



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: July 12, 2017

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department - Planning Division

SUBJECT: **SPECIFIC PLAN AMENDMENT (SPA 7700-2017) TO AMEND THE POMONA CORRIDORS SPECIFIC PLAN**

Amend the Pomona Corridors Specific Plan (PCSP) to include emergency shelter by right for a specific parcel at 1400 E. Mission Boulevard and potentially other parcels by Conditional Use Permit, and to modify the appeal period timeframe from 10 days to 20 days for all projects approved under the development standards of the PCSP, and to remove the 300 feet distance requirement for Emergency Shelters within the boundary of PCSP.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolution recommending to the City Council the approval of SPA 7700-2017 to amend the Pomona Corridors Specific Plan to include emergency shelter by right by adding the Emergency Shelter (ES) Overlay district designation for a specific parcel at 1400 East Mission Boulevard and potentially other parcels by Conditional Use Permit, and to modify the appeal period timeframe from 10 days to 20 days for all projects approved under the development standards of the PCSP, and to remove the 300 feet distance requirement for Emergency Shelters within the boundary of PCSP.

PROJECT/APPLICANT INFORMATION

Project Location: 1400 E. Mission Boulevard – the project is located within the City of Pomona boundaries and includes the majority of Mission Boulevard and Holt Avenue, all portions of Garey Avenue and Foothill Boulevard.

APN Information: 8327-014-028, 8327-014-029

Project Applicant: City of Pomona, Development Services Department, Planning Division

Property Owner: Not applicable

City Council Districts: Citywide

BACKGROUND

The City's Housing Element 2013-2020 is currently out of compliance. In order to bring the Housing Element into compliance, the City is required by law to address several issues including becoming in compliance with Senate Bill 2 ("SB2"), the Building Homes and Jobs Act.

To address our statewide homelessness crisis, SB2, which was signed into law in 2008, focuses on the impacts of zoning requirements on the development of emergency shelters. In summary, under SB2, all cities in California are required to identify at least one zone in which emergency shelters are allowed without any discretionary review, and that sufficient capacity is identified to accommodate the need of each city's unsheltered population, and that transitional and supportive housing are considered as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. This city-initiated application to amend the Corridor Specific Plan is to address our city's compliance with the emergency shelter aspect of SB2.

Over the past several years, the City Council, Planning Commission, city staff, the Homeless Advisory Committee, as well as residents in the City have worked together to consider many sites throughout the City for emergency shelter purposes. The task included identifying suitable sites for emergency shelters, as well as analyze the number of sites and the capacity of each site (if evenly distributed) that is suitable for the City. Throughout the multi-year work effort, the City identified 18 sites that could accommodate emergency shelters of varying sizes; however, most sites were dropped after a series of meetings due to stakeholder and neighborhood opposition. To date, the City has two remaining viable sites for consideration – 1390 and 1400 E. Mission Boulevard. These sites are next to one another and are both located within the Corridor Specific Plan area.

On April 18, 2016, the City Council approved a Corridor Specific Plan Amendment to apply Emergency Shelter (ES) overlay to 1390 E. Mission Boulevard, and amended the Zoning Code to add definitions for supportive and transitional housing and emergency shelters, and to adopt development and operational standards for these facilities. On September 19, 2016, the City Council declared a "Shelter Crisis" in the City of Pomona. On November 21, 2016, the City Council authorized the purchase of Real Property located at 1400 E. Mission Boulevard for the development of a homeless emergency shelter and centralized services site and created CIP project 71044. On May 10, 2017, the Planning Commission received a presentation from staff on the SB2 work effort and generally agreed to expand the Emergency Shelter (ES) overlay district designation in the Corridor Specific Plan to include 1400 E. Mission.

The second part of this application is to extend the appeal period for projects within the PCSP area from 10 days to 20 days to be consistent with other appeal procedures in the City, and also to address concerns heard from the City Council at the City Council meeting on June 12, 2017.

ISSUES ANALYSIS

Senate Bill 2 Mandate and the Housing Element

To comply with SB2, the City of Pomona is required to designate a district or districts to allow emergency shelters as-of-right and regulate transitional and supportive housing in the same manner as other housing. For the City of Pomona, the outcome of a complete shelter zoning project to be in compliance with SB2 would include the following:

1. Adoption of Emergency Shelter (ES) overlay district designation over suitable sites.
2. Adoption of definitions of transitional and supportive housing in the Zoning Code, and adoption of regulations governing the operational standards of emergency shelters.

The City Council had already addressed the second item in April of 2016. Also in April of 2016, the City Council also partially addressed the first item by designating Emergency Shelter (ES) Overlay district on 1390 E. Mission Boulevard, which is the lot next to the project site at 1400 E. Mission Boulevard. In order to provide shelters for all of the City's present unsheltered population, additional sites are needed. Therefore, the City has purchased the property at 1400 E. Mission for this purpose.

Number of beds required to be zoned in Pomona for emergency shelters

Starting in 2015, the Los Angeles Homeless Services Authority conducts a point-in-time survey of homeless individuals every year. The latest city-specific information available for Pomona is from 2016, which counted 689 homeless persons of which 323 were sheltered and 366 were unsheltered individuals, families, and unaccompanied youth. The City's current unsheltered need is 366 beds, and to be in compliance with SB2, the City must identify opportunity sites to accommodate this need through zoning. The City has the options of dispersing the unsheltered need throughout the City with smaller facilities, or placing larger facilities on fewer sites for more effective management. The City Council and the Planning Commission have previously expressed a preference for the latter option.

Regulatory Options & Operating Standards

Under SB2, the City has the authority to adopt management standards for emergency shelters. Emergency shelters can only be subject to the development and management standards that apply to residential or commercial development allowed within the same zone, except that the following written objective standards are permitted:

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior onsite waiting and client intake areas.
- The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting requirements.

- Security during hours of operation.

1400 E. Mission (area in transition)

The property located at 1400 E. Mission Boulevard (see Attachment 2, 3, and 4) is 2.6 acres and is located in the East Mission Boulevard Expansion Zone area of the Corridor Specific Plan. A taxi cab dispatch business formerly operated on the site.

In terms of site selection for emergency shelters, the California department of Housing and Community Development (HUD) recommends that emergency shelters be placed near transit locations, service providers, and job centers. Heavy industrial neighborhoods could only be considered if these areas are in transition to different land uses. Although the immediate areas surrounding 1400 E. Mission Boulevard are mostly industrial uses with some single-family homes, recent development trends show that this area is in transition into a job center. Therefore, staff believes that the selection of this site fits HUD's siting recommendations.

If the Commission makes a decision to include an Emergency Shelter (ES) overlay district to 1400 E. Mission Boulevard, the corresponding place type segments map will need to be revised to include an overlay district of ES for Emergency Shelters as a permitted use. Please see attachment 2 for the proposed map amendment.

Amendment of Appeal Period

Section 2.0.5. E of the PCSP states that the appeal period for projects approved within the Specific Plan area is 10 days. At the June 12, 2017 City Council meeting, staff received concerns from the Council in regards to the 10-day appeal period. Since development proposals in the PCSP area are heard at the Development Services Director level versus at the Planning Commission or the City Council levels, some members of the City Council would like the PCSP appeal period be extended to 20 days to allow residents more time to voice their opinions. Also, extending the PCSP appeal period from 10 days to 20 days would make the Corridor Specific Plan appeal timeframe consistent with other appeal procedures for decisions made by the Planning Commission and Historic Preservation Commission, which have a 20-day appeal period timeframe.

Therefore, staff recommends the following amendment to the PCSP.

Section 2.0.5.E

The action of ~~Community~~ Development Services Director shall be final unless appealed to the Planning Commission by the applicant or a member of the City Council within ~~10~~ 20 calendar days of the Director's action (approval, approval with conditions, or denial). An appeal of a conditional use permit or tentative map shall be subject to the procedures outlined in the City's Zoning and Subdivision Ordinance.

Amendment to PCSP Development Standards for Emergency Shelters

Section 2.2.1.F.7 of the PCSP contains development standards for Emergency Shelters within the boundary of PCSP. One of the requirements specifies that “An emergency shelter must be located at least 300 feet from another such shelter”. Since the City already place an Emergency Shelter (ES) overlay on 1390 E. Mission Boulevard (the lot next to the subject project site) with an intent to establish an emergency shelter use, in order for the project site at 1400 E. Mission to also be used as an Emergency Shelter site, the 300’ distance requirement shall be removed.

Therefore, staff recommends that Section 2.2.1.F.7.b of the PCSP be strikeout as the following.

Section 2.2.1.F.7.b.

~~b) Location: An emergency shelter must be located at least 300 feet from another such shelter.~~

CONCLUSION

To bring the City’s Housing Element into compliance with State Law, the City is required to address all aspects of Senate Bill 2. Adding an Emergency Shelter (ES) Overlay for the property addressed as 1400 E. Mission to allow emergency shelters as a permitted use will satisfy the requirements of Senate Bill 2. Also, extending the PCSP appeal period from 10 days to 20 days will bring the appeal timeframe for PCSP consistent with other appeal procedures in the City, such as decisions made by the Planning Commission and the Historic Preservation Commission.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolution recommending to the City Council the approval of SPA 7710-2017 to amend the Pomona Corridors Specific Plan to include emergency shelter by right for a specific parcel at 1400 E. Mission Boulevard, and potentially other parcels by Conditional Use Permit, and to modify the appeal period timeframe from 10 days to 20 days, and to remove the 300 feet distance requirement for Emergency Shelters within the boundary of Pomona Corridors Specific Plan.

Respectfully Submitted:



Brad Johnson
Development Services Manager

Prepared By:



Catherine Lin, AICP
Senior Planner

PC ATTACHMENTS:

1. Draft PC Resolution for SPA 7700-2017
2. Exhibit A
3. Proposed PCSP map amendment
4. Map of 1400 E. Mission and CSP Area
5. Aerial photograph of 1400 E. Mission Boulevard

RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY OF POMONA PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT (SPA 7700-2017) TO AMEND THE POMONA CORRIDORS SPECIFIC PLAN (PCSP) TO INCLUDE EMERGENCY SHELTERS BY RIGHT FOR A SPECIFIC PARCEL AT 1400 E. MISSION BOULEVARD AND POTENTIALLY OTHER PARCELS BY CONDITIONAL USE PERMIT, AND TO MODIFY THE APPEAL PERIOD TIMEFRAME FROM 10 DAYS TO 20 DAYS FOR ALL PROJECTS APPROVED UNDER THE DEVELOPMENT STANDARDS OF THE POMONA CORRIDORS SPECIFIC PLAN, AND TO AMEND DEVELOPMENT STANDARDS IN THE CORRIDORS SPECIFIC PLAN PERTAINING TO EMERGENCY SHELTERS.

WHEREAS, the City of Pomona has duly initiated SPA 7700-2017 pertaining to emergency shelter overlay district within the Pomona Corridors Specific Plan and the appeal period for all projects approved under the development standards of the Pomona Corridors Specific Plan;

WHEREAS, in 2008, the State of California adopted SB2 pertaining to the provision of shelter for the State's homeless population;

WHEREAS, SB2 requires that each local government provide at least one zoning category in which emergency shelters can be located without a conditional use permit or any other discretionary review, and that such zoning category include sites with sufficient capacity to meet the local need for emergency shelter;

WHEREAS, SB2 allow each local government to establish objective development and management standards, as set forth in the law, for the operation of emergency shelters;

WHEREAS, SB2 requires that transitional housing and supportive housing be treated in the same manner as any other residential use of the same type (e.g., single- or multi-family housing) within the same zoning category;

WHEREAS, the City of Pomona is currently not in compliance with SB2 in that the City has not identified enough sites with sufficient capacity to meet the local need for emergency shelter, and;

WHEREAS, the City's Housing Element 2013-2021 is out of compliance with the State Department of Housing and Community Development, and;

WHEREAS, to bring the City's Housing Element 2013-2021 it into compliance, the City is required to be in compliance with SB2 by identifying enough sites with sufficient capacity to meet the local need for emergency shelter, and rezoning said sites to allow for emergency shelters by right, and;

WHEREAS, the Corridors Specific Plan applies to properties located along the City's major commercial streets, a number of which properties are currently underutilized or vacant but are conveniently situated with regard to public transportation, medical services and public agencies, and therefore, have potential as sites for establishment of emergency shelters via either adaptive reuse of existing buildings or new construction, and;

WHEREAS, on September 19, 2016, the City Council adopted Resolution No. 20116-138 to declare a "Shelter Crisis" in the City of Pomona, and;

WHEREAS, based on the foregoing, the City wishes to amend the Pomona Corridors Specific Plan to add an Emergency Shelter (ES) Overlay designation at 1400 E. Mission Boulevard (APNs: 8327-014-028. 8327-014-029) to allow emergency shelter by right at said address, and;

WHEREAS, the City wishes to amend the Pomona Corridors Specific Plan to also extend the appeal period timeframe from 10 days to 20 days for all projects approved under the development standards of the Pomona Corridors Specific Plan, and;

WHEREAS, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on July 12, 2017, concerning SPA 7700-2017, and carefully considered all pertinent testimony and the staff report offered in the case as presented;

WHEREAS, the Planning Commission has duly considered the proposed changes to the Corridors Specific Plan, as well as the impacts of the changes on the general welfare of the City and the consistency of the changes with the General Plan.

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

SECTION 1. Pursuant to the provisions of the California Environmental Quality Act (CEQA) – Public Resources Code, Sections 15269(c) (Specific Actions Necessary to Prevent or Mitigate an Emergency), the Planning Commission has determined that the proposed project will alleviate the unmet shelter needs identified in the City of Pomona, and enable the City of Pomona to be in compliance with state-mandate Senate Bill 2 (SB2), and therefore, this project is an emergency project that is statutory exempt from the requirements of CEQA.

SECTION 2. In accordance with City of Pomona Zoning Ordinance Section .584-J, the Planning Commission hereby finds and determines as follows:

1. *The proposed specific plan amendment systematically implements and is consistent with the General Plan.*

The proposal to amend the Corridors Specific Plan to permit emergency shelters by right at the property located at 1400 E. Mission Boulevard by adding an Emergency Shelter (ES) Overlay district on said property, and the proposal to extend the appeal period for all projects approved under the Pomona Corridors Specific Plan development standards are consistent with the following policies of the General Plan Housing Element and Community Design Element in that facilitating the provision of the subject housing types will help meet the needs of the City's homeless population for shelter and services while ensuring that housing targeted for this population will meet the development standards of the Pomona Corridors Specific Plan, thus promoting new development and adaptive reuse projects that will be compatible with the surrounding neighborhood:

- Support programs that provide decent and affordable housing to accommodate State-identified special needs groups – female-headed households, seniors, the disabled, large families and the homeless – with special emphasis on groups having a more significant presence in Pomona.
- Encourage the provision of social services in conjunction with housing developed for lower-income and special needs households.
- Promote developments that fit with the scale and character of their district or neighborhood.

2. *The proposed Specific Plan Amendment will not be detrimental to the public interest health, safety, convenience, or welfare of the City.*

The proposal to amend the Pomona Corridors Specific Plan to include emergency shelters by-right at 1400 E. Mission Boulevard will protect the public interest, health, safety, convenience and welfare in that the subject housing type will help improve the lives of the homeless population by providing needed shelter and services. At the same time, other segments of the City's population will benefit from homeless persons taking advantage of an alternative to eating and sleeping in public spaces, in vehicles and in over-crowded, poorly maintained buildings. In addition, the proposal to extend the appeal period timeframe from 10 days to 20 days will allow more time for the public to voice their opinion regarding projects approved under the development standards of the Pomona Corridors Specific Plan.

3. *The proposed Specific Plan Amendment will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.*

The proposal to amend the Corridors Specific Plan to permit emergency shelter use by right within an overlay zone at 1400 E. Mission Boulevard will contribute to providing a more balanced set of residential land uses within the Specific Plan area and the City as a whole, in that segments of the population currently underserved with regard to housing will have the opportunity to obtain the shelter and services they currently lack. In addition, the availability of emergency shelters will provide currently homeless people with the means of improving their lives to the point that they may become productive members of the community capable of holding a job, earning a living and purchasing goods and services within the City. Furthermore, extending the appeal period timeframe for all projects approved under the Corridors Specific Plan development standards from 10 days to 20 days will allow greater opportunity for public participation to safeguard that development decisions are made towards a balance of land uses.

SECTION 3. Based upon the above Findings, the Planning Commission hereby approves Specific Plan Amendment (SPA 7700-2017) to do the following:

- A. Apply the Emergency Shelter (ES) Overlay Zone to the property located at 1400 E. Mission Boulevard (APNs: 8327-014-028, 8327-014-029), as depicted in Exhibit A, attached hereto;
- B. Amend Section 2.0.5.E of the Pomona Corridors Specific Plan to include the underline and ~~strike-out~~ language shown below;

The action of ~~Community~~ Development Services Director shall be final unless appealed to the Planning Commission by the applicant or a member of the City Council within ~~10~~ 20 calendar days of the Director's action (approval, approval with conditions, or denial). An appeal of a conditional use permit or tentative map shall be subject to the procedures outlined in the City's Zoning and Subdivision Ordinance.

- C. Amend Section 2.2.1.F.7 of the Corridors Specific Plan to include the underline and ~~strike-out~~ language shown below

7. Emergency Shelters

Definition: 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) Location:~~ ~~An emergency shelter must be located at least 300 feet from another such shelter.~~

d) e) 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 secured bicycle parking**
- 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 four (4) resident beds**
- ix. Adequate interior and exterior lighting**

c) ~~d)~~ 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. No more than Seventy -One (71) resident beds shall be allowed within each shelter. Additional beds may be permitted through the conditional use permit (CUP) process.**

- iii. **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.**
- iv. **A Management and Operations Plan must be submitted and approved by the Community Development 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. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added or amended by Specific Plan Amendment (SPA 7700-2017), or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Planning Commission hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

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

APPROVED AND PASSED THIS 12th DAY OF JULY, 2017

CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

PC Resolution No. 17-XX
SPA 7700-2017
July 12, 2017
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ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

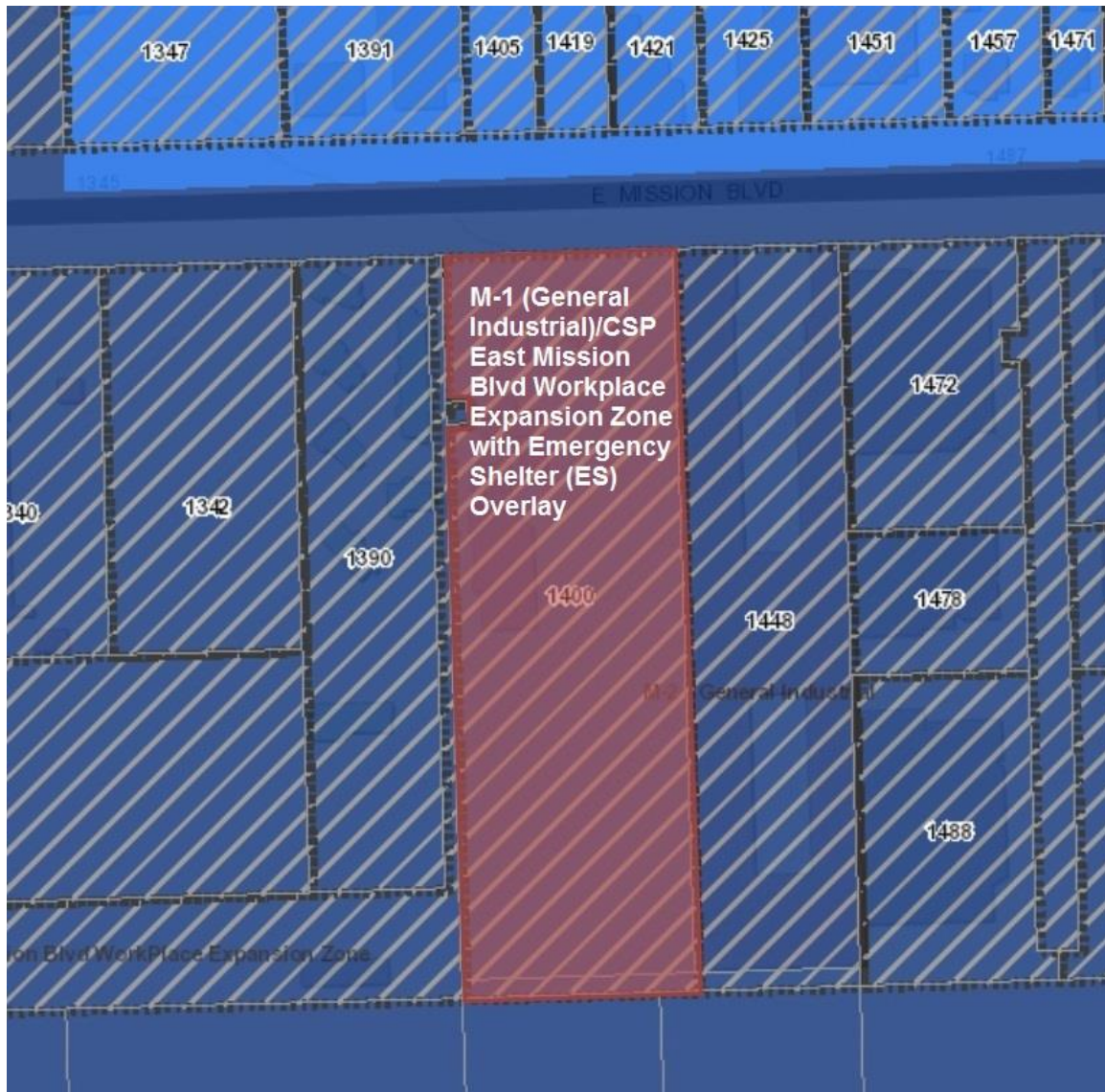
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

AYES:
NOES:
ABSENT:
ABSTAIN:

"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 Sec. 1094.6 C.C.P."

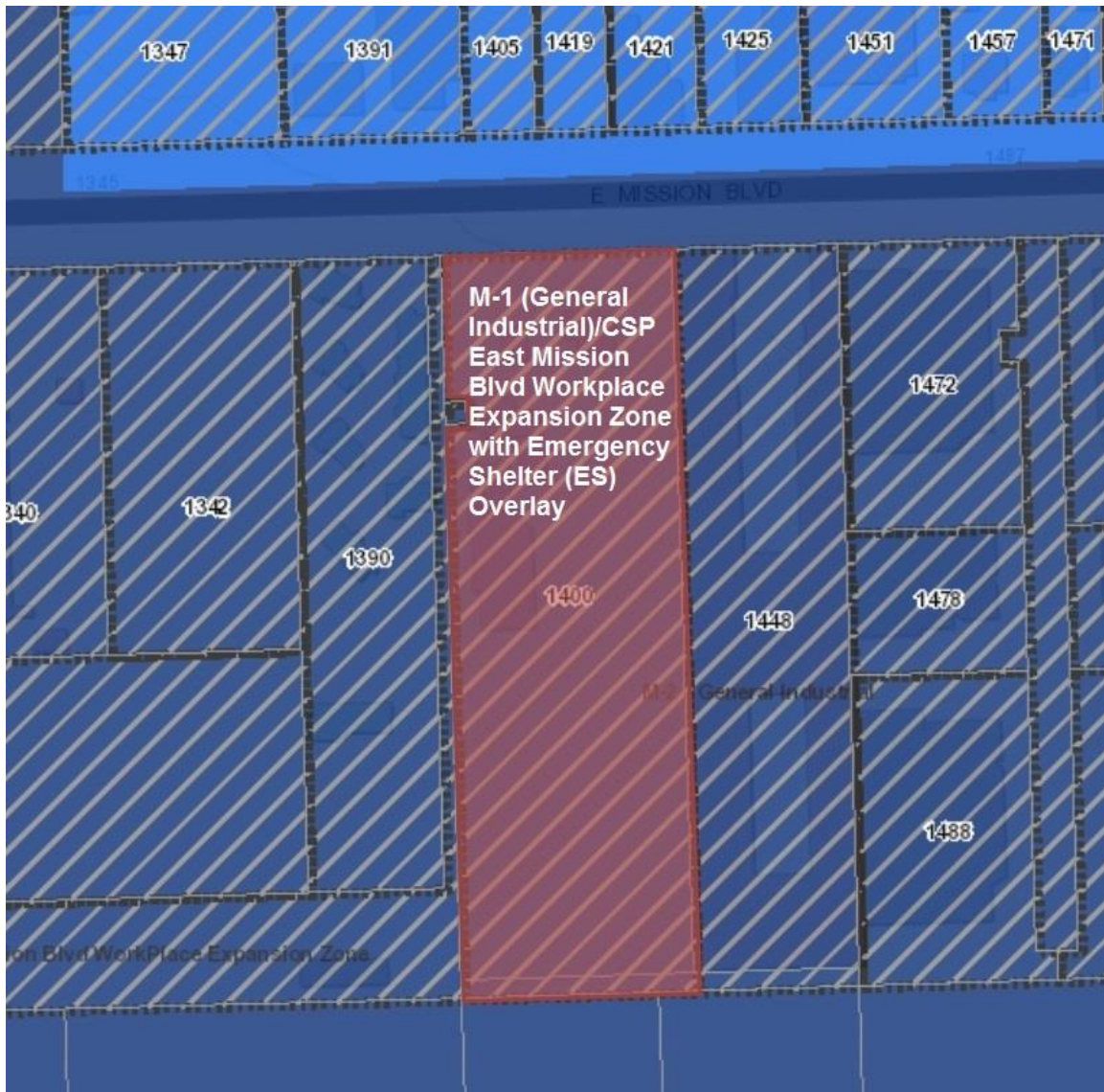
Exhibit A

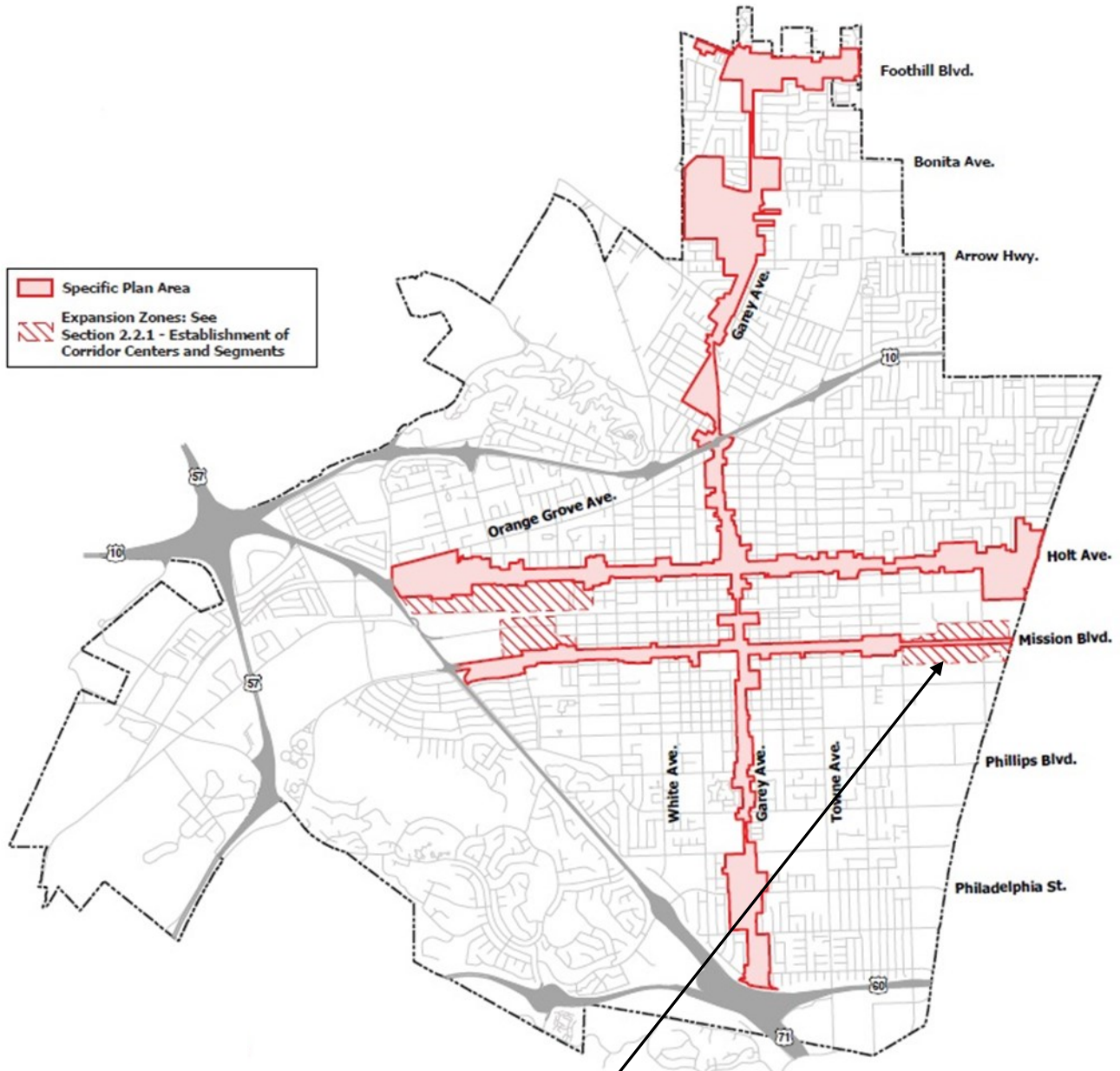
Proposed PCSP Map Amendment



Attachment 3

Proposed PCSP Map Amendment





Corridor Specific Plan Area Map



Attachment 5

Aerial photograph of 1400 E. Mission Boulevard

