

ORDINANCE NO. 4345

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA APPROVING A CITY-INITIATED, COMPREHENSIVE AMENDMENT TO THE CITY OF POMONA ZONING AND SUBDIVISION ORDINANCES (“ZONING CODE UPDATE”)

WHEREAS, the City of Pomona has duly initiated Code Amendment (CODE-000698-2024);

WHEREAS, the interpretation of consistency with the 2014 General Plan shall be done through the updating of the Pomona Zoning Ordinance;

WHEREAS, the Pomona Zoning and Development Code implements the 2014 Pomona General Plan, 2022 Housing Element (2021-2029 Sixth Cycle) and the 2012 Pomona Green Plan and 2012 Active Transportation Plan;

WHEREAS, on July 14, 2021, the Planning Commission of the City of Pomona, during its regularly scheduled meeting, held the initial discussion to commence the formal updating of Appendix I, Zoning Ordinance of the Pomona City Code “Zoning Code Update”;

WHEREAS, on July 28, 2021, the Planning Commission, during its regularly scheduled meeting, held a discussion pertaining to land use permissions for the Zoning Code Update;

WHEREAS, on September 8, 2021, the Planning Commission, during its regularly scheduled meeting continued the discussion pertaining to the modular framework and the implementation of the 2014 Pomona General Plan “General Plan” for the Zoning Code Update;

WHEREAS, on November 4, 2021, the Planning Division held a community meeting introducing the modular framework and the implementation of the General Plan for the Zoning Code Update;

WHEREAS, on April 13, 2022, the Planning Commission held a Special Meeting to introduce the draft Zoning Map implementing the General Plan placetypes, analyze three-dimensional renderings visualizing potential metrics and the goals and policies of the General Plan, and discussion the community outreach approach for the Zoning Code Update;

WHEREAS, on April 20, 2022, the Planning Division held a community meeting introducing the draft Zoning Map and prepared three-dimensional renderings visualizing potential metrics and the goals and policies of the General Plan, demonstrating the spatial impacts of potential zoning metrics;

WHEREAS, between April 26, 2022 and May 19, 2022, the Planning Division held 27 pop-up events displaying the prepared three-dimensional renderings visualizing potential metrics and the goals and policies of the General Plan, at various locations across the City of Pomona in effort to collect input from community members regarding the Zoning Code Update;

WHEREAS, on June 22, 2022, the Planning Commission, during its regularly scheduled meeting, held a discussion summarizing the outcomes of the Zoning Code Update community outreach occurring between April and May of 2022 to be incorporated into the analysis as part of drafting the Zoning and Development Code;

WHEREAS, on August 24, 2022, the Planning Commission, during its regularly scheduled meeting, held a discussion on development standards for the parking of vehicles on private property in residential, commercial, and industrial zones for the Zoning Code Update;

WHEREAS, on November 9, 2022, the Planning Commission, during its regularly scheduled meeting, held a discussion on draft building form and frontages modules which establish development standards for private property in residential, commercial and industrial zones for the Zoning Code Update;

WHEREAS, on January 11, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion on draft land use module intents which establish permitted use standards, and use definitions on private property in residential, commercial, and industrial zones for the Zoning Code Update;

WHEREAS, on January 25, 2023, the Planning Commission, during its regularly scheduled meeting, continued the discussion on draft land use module intents which establish permitted use standards, and use definitions on private property in residential, commercial, and industrial zones for the Zoning Code Update;

WHEREAS, on February 8, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion regarding potential General Plan Amendments to coincide with the comprehensive Zoning Code Update;

WHEREAS, on February 22, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion regarding land use permissions and regulation of cumulative land use impacts for the Zoning Code Update;

WHEREAS, on April 12, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion regarding on draft land use categories and definitions for the Zoning Code Update;

WHEREAS, on July 12, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion regarding on draft development standards and use permissions for Wireless Communication Facilities for the Zoning Code Update;

WHEREAS, on July 26, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion part 1 of 3, regarding the release of the draft Zoning & Development Code, community outreach approach for the draft;

WHEREAS, on July 27, 2023, the Planning Division released the first public draft of the updated Pomona Zoning and Development Code;

WHEREAS, on August 1, 2023 and August 8, 2023, the Planning Division held a community meeting focused on Small Business, discussing with community members the draft Zoning & Development Code related to the expansion of permissions for home occupations, home-based businesses, and accessory commercial units to collect input from community members;

WHEREAS, on August 5, 2023 and August 19, 2023, the Planning Division held a community meeting focused on Residential, discussing with community members the draft Zoning & Development Code related to home additions, garage conversions, parking, patios, fences, and driveways to collect input from community members;

WHEREAS, on August 9, 2023, the Planning Commission, during its regularly scheduled meeting, continued the discussion part 2 of 3, regarding the release of the draft Zoning & Development Code, and how to read the draft Zoning and Development Code with emphasis on Part 3, 4, and 6 (Form, Frontage, & Site) of the draft;

WHEREAS, on August 15, 2023, the Planning Division held a community meeting focused on Design standards, discussing with community members the draft Zoning & Development Code related to new design standards for commercial, industrial, and mixed-use buildings to collect input from community members;

WHEREAS, on August 16, 2023, the Planning Division held a community meeting focused on Land Uses, discussing with community members the draft Zoning & Development Code related to new land use permissions, nonconforming uses, and land use standards for all use types for residential, commercial, and industrial zones to collect input from community members;

WHEREAS, on August 23, 2023, the Planning Commission, during its regularly scheduled meeting, continued the discussion part 3 of 3 discussion, regarding the release of the draft Zoning & Development Code, and how to read the draft Zoning and Development Code with emphasis on Part 5 & 11 (Use, Administration) of the draft;

WHEREAS, on September 1, 2023, the Planning Division released a Workplace District Survey from September 1, 2023 through October 1, 2023, targeting properties on the Workplace District land use designation of the General Plan. On that date, mailers with a link to the digital survey were sent to all property owners and occupants located within the City's Workplace Districts;

WHEREAS, the purpose of the Workplace District Survey was to understand operational realities and needs from the Pomona industrial community, and to hear concerns related to industrial operations from residents living within or affected by these industrial areas;

WHEREAS, based on requests made by community members the Workplace District survey was extended from the end date of October 1, 2023, to October 20, 2023;

WHEREAS, on September 13, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion regarding the improvement of existing Zoning Clearance Procedures and the proposed Zoning Clearance Procedures in the draft Zoning and Development Code;

WHEREAS, on October 25, 2023, the Planning Commission, during its regularly scheduled meeting, held a discussion part 1 of 2, summarizing the outcomes of the Zoning Code Update community outreach occurring between July and October of 2023 to be incorporated into the analysis as part of drafting the Zoning and Development Code;

WHEREAS, on November 8, 2023, the Planning Commission, during its regularly scheduled meeting, continued the discussion part 2 of 2, summarizing the outcomes of the Zoning Code Update community outreach occurring between July and October of 2023 to be incorporated into the analysis as part of drafting the Zoning and Development Code;

WHEREAS, based on issues raised from community members through community outreach efforts regarding industrial land use permissions, the Zoning Code Update adoption calendar was extended from October – December 2023 to February – April 2024 to allow for the requested additional community review of the draft Zoning & Development Code and to allow staff to research and propose additional revisions to the Zoning Development Code;

WHEREAS, on January 24, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion part 1 of 2, on recommended changes to the existing Draft Zoning and Development Code.

WHEREAS, on February 14, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion part 2 of 2, on recommended changes to the existing Draft Zoning and Development Code.

WHEREAS, on February 28, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion on additional points raised during the February 14 discussion, including drive-through facilities and outdoor storage provisions;

WHEREAS, on March 27, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion on Administrative Provisions for the Zoning and Development Code on establishing vesting criteria for pending applications that will be affected by the upcoming code update, along with recommendations on establishing a ministerial, by-right use zoning clearance process;

WHEREAS, on April 10, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion to preview the second draft of the Zoning and Development Code, and facilitate a discussion on key changes that incorporate input from engagement sessions with the community, stakeholders, and the Commission.

WHEREAS, on April 11, 2024, the Planning Division released the second public draft of the updated Pomona Zoning and Development Code;

WHEREAS, on April 24, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion to review comments provided from stakeholders who reviewed the second draft of the Zoning and Development Code and to facilitate a discussion with Commission and the community on any additional comments;

WHEREAS, on May 8, 2024, the Planning Commission, during its regularly scheduled meeting, held a discussion to review each public comment letter formally submitted to date regarding the Zoning and Development Code, and provide answers and data where relevant to address any questions or concerns raised;

WHEREAS, the Planning Commission held a total of 26 discussions between July 14, 2021 and May 8, 2024 regarding the Zoning and Development Code;

WHEREAS, the Planning Commission held a total of 33 community meetings between July 14, 2021 and May 8, 2024 regarding the Zoning and Development Code, including 27 pop-up events;

WHEREAS, the Planning Commission of the City of Pomona, after giving notices thereof as required by law, held a public hearing on May 22, 2024 concerning Code Amendment (CODE-000698-2024) and, after carefully considered all pertinent testimony and the staff report offered in the case as present, approved CODE-000698-2024 and recommended City Council approval (7-0-0-0);

WHEREAS, the City Council of the City of Pomona, after giving notice thereof as required by law, held a public hearing on June 17, 2024, concerning the requested Code Amendment (CODE-000698-2024);

WHEREAS, the City Council of the City of Pomona, at its regularly scheduled public meeting of June 17, 2024, approved the introduction and first reading of an Ordinance for Code Amendment (CODE-000698-2024) with a (5-2-0-0) vote; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. The City Council, exercising independent judgment, finds and determines that 1) an environmental review has been conducted for the proposed Zoning Code Update per the

California Environmental Quality Act (CEQA) and 2) in compliance with the Public Resource Code Section 21166 and CEQA Guidelines Section 15162, that no subsequent EIR shall be prepared for the proposed amendment to the Zoning Code Update. 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. 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.

SECTION 3. Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the City Council hereby finds that the proposed Code Amendment is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is, as a matter of law, consistent with the Pomona General Plan pursuant to Government Code Section 65852.2(a)(1)(c).

SECTION 4. For the reasons set forth above, the City Council of the City of Pomona hereby approves Code Amendment (CODE- 00698-2024), attached hereto as Exhibit A (Text) and Exhibit B (Map), inclusive of the Errata Sheet, and as an associated action, rescind and replace Ordinance 1466 establishing the Pomona Zoning Ordinance and all subsequent amendments to date of said ordinance.

SECTION 5. The Secretary shall certify to the adoption of this Ordinance and forward the original to the City Clerk.

SECTION 6. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law and this Ordinance shall take effect thirty (30) days after its final adoption.

SECTION 7. If any section, subsection, sentence clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence clause or phrase or word not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

PASSED APPROVED AND ADOPTED THIS 1st DAY OF JULY, 2024

CITY OF POMONA

Tim Sandoval
Mayor

ATTEST:

Rosalia A. Butler, MMC
City Clerk

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
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 June 17, 2024 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on July 1, 2024, by the following vote:

AYES:
NOES:
ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6.