



Planning Commission

Planning Division Staff Report

DATE: May 22, 2024
TO: Chairperson and Members of the Planning Commission
FROM: Planning Division
SUBJECT: Planning Commission Recommendation to City Council to Adopt the Comprehensive Update to the Pomona Zoning and Subdivision Ordinances

Executive Summary

The new Zoning and Development Code ("New Code") successfully implements the goals and policies of the 2014 Pomona General Plan by achieving the following objectives:

- a. **Replaces** Euclidean zoning with a modular zoning framework that implements General Plan place types and land use goals and policies through Zoning Districts, each with Form, Frontage, and Use modules, and Site standards.
- b. **Establishes** objective design standards consistent with State law.
- c. **Improves** legal and procedural use of the code in a refined Administration chapter.

Furthermore, the New Code meets the grant objectives set by the California Department of Housing and Community Development in its SB 2 and LEAP Programs for permit streamlining to accelerate housing production.

The New Code excludes the Downtown Pomona Specific Plan, Pomona Corridors Specific Plan, and 2016 Phillips Ranch Specific Plan Amendment for the Pomona Ranch Plaza, each of which have already implemented the 2014 Pomona General Plan. It also excludes the Phillips Ranch Specific Plan, Mountain Meadows Specific Plan, Pomona Valley Hospital Medical Center Specific Plan, and Mission 71 Business Park. The Phillips Ranch Specific Plan and Mountain Meadows Specific Plan will be updated at a future date to be incorporated into the base Zoning and Development Code, while the hospital and business park plans may be retained as is with soft updates to procedure and administration. The 1981 Kellogg Plaza Specific Plan is being eliminated and folded into this effort.

Planning Commission

May 22, 2024

Pomona Zoning Code Update

Page 2 of 17

The majority of public concern over the first and second drafts of the New Code centered on regulations for industrial-related properties. These concerns included non-conforming use timelines, development standards for new industrial buildings, and use permissions for industrial land uses. The final Draft incorporates changes that address many of these concerns, and reduces the overall likelihood and number of non-conforming industrial properties in the City affected by the Code by opening up Distribution-oriented permissions in the Workplace Districts, conditionally allowing manufacturing in the IX1 mixed-use module, and establishing a Microbusiness fulfillment-oriented use under 22,500 square feet in the Workplace District.

Additional public concern was related to urban agriculture, farming, gardening, and homesteading provisions. The final Draft incorporates changes that significantly open up the ability to homestead and establish urban farms citywide, meeting the Neighborhood Resources goals of the Pro Housing Pomona Housing Element.

The update was carried out by City Staff working with Code Studio, a consultancy with expertise in designing form-based zoning codes. Alina Barron managed the effort on behalf of the City, and Max Pastore managed on behalf of Code Studio. City Staff modeled the initial approach to this effort from the City of Los Angeles, in conversation with Erick Lopez and former Code Studio staff member Kevin Howard, both of whom advised the City on how a modular framework operates, and continued to periodically consult staff currently working in the City's Zoning Integration Program (ZIP). The City's final draft departs from the City of Los Angeles insofar as it still establishes distinct zoning districts that directly tie back to Pomona General Plan land use place types. The update began in July 2021 and took approximately three years to complete. It was written collaboratively with the community, including 26 public discussions with the Planning Commission across 75 hours, 33 community meetings and pop-up events across 100 hours, and 250 hours of one-on-one stakeholder meetings and in-person site visits conducted by City Staff at over 100 locations. The effort is funded primarily by the State of California through two grants: SB2, and LEAP (Local Early Action Program).

Staff Recommendation

Staff recommends that the Planning Commission recommend to City Council approval of the comprehensive update to the Pomona Zoning and Subdivision Ordinances.

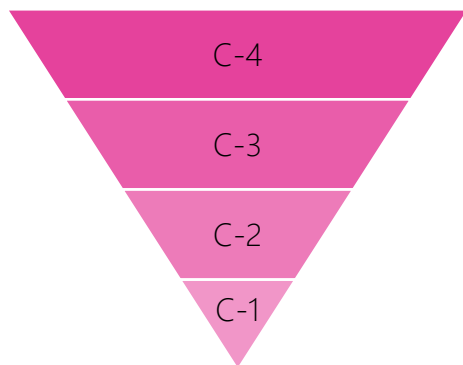
Planning Commission

May 22, 2024

The Existing Code

The existing Pomona Zoning Ordinance, adopted in 1949 and comprehensively updated through Ordinance No. 1466 in 1957, was built upon a Euclidean zoning framework. Euclidean zoning is the most common forms of zoning found in the United States. Euclidean zoning is characterized by the separation of land uses, classified under broad categories such as agricultural, residential, commercial, or industrial, among others. These broad categories are then formed into districts for residential, commercial, and industrial zones. Each district is then placed into a pyramid of intensity.

Figure 1.1 Commercial District Hierarchy



In a Euclidean zoning framework, residential districts would typically begin with a Residential Zoning District 1 (R-1) as a base of the pyramids allowing the lowest number of housing units, working its way up to the Residential Zoning District 4 (R-4) allowing the highest number of housing units, but always keeping the districts together under the residential district umbrella. Similarly for commercial districts, the Commercial District 1 (C-1) would be the least permissive of commercial land uses and the Commercial District 4 (C-4) would be the most permissive of commercial land uses.

In most scenarios, this pyramid method refers back to the lowest tier standards with additional permissions, meaning any changes to lowest tier would effectively change every district in that category.

While the Euclidean zoning framework can be beneficial in defining land uses, it lacks the flexibility, nuance, and consideration at the neighborhood level. Over time this type of framework becomes more difficult to revise without multiple revisions needing to take place which inherently makes it more difficult to tailor standards based on the unique fabric of a given area.

An example of an issue that occurs with land uses, is if the community found that in the C-1 zone that the land use "auto repair" is incompatible due to intensity, revising the code to prohibit "auto repair" in the C-1 zone would inherently also prohibit "auto repair" in the C-2, C-3, and C-4 zones. This would require a double action to take place, the first amendment to prohibit "auto repair" in C-1 zone and a second amendment to allow "auto repair" in the C-2 zone to effectively allow them in the C-3, and C-4 zones.

The issue of lack of flexibility and nuance of the existing code additionally extends to development standards, which require even more nuance as they should be spatial analyzed by lot size, general neighborhood configurations, and consider existing conditions. An example

Pomona Zoning Code Update

Page 4 of 17

of this issue, is if the community found that the front yard setback was too large for a specific neighborhood, it would require a change to all of the C-1 zones citywide, and subsequently all C-2, C-3, and C-4 zones as well, regardless of spatial analysis or existing conditions.

The New Code

The New Code (**Attachment 2**) will remove the outdated post-World War II Zoning Code framework which implements a Euclidean framework and replace it with a modular framework. This modular framework contains development standards with contextually appropriate best practices, replaces arbitrary and difficult standards with measurable standards, introduces graphics and user-friendly navigation. Below is a summary of the key objectives achieved by the New Code.

(A) Replacing Euclidean with a Modular Framework

The New Code is built on a modular zoning framework that enables the City to meaningfully implement the form-based policies of the land use and community design chapters of the Pomona General Plan. This framework creates distinct modules of development standards with each district directly aligning with the designated Place Types identified in the General Plan creating a total of 8 district types and 32 variations with “Open Space” aligning with “Parkland Districts”.

Fig.1.2. General Plan Place Types












Place Types	
	Activity Center
	Transit Oriented District: Core
	Transit Oriented District: Neighborhood
	Urban Neighborhood
	Neighborhood Edge
	Residential Neighborhood
	Workplace District Edge
	Workplace District
	Open Space
	Special Campus
	Fairplex

Fig. 1.3. Zoning & Development Code District Types

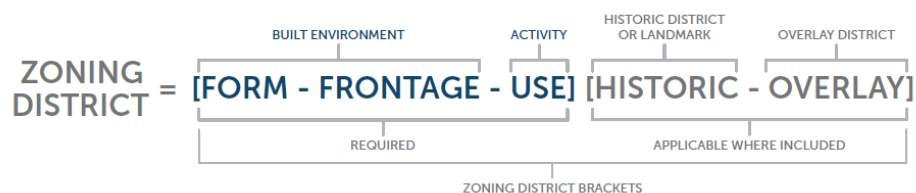
PART 2.

SUMMARY OF ZONING DISTRICTS

RESIDENTIAL NEIGHBORHOOD DISTRICTS (RND)		TRANSIT ORIENTED DISTRICTS (TOD)	
RND1	Residential Neighborhood District 1	TOD1	Transit Oriented District 1
RND2	Residential Neighborhood District 2	TOD2	Transit Oriented District 2
RND3	Residential Neighborhood District 3	TOD3	Transit Oriented District 3
RND4	Residential Neighborhood District 4	TOD4	Transit Oriented District 4
RND5	Residential Neighborhood District 5	TOD5	Transit Oriented District 5
NEIGHBORHOOD EDGE DISTRICTS (NED)		TOD6	
NED1	Neighborhood Edge District 1	TOD6	Transit Oriented District 6
NED2	Neighborhood Edge District 2	WORKPLACE DISTRICTS (WD)	
NED3	Neighborhood Edge District 3	WD1	Workplace District 1
NED4	Neighborhood Edge District 4	WD2	Workplace District 2
NED5	Neighborhood Edge District 5	WD3	Workplace District 3
URBAN NEIGHBORHOOD DISTRICTS (UND)		WD4	Workplace District 4
UND1	Urban Neighborhood District 1	WD5	Workplace District 5
UND2	Urban Neighborhood District 2	SPECIAL CAMPUS DISTRICTS (SCD)	
UND3	Urban Neighborhood District 3	SCD1	Special Campus District 1
ACTIVITY CENTER DISTRICTS (ACD)		SCD2	Special Campus District 2
ACD1	Activity Center District 1	SCD3	Special Campus District 3
ACD2	Activity Center District 2	PARKLAND DISTRICTS (PLD)	
ACD3	Activity Center District 3	PLD1	Parkland District 1
		PLD2	Parkland District 2

The Place Types listed in the General Plan contain separate descriptions, goals, and policies that have specific form, frontage, site, and land use considerations. A zoning district includes a form module, frontage module, and use module. Modules are combined into zoning district bracket sets to implement Pomona's General Plan. Where applicable, additional modules in a second bracket set may be included to identify historic designations and overlay districts.

Fig.1.4. Zoning District Brackets



The Zoning District core is made up of three modules which regulate the following:

1. [FORM]

Form regulates the placement, scale, and intensity of buildings and structures on a lot. Form modules ensure that building forms are compatible with their context and promote projects that support the General Plan and community needs.

2. [FRONTAGE]

Frontage regulates portions of a lot and building facades that impact the public realm. Frontage modules ensure that projects respond to the public realm appropriately. Modules range from flexible standards for open space frontages with limited buildings to more robust standards for shopfront frontages where buildings need to support an active and high-quality public realm with strong associations with uses inside buildings.

3. [USE]

Use regulates use standards and use definitions which regulate activities on a lot and mitigate potential impacts within and surrounding a property as a result of those activities.

In addition to these three modules, the **Site** chapter of the New Code will regulate site design, including the location and characteristics of access, parking, landscape, and other site features. Site consists of a combination of regulations that are appropriate to a variety of contexts such as transit-oriented centers, special campuses, suburban neighborhoods, and open spaces.

Fig.1.5. Street-Facing Façade Standards (Shopfront)

2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	<i>Sec. 4100.</i>	
E Ground story transparency	60%	40%
F Upper story transparency	30%	30%
G Active wall spacing (max)	15'	15'
ENTRANCES	<i>Sec. 4110.</i>	
H Street-facing entrance	Required	Required
I Entrance spacing (max)	50'	75'
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Recessed Entry • Covered Entry • Storefront Bay • Market Stall 	
GROUND STORY	<i>Sec. 4120.</i>	
J Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
K Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

This framework is not dissimilar to Euclidean in that it still regulates land use, but is more advanced and flexible as a tool, as it enables targeted regulation of individual variables as appropriate to fit the growing needs of the community. While the Form and Frontage modules of the New Code both contain new design standards that are not a part of the original framework, both modules have distinct intents and set different standards to aid in implementing the General Plan.

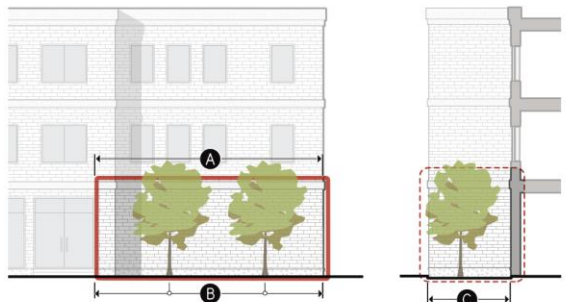
The Form modules establish standards for building height, width, and depth, outdoor amenity space, coverage, and lot size to regulate the scale and intensity of new buildings citywide, as called for in each of the Place Types and Transects of the General Plan.

The Frontage modules establish new design standards for parking location, vehicular access, build-to areas, frontage landscaping, inactive wall treatments, building entrance orientation, and transparency which requires projects to support a high-quality public realm that is active, comfortable, safe, and visually interesting, with strong connections between the public realm and uses inside buildings.

Fig. 1.6. Inactive Wall Treatment Types

2. Large Trees

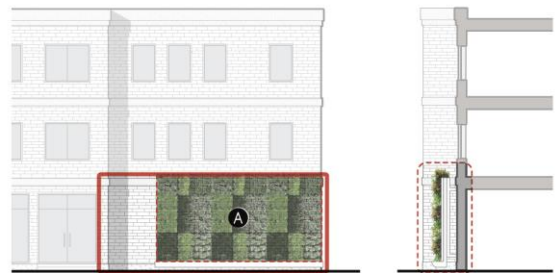
Large trees planted between a ground story facade with no window or door openings and the public realm.



DIMENSIONAL STANDARDS		Sec. XX
A	Treatment width (min portion of inactive wall)	100%
	Tree type	Large species
B	Planting frequency (min avg.)	3 per 100'
C	Planting area depth (min)	15'

3. Living Wall

A permanently fixed assembly located between a ground story facade with no window or door openings and the public realm that supports plants, their growing medium, and irrigation.



DIMENSIONAL STANDARDS		Sec. XX.
A	Treatment area (min % of ground story facade with inactive walls)	75%
	Planting area depth (min)	n/a

See Sec. 620.F. (Planting Standards) for additional standards

The land use and community design chapters of the General Plan place high priority on building form and places focus on design that supports public activity and strengthens safety. The reiterated goals and policies in the General Plan promote the efficient use of land that encourage walking, bicycling and transit use across all place types. To accomplish this the General Plan discusses moving away from “exclusively auto-oriented shopping and toward open-air, amenity driven formats that have both daytime and nighttime activity and are clustered at major crossroads”. Additionally, the community design chapter emphasizes the creation of more walkable and accessible street environments and strives to improve pedestrian safety.

To implement the vision set by the General Plan, the New Code eliminates the establishment of new auto-oriented uses, such as gas stations, drive-through establishments, car washes, and auto sales. It also eliminates the newly defined industrial land uses of Product Transportation, and Product Fulfillment greater than 22,500 square feet, both of which are subcategorized under Fulfillment-Oriented Uses.

To further aid in the implementation of the walkability goals of the General Plan, the New Code establishes for the first time "Accessory Commercial Units" or "ACUs" in residential neighborhoods. This will enable residents in the City's residential districts to convert existing, legally permitted vehicular garages into home-based businesses for Personal Services, such as a barber shop, salon, gym, or portrait studio. The goal of the ACUs is to remove financial barriers for small business ownership while promoting the creation of walkable amenities in residential neighborhoods at a small scale.

(B) Establishing Objective Design Standards Consistent with State Law

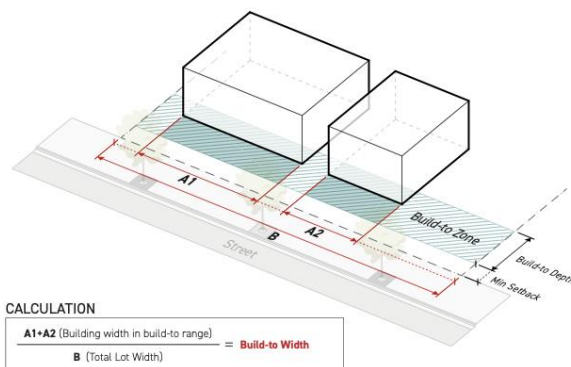
The New Code approaches definitions to address State law concerns. The State of California now requires objective design standards for all housing projects. This means that beyond the traditional general terminology, all design standards are required to have objective definitions in order to be applicable to a housing project. With over 80% of Pomona permitting housing, creating objective design standards is crucial in assuring the implementation of the General Plan.

California Government Code, Section 65913.4 defines objective design standards as *"a design standard that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal."*

Fig.1.7. Build-to-Zone Rules, Measurement

Measurement

The build-to width is a percentage measured as the sum of the widths of all portions of buildings occupying the build-to zone divided by the total lot width.



The New Code includes design standards that quantifiable and contains definitions for how these standards are measured in the "Rules" section of each module and include diagrams.

(C) Improving the Administration of the Code

The Administration chapter of the code defines the procedures for various approvals under the New Code and defines nonconformities. Additionally, it provides relief exceptions from specific requirements for existing lots, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were lawfully established, but do not conform to current district standards or use permissions.

The nonconformities section of Administration outlines the discontinuance of nonconforming uses and the process by which a nonconforming use would lose its nonconforming status if said use has been determined to have been discontinued and deemed abandoned.

City Staff faces current challenges in administering the 2014 Pomona Corridors Specific Plan, because it is a form-based code with limited legal language on procedure, interpretation, and administration. The New Code improves upon this by explicitly writing administration language that provides legal procedure on addressing issues that may arise regarding newer concepts such as Form and Frontage.

Engaging the Public on the New Code

(A) Summary of Public Engagement Efforts

Between July 2021 and May 2024, City Staff held 26 public discussions with the Planning Commission across 75 hours, 33 community meetings and pop-up events across 100 hours, and 250 hours of one-on-one stakeholder meetings and in-person site visits conducted by City Staff at over 100 locations.

For the New Code, the Planning Division conducted community engagement with the approach of “meeting community members where they are,” by testing different approaches to outreach and using different platforms for sharing information with the general public in English and Spanish.

The Planning Division has consistently been conducting community outreach regarding the New Code since November 2021. Staff utilized the traditional approach of a standing community meetings but also deployed a more robust strategy of “pop-up” events. These pop-up events were intended to bridge the gap between local government and community members who may not be able to participate in community meetings. The goal of the pop-up events was to gather community input from a variety of census tracts and community events

Pomona Zoning Code Update

Page 11 of 17

to diversify the input Staff received as well gain feedback from the community on the renderings before drafting district standards.

On April 13, 2022, Staff presented information to the Planning Commission on Modular Zoning Districts and introduced the Draft Zoning Map and three-dimensional modeling. The purpose of the presented information was to facilitate a discussion on the draft zoning map and potential zoning districts.

Following the information presented on April 13, 2022, the Planning Division held 27 pop-up events between April 26, 2022 and May 19, 2022, displaying the prepared three-dimensional renderings visualizing potential metrics and the goals and policies of the General Plan, at various locations throughout the City.

On June 22, 2022, the summary of findings on community engagement were presented to the Planning Commission.

Through this series of meetings and community engagement the three-dimensional modeling accomplished the following:

- Tested the viability of the goals and policies of each place type.
- Tested the viability of potential zoning metrics on individual parcels.
- Visually demonstrated potential zoning metrics.
- Allowed community feedback from a variety of census tracts for diversified input.

Between August 24, 2022 and July 26, 2023, the Planning Commission held a series of nine public discussions on the New Code, including topics such as vehicle parking, frontage and form modules, General Plan amendments, cumulative land use impacts, and draft land use categories.

On July 27, 2023, the City released the first public draft of the New Code. Between August 1 and August 19, the Planning Division held four community meetings around the first draft, on Small Business, Residential, Design, and Land Use provisions in the New Code. The Planning commission also held a three-part discussion on the draft between July 26 and August 23, 2023.

In response to public concern about industrial standards, the Planning Division released a Workplace District survey from September 1 to October 1, 2023, targeting properties in the Workplace District land use designation in the General Plan. The purpose of the survey was to

Planning Commission

May 22, 2024

Pomona Zoning Code Update

Page 12 of 17

understand operational realities and needs from the Pomona industrial community. Staff extended the survey to October 20 based on public requests.

Between October 25 and November 8, the Planning Commission held a two-part discussion summarizing the outcomes of the New Code outreach efforts conducted between July and October 2023. Based on these discussions, City Staff extended the expected adoption date of the New Code from October-December 2023 to Spring 2024 to allow for additional site visits, one-on-one stakeholders meetings, and research.

Between January 24 and March 27, 2024, the Planning Commission held four public discussions on recommended changes to the first draft and a review of administration provisions.

On April 10, 2024, the Planning Commission held a public discussion previewing the second draft of the New Code. City Staff released this draft on April 11, 2024.

On April 24, 2024, the Planning Commission held a public discussion to review comments provided on the second draft, and on May 8, 2024, held another public discussion to formally review every formal public comment letter submitted to date regarding the New Code.

(B) Summary of Notable Public Comment on the New Code

City Staff has received 137 formal public comment letters on the New Code (**Attachment 4**). The majority of these comments represent a form letter signed by individual residents, submitted by Clean and Green, a local non-profit organization. Another community letter was issued by various urban farms in Pomona. Six comment letters were issued by the National Association of Industrial and Office Parks (NAIOP) Southern California, a lobbying group that has focused on industrial standards in the New Code. 11 letters represent various individual properties or property owners.

Table 1.1 Summary of Formal Comment Letters Received by City Staff

Type	Quantity
Lobbying (NAIOP)	6
Local Non-Profit Organization (Clean and Green, Urban Farms)	120
Property Representative	11
Total	137

Staff has reviewed all comment letters and provided a tabular summary for each comment along with a Staff response to how the final draft of the New Code addresses the concern.

Planning Commission

May 22, 2024

Pomona Zoning Code Update

Page 13 of 17

Table 1.2 Summary of Lobbying Comment Letters and City Staff Response

Comment	Staff Response
Additional time and engagement	Staff extended engagement by an additional 9 months.
Dock doors too limiting	1/7500 sf proposed.
Fulfillment widely banned	Microbusiness under 22,500 sf permitted.
Distribution over 22,500 prohibited	Distribution permitted regardless of size.
No large and food and beverage not permitted	No change proposed.
20% outdoor amenity for industrial too high	Removed and switched to employee break area requirement.
Frontage requirements are arbitrary	No change proposed.
Building widths and depths too limiting	150' x 150' proposed. No change to allow larger.
Widespread non-conformity	Non-conformity risk significantly reduced
Comment	Staff Response
CUP requirement if exceeding 22,500	Not recommended.
Allow incentive for LEED Gold	Already proposed.
Comment	Staff Response
Update the General Plan	Staff intends to update the General Plan
18-month non conformity recommendation, later letters call for CUP option for nonconforming uses.	Staff recommends six months, as nonconforming risk has been significantly reduced.
Adopt Good Neighbor Policies	Staff has reviewed Good Neighbor Policies, many are not enforceable or do not substantially do much.
Eliminate distribution square footage restriction	Eliminated.
Require CUP for Distribution	Proposed as by-right, no CUP.
Infill redevelopment of industrial encouraged.	LEED Gold incentive allowed re-build of same square footage and modernizing of older facilities.
350 x 350 building length	150' x 150' proposed.
1 dock door per 7,500	1 dock door per 7,500 sf proposed.
Remove 20% amenity.	Changed to employee break area.
Remove outdoor storage limitations	Accessory outdoor storage permitted. No primary outdoor storage permitted.
Permit EV type uses	EVCS permitted, Production permitted

Pomona Zoning Code Update

Page 14 of 17

Table 1.3 Summary of Community Comment Letters and Staff Responses

Comment	Staff Response
Prohibit Trucking Facilities, Waste/Recycling/Pallet Facilities, Auto Repair, Drive Throughs, Car Washes, Gas Stations, Outdoor Storage (except limited accessory outdoor storage), Fulfillment, Distribution over 22,500 square feet	Distribution is permitted at all scales; auto repair could be permitted through Product Repair, other uses are prohibited.
Limit building size to 150' x 150' for industrial	150' x 150' proposed
Keep six month non conformity	Six month non conforming proposed
Complete EJ element by January 2025	Staff intending to complete by end of 2025.
Various urban agricultural recommendations from urban farmers	Incorporated through discussion with PC into latest draft.
No carve outs for certain industrial areas	None proposed

Table 1.4 Summary of Property Representative Comment Letters and Staff Responses

Comment	Staff Response
Veterans Park/Mission-71 Zoning concerns	No changes proposed. General Plan Update in future will re-visit this area from a density perspective.
Rexford: Small, Medium, Large Distribution; CUP for I1/I2; medium distribution CUP I1/I2/I3; Large CUP I3	Distribution permitted by-right in I1, I2, and I3
Adopt Good Neighbor Policies	Staff has reviewed Good Neighbor Policies, many are not enforceable or do not substantially do much.
Change non-conforming from six months	Staff recommends six months, as nonconforming risk has been significantly reduced.
Allen Matkins, general: Widespread non conformities; inconsistent with GP; unconstitutional taking ; negative impact to local jobs/businesses	Non-conformity risk significantly reduced.
1313 Phillips: Permit Outdoor Storage	Accessory outdoor storage permitted; Primary not permitted.
1000 Walnut: Open up permissions South of 60 through an Overlay Zone; general takings/inconsistency with GP concerns;	No changes proposed unique to South of 60, Distribution permitted by-right in I1, I2, and I3
Comment	Staff Response
110 Erie: Takings concerns; permit industrial and preserve industrial rights	Manufacturing added as CUP in Urban Neighborhood related IX1 use module
Prologis: Make workable definitions for industrial; eliminate overbroad industrial prohibition; don't rely on walkability analysis; go beyond microbusiness 22,500 cap; clean up definition of Distribution; open up Distribution in IX ; open up outdoor storage	Distribution permissions broadened to I1, I2, and I3, microbusiness added.
Exeter: Micro-business not viable and carbon intensive; no relief for irregularly shaped lots ; LM module misalignment	No change proposed. Variances are a path to seek relief for irregularly shaped lots.

Planning Commission

May 22, 2024

Environmental Review

In 2014, the City of Pomona adopted an update to its general plan entitled Pomona Tomorrow ("General Plan"). As part of the 2014 General Plan, the City of Pomona certified the environmental impact report ("EIR") for the General Plan Update, Corridors Specific Plan, Active Transportation Plan and Green Plan (State Clearinghouse No. 2012051025) ("General Plan EIR").

Several planned activities were contemplated as part of the development of the General Plan in order to implement its goals and policies, specifically, the city-wide update of the zoning and subdivision ordinances ("Zoning Code Update") was identified as one of the planned activities.

Further, the Zoning Code Update has been prepared to be fully consistent with the General Plan and no amendments to the General Plan are being considered as part of this project. Pursuant to California Public Resources Code (PRC) Section 21166 Subsequent or Supplemental Impact Report; Conditions and California Code of Regulations (CRC) Section 15162 Subsequent EIRs and Negative Declaration, it has been determined that no subsequent EIR shall be prepared for the proposed amendment to the Zoning Code Update as none of the conditions described in CRC Section 15162 exist.

There are no substantial changes contemplated by the proposed project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There are no substantial changes because the Zoning Code Update, which is identified as a planned activity by the General Plan, includes use permissions and development standards that were designed according to the designated land use place types (Activity Centers, Neighborhood Edges, Residential Neighborhoods, Special Campuses, Transit Oriented Districts, Urban Neighborhoods, and Workplace Districts), designated density and intensity transect zones (T-3 Typical, T4-B Residential Transition, T4-B Secondary Corridors, T4-B Neighborhood Edge, T4-A, Typical, T5 Typical, T6-B Typical, T6-A Downtown Core, SD Special Districts, and SC Special Campus), as well as applicable land use policies and goals for the respective land use place types and plan components (Community Design, Conservation, Economic Development, Land Use & Density, Mobility & Access, Noise & Safety, and Open Space Network).

No changes or amendments to the General Plan are contemplated as part of the Zoning Code Update as it will implement the goals and policies of the General Plan as originally contemplated and analyzed in the General Plan EIR.

Pomona Zoning Code Update

Page 16 of 17

No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No substantial changes have occurred because the General Plan EIR assessed the implementation of a general plan that, by its nature, considered cumulative development anticipated with future buildout under the plan within the City's defined plan area and to date, the City has not approved development that would conflict or deviate with the General Plan and no amendments have been adopted that conflict or deviate with the General Plan.

There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, showing that: (a) the proposed project will have one or more significant effects not discussed in the EIR; (b) there are significant effects previously examined that will be substantially more severe than shown in the EIR; (c) there are mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the proposed project, but the City declines to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.

All substantially pertinent environmental information and feasible mitigation measures relevant to the Zoning Code Update have been analyzed in the General Plan EIR and remain relevant to the existing environment.

Public Legal Notification

City Staff conducted required legal notification for the processing a formal Code Amendment by publishing a public hearing notice in the Inland Valley Daily Bulletin, the local paper of circulation, on May 10, 2024 (**Attachment 5**).

Active Projects Affected by the New Code

Several ministerial and discretionary applications are currently under review and may be affected by the implementation of the New Code.

Planning Commission

May 22, 2024

Pomona Zoning Code Update

Page 17 of 17

Staff, in consultation with the Planning Commission, has established a list of types of applications that will be vested against changes in the New Code. These can be found in Section 100.E Applicability (Page 1-3 of **Attachment 2**).

Meeting State Grant Objectives

The New Code is funded primarily through two State of California grants, both issued by the California Department of Housing and Community Development. The grants are SB2 and LEAP. The purpose of these grants is to accelerate housing production. The New Code meets the intent of these grants by establishing residential uses as a by-right use permission, removing any Conditional Use Permit requirements for residential uses. It also accelerates housing production by allowing the ministerial permitting of multiple residential units on any residential lot in the City and the establishment of objective design standards to remove judgment and subjectivity out of the review process.

Next Steps

Upon Planning Commission approval of a recommendation, the New Code will be brought forward to the City Council for a first reading, tentatively scheduled for Monday, June 3, 2024, with an anticipated second reading on Monday, June 17, 2024.

Prepared by:



Alina Barron
Associate Planner



Vincent Tam
Senior Planner

Submitted by:



Ata Khan
Deputy Director of Development Services

Attachments

- 1) Draft PC Resolution
- 2) Draft Zoning & Development Code, dated May 15, 2024
- 3) Draft Zoning Map, dated March 28, 2024
- 4) Public Comment Letters Received to Date
- 5) Proof of Legal Public Noticing

Planning Commission

May 22, 2024