General Plan of the City; and

WHEREAS, the proposed Code Amendments were reviewed, studied, and found to comply with the California Environmental Quality Act (“CEQA”) as more fully described below; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. The City Council hereby determines that the proposed Code Amendment addresses the required elements as noted by HCD in its letter to the City dated October 9, 2021, and is consistent with applicable local and state regulations regarding "Emergency Shelter Overlay Districts." The City Council hereby makes the following findings to support said determination:

The proposed Code Amendment is consistent with Housing Element law, pertaining to methodology used to identify sites for inclusion in an Emergency Shelter Overlay District ("ES Overlay"), as detailed in the following excerpts of GOV § 65583.2(g)(1) below:

"..the extent to which existing uses may constitute an impediment to additional residential development..." EXERCPT FROM GOV § 65583.2(g)(1)

The 2014 General Plan designated the three subject parcels as "Transit Oriented Development," which encourages residential development and mixed-use development, and discourages auto-oriented uses, development, or heavy industrial land uses. The General Plan has not yet been implemented on this parcel, but is expected to be implemented by December 2022 with the Pomona Zoning Ordinance comprehensive update. For context, the 2014 Corridors Specific Plan has implemented the TOD designation on various sites along Pomona's corridors. This "TOD" segment currently prohibits "vehicle sales" and "outdoor storage yard."

Staff has concluded that it is reasonable to assert that the subject sites, when zoned to implement the General Plan, would not permit new vehicle sales or outdoor storage yards to be established, and that any existing vehicle sales or outdoor storage yards, such as the existing permitted golf cart facility and contractor storage yard, would become legally non-conforming uses, and subject to non-conforming provisions. Therefore, the existing uses do not pose a significant impediment to residential development, as these uses are not part of the long-term General Plan vision for this area.

"the city's or county's past experience with converting existing uses to higher density residential development..." EXERCPT FROM GOV § 65583.2(g)(1)

The City of Pomona has a recent record of accomplishment of allowing the conversion of existing commercial and industrial uses into higher density residential development. For example, in 2017, the City entitled the redevelopment of an 8.44-acre site previously zoned industrial, but that had been implemented as a "Transit Oriented District" in the 2014 Corridors Specific Plan. The subject site was occupied by a 134,000 square foot one-story light industrial building, including an associated chemical storage building. The site was redeveloped into 647 residential housing units, and ground-floor commercial development, representing over 70 units per acre of density. 312 of those units are currently under construction and expected to be completed by 2022.

As another example, the City is currently reviewing a plan, submitted under a vesting application under SB 330, to redevelop an existing light industrial (M-1) 5.1-acre site into 175 residential housing units, representing over 34 units per acre of density. The subject site was previously occupied by the Xerox Corporation as a light industrial facility. These two examples represent the actual conversion of existing light industrial or commercial uses into higher density residential development, and represent the implementation of the 2014 General Plan designations of Transit Oriented Development and Urban Neighborhood, which is the same as the three subject parcels recommended for inclusion in the

Emergency Shelter Overlay.

These examples highlight both the City's willingness to allow a change of use to higher density residential development and the market support for residential, which is a trend the City continues to see in Pomona, with recent examples at Orange Grove Avenue (a re-development of a house of worship site), and multiple sites utilizing SB 330 legislation to redevelop.

"...the current market demand for the existing use" and "an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development of these sites.." EXERCPT FROM GOV § 65583.2(g)(1)

Based upon an assessment of inquiries received over the Planning Division public counter by phone, e-mail, and in-person, interviews and focus groups conducted by the City with housing developers, and in reviewing applications for zoning information letters, the current market demand for the existing uses on the subject parcels has not increased, while the market demand for high density residential development, and the re-development of commercial or industrial parcels, has significantly increased. Development trends strongly support the realistic potential for residential development on parcels designated the same or similar to the subject parcels recommended for inclusion in the ES Overlay.

Furthermore, the recent passage of SB 330 has provided regulatory strength to the land use designations established in the 2014 General Plan, by enabling market developers to redevelop industrial and commercial sites without legislative action on the part of the City Council, or additional discretionary review, further increasing market demand for high density residential development.

The City also relies upon the State Density Bonus Law as a regulatory incentive, which has been successfully used in multiple high-density residential projects to encourage additional residential development of non-residential sites. As part of the Pomona Zoning Ordinance comprehensive update, the City anticipates establishing additional incentives to encourage residential development on sites identified in the General Plan allowing residential housing units, such as the subject parcels analyzed herein.

SECTION 2. The City Council hereby determines that the proposed code amendment is consistent with the goals and objectives of the General Plan and leave the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

a. General Plan 7D.P67: Revise parking standards to encourage and facilitate alternative transportation modes by employing the following:

- Bicycle parking requirements/lockers/showers for large developments*

General Plan 7D.G27: Maximize shared parking opportunities

The proposed Code Amendments include revisions to off-street parking regulations for all "Emergency Shelter" Overlay District properties, which would require bicycle parking spaces (covered or uncovered) to be installed on any new "Emergency Shelter" constructed within the ES Overlay. These new requirements stem from a need to accommodate for accessible forms of alternative transportation

for both program participants and employees of Emergency Shelters. At a proposed rate of one bicycle parking space per five beds proposed for a new Emergency Shelter, the requirements are inclusive enough to sufficiently provide bicycle parking spaces as currently observed and flexible enough as to not be burdensome on the development of new Emergency Shelters.

- b. *General Plan 7B.G12: Promote housing—especially move-up workforce housing—of various types in diverse settings that serve the needs of Pomona's core household population while also attracting compact, one- and two-person households.*

General Plan 7B.G5: Remove barriers to new investment

2019-2020 City Council Priority 2: Economic Development – Goal J: Encourage the development and maintenance of quality housing opportunities for all.

The addition of three new sites into the "Emergency Shelter" Overlay District area provides an additional site opportunity to develop an Emergency Shelter within the City of Pomona, a residential development type that serves a population that is in dire need of appropriate housing options. These facilities are often the first place people turn to during or after experiencing an economic or domestic crisis, and including additional site options for developers or service organizations allows for more opportunities to establish a more robust system of care that meets the immediate needs of individuals experiencing homelessness.

SECTION 3. Based upon the above findings, the City Council hereby amends Ordinance No. 4224 by adding the three parcels identified in Exhibit A into the Emergency Shelter Overlay Zoning District, and amending Section .062 of the Pomona Zoning Ordinance, "Emergency Shelter" definition by establishing the following language underlined and in bold and in italic:

"Emergency Shelters," housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay (Definition per California Health and Safety Code Section 50801 (e)).

Development and Operational Standards

- a) **General Standards: An emergency shelter must meet all of the regulations of the land use district in which it is located regarding building scale, frontage and building placement, architecture, and signage.**
- b) **Facilities: Emergency shelters shall be situated in permanent structures and shall provide the following facilities:**
 - i. **One restroom facility per each ten (10) client beds, including a lavatory, toilet and shower**
 - ii. **Common area for resident gatherings**
 - iii. **Laundry area**
 - iv. **Secured storage area for resident use**
 - v. **Covered and/or secured bicycle parking, to be provided at a rate of one bicycle parking space per five (5) resident beds**
 - vi. **A private area for client services directed at helping residents obtain permanent shelter and off-site services**

- vii. On-site waiting and client in-take area with a minimum size of ten (10) square feet per resident bed, located either on the interior or exterior of the shelter building (If located on the exterior, the area must not abut a public sidewalk or right-of-way and must be screened with appropriate walls, fencing and/or landscaping.)
 - viii. On-site parking at the rate of one (1) space per each staff member plus one (1) space per each ten (10) resident beds; on-site parking standards contained herein shall supersede any other parking standards related to emergency shelters contained in the Pomona Zoning Ordinance or any Specific Plan
 - ix. Adequate interior and exterior lighting
- c) Operational Standards: Emergency shelters shall abide by all of the following regulations:
- i. The maximum length of stay for an emergency shelter resident shall be six (6) months during any consecutive twelve (12) month period. Shorter stays should be encouraged to make transition into permanent housing more likely.
 - ii. On-site management and security personnel shall be provided during hours of shelter operation, including the periods when shelter residents are waiting in the area before and after closing of the shelter.
 - iii. A Management and Operations Plan must be submitted and approved by the Development Services Director prior to permits being issued for shelter operation. The Plan shall remain active throughout the life of the shelter, and any changes to it are subject to Director Review and approval. At a minimum, the Plan shall include the following: a floor plan and site; hours of operation; a security plan addressing both on- and off-site needs; the staff-to-resident ratio; staff training schedules; resident transport services; and a loitering and noise control plan.

SECTION 4. The City Council hereby determines that, pursuant to the provisions of CEQA (CEQA-Public Resources Code, Section 15269(c) Specific Actions Necessary to Prevent or Mitigate an Emergency), the proposed Code Amendments are categorized as an emergency project that is statutorily exempt from the requirements of CEQA in that the proposed action will alleviate the unmet shelter needs identified in the City of Pomona. As such, no additional environmental review or documentation is required under CEQA.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Ordinance and it shall become effective thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2021.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on April 19, 2021 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on May 3, 2021, by the following vote:

AYES: Garcia, Lustro, Nolte, Ontiveros-Cole, Preciado, Torres, Sandoval
NOES: None
ABSENT: None
ABSTAIN: None

Rosalia A. Butler, MMC
City Clerk

Exhibit A
Three Additional Parcels Added Into Emergency Shelter Overlay District

