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# CITY OF POMONA COUNCIL REPORT

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July 1, 2024

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, City Manager

Submitted By: Ata Khan, Deputy Director of Development Services

**SUBJECT: SECOND READING AND ADOPTION OF A COMPREHENSIVE  
UPDATE TO THE POMONA ZONING AND SUBDIVISION  
ORDINANCES.**

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## **RECOMMENDATION:**

It is recommended that the City Council adopt at second reading the following ordinance (Attachment 1):

**ORDINANCE NO. 4345 – AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF POMONA, CALIFORNIA APPROVING A  
COMPREHENSIVE UPDATE TO THE POMONA ZONING AND  
SUBDIVISION ORDINANCES (“ZONING CODE UPDATE”).**

## **EXECUTIVE SUMMARY:**

After 26 discussions with Staff over 36 months, the Planning Commission unanimously recommended approval of the new Pomona Zoning and Subdivision Ordinances (“New Code”) at a public hearing on the matter on May 22, 2024 (7-0-0-0). The New Code successfully implements the goals and policies of the 2014 Pomona General Plan, and is consistent with the General Plan’s Certified Environmental Impact Report. It will replace the City’s existing “base” zoning code, but will not replace the majority of the City’s specific plans. Once adopted by City Council, the New Code is expected to be in effect on July 31, 2024. Staff and the Planning Commission have identified a list of active projects that would not be affected by the New Code. On June 17, 2024, the City Council approved the introduction and first reading of the ordinance without modification (5-2-0-0). The New Code effort was funded through City and State dollars and is consistent with State grant objectives for permit streamlining.

**SB1439/GOVERNMENT CODE §84308 APPLICABILITY:**

☐ When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

**PREVIOUS RELATED ACTION:**

On May 22, 2024, the Planning Commission recommended approval of a comprehensive update to the Pomona Zoning and Subdivision Ordinances (CODE-021507-2023) with recommended changes as found in the Errata Sheet to the City Council (7-0-0-0) (Attachment 2).

On July 1, 2024, the City Council approved the introduction and first reading of the ordinance without modification (5-2-0-0).

**ENVIRONMENTAL IMPACT:**

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.

### **Next Steps**

Upon approval at second reading, the New Code will become effective on July 31, 2024.

### **COUNCIL PRIORITIES & GOALS:**

This item is consistent with the following Council priorities and goals:

GOAL G: Create Economic Strategy for City That Reflects Current Opportunities and City Values.

GOAL J: Encourage the development and maintenance of quality housing opportunities for all.

Prepared by:

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Alina Barron  
Associate Planner

Attachment No. 1 – First Reading City Council Staff Report

Attachment No. 2 – Draft Ordinance

Attachment No. 3 – Exhibit A: June 17, 2024 Draft of Zoning Code with Errata Sheet

Attachment No. 4 – Exhibit B: June 17, 2024 Draft Zoning Map

Attachment No. 5 – Proof of Public Hearing Noticing

Attachment No. 6 – Staff Report & Attachments of 5/22/24 Planning Commission Public Hearing

Attachment No. 7 – New Public Comment Submitted Since 5/22/24