



# CITY OF POMONA COUNCIL REPORT

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August 7, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mark Lazzaretto, Development Services Director

Subject: Public Hearing - Introduction and First Reading of an Ordinance 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 for Projects From 10 Days to 20 Days, and to Remove the 300' Distance Requirement for Emergency Shelters Within the Boundary of Pomona Corridors Specific Plan.

## OVERVIEW

**Recommendation** – That the City Council conduct a public hearing and introduce for first reading an Ordinance to amend the Pomona Corridors Specific Plan (PCSP) to:

- 1) Include emergency shelter by right for a specific parcel at 1400 E. Mission Boulevard and potentially other parcels by Conditional Use Permit;
- 2) Modify the PCSP appeal period timeframe from 10 days to 20 days for all projects approved under the development standards of the PCSP; and
- 3) Remove the 300' distance requirement for Emergency Shelters within the boundary of PCSP.

**Fiscal Impact** – The proposed ordinance will not have any short term or long term financial impacts to the City.

**Previous Related Action** – On September 19, 2016, the City Council voted 5-0-0-2 declaring a “Shelter Crisis” in the City. On July 12, 2017, the Planning Commission voted 5-0-0-0 to recommend to the City Council the approval of Specific Plan Amendment (SPA 7700-2017).

**Public Noticing Requirements** – Pursuant to Section 2.0.5.D. of the Pomona Corridors Specific Plan, notice of hearing was mailed to owners and occupants of property located within a 1,000-foot radius of the project site boundaries and posted on the project site at least fourteen days prior to the date of the public hearing. Additionally, pursuant to Section .571(D) of the Zoning Ordinance, a notice of public hearing is required to be published in a newspaper of local circulation at least ten days prior to the date of the public hearing. A notice was published in the Inland Valley Daily Bulletin on July 24<sup>th</sup>, 2017.

**Environmental Determination** – 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 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.

## **EXECUTIVE SUMMARY**

Over the past several years, the City of Pomona has been working towards compliance with Senate Bill 2, which requires that cities have properties zoned for emergency shelters “by right” in sufficient capacity to house the city’s unsheltered homeless population. The City of Pomona has identified 1390 E. Mission and 1400 E. Mission as two properties that are ideal for the development of a homeless shelter(s). The attached ordinance would add the Emergency Shelter Overlay designation to 1400 E. Mission Boulevard and would allow a shelter that would have the capacity for 319 beds. This site, added to the already-zoned 1390 E. Mission Boulevard which allows for 71 beds, would meet the City’s requirement of the most recent homeless count which identified 390 unsheltered homeless persons in Pomona.

Additionally, the Pomona Corridors Specific Plan has a director level review approval process for projects that contains an appeal period of 10 days following a decision on a project. However, for other projects in the City that are considered by the Planning Commission or the Historic Preservation Commission, the appeal period timeframe is 20 days. The City Council has expressed a desire to have the appeal periods for all projects at 20 days to provide consistency and to allow for a longer period for the community, the City Council and the applicant to consider the project and decide whether to file an appeal.

On July 12, 2017, after holding a public hearing to receive input, the Planning Commission adopted a resolution recommending that the City Council adopt the ordinance placing the Emergency Shelter Overlay designation on 1400 E. Mission Boulevard, as well as making the change to the appeal period for projects in the Pomona Corridors Specific Plan. The Planning Commission staff report and minutes have been attached for information as attachments 3 and 4.

## **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 the requirements of Senate Bill 2 ("SB2").

To address our statewide homelessness crisis, SB2, which became effective in January of 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.

It is important to note that SB2 does not obligate cities to construct emergency shelters. However, cities must identify areas that are suitable for emergency shelters and provide zoning for those areas to allow for the potential of emergency shelter placement. However, since homelessness has become a prominent issue in the City, over the past several years, the City Council, Planning Commission, City staff, the Homeless Advisory Committee, as well as residents have taken active roles to work together, and to consider many sites throughout the City for emergency shelter purposes.

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 PCSP area.

On April 18, 2016, the City Council approved an amendment to the CPSP to apply Emergency Shelter (ES) overlay to 1390 E. Mission Boulevard. 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 with the intention of constructing a physical emergency shelter structure on said property rather than merely meeting zoning requirements set forth by SB2.

## **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, to be in compliance with SB2 would require the City to act on 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 already addressed the second item in April of 2016. Also in April of 2016, the City Council 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 zone for shelters for all of the City's present unsheltered population, more than one site is 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 newly released 2017 homeless count indicates that there are 877 homeless persons in the City, of which 487 were sheltered and 390 were unsheltered individuals, families, and unaccompanied youth. The City's current unsheltered need is 390 beds. To be in compliance with SB2, the City must identify and zone suitable sites to accommodate this need. 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.

### **1400 E. Mission**

The property located at 1400 E. Mission Boulevard is 2.6 acres and is located in the East Mission Boulevard Expansion Zone area of the Corridor Specific Plan.

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 Council approves to include an Emergency Shelter (ES) overlay district on 1400 E. Mission Boulevard, the corresponding place type segments map in the PCSP will need to be revised to include an overlay district of ES for Emergency Shelters as a permitted use. Please see Exhibit A for the proposed map amendment.

The City has currently published a request for qualifications (RFQ) to construct a fully enclosed fabric structure at 1400 E. Mission that can accommodate up to 400 individuals (which exceeds the number of the unsheltered homeless population in Pomona). In addition to the 71 allowed

beds at 1390 E. Mission, 1400 E. Mission Boulevard will be designated for up to 319 beds by right. Both sites together would meet the City's required capacity of 390 beds by right, though the City could exceed that number when it builds the proposed emergency shelter, as the City Council has previously adopted a shelter crisis resolution, allowing the City to forego some of the City's regulations in order to address the situation.

### **Amendment of the PCSP 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 regarding 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, the City Council directed that 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 ~~40~~ 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 placed 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 feet 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 the State law, the City is required to address all aspects of SB2. Adding an Emergency Shelter (ES) Overlay to allow for an emergency shelter for 319 beds by right at 1400 E. Mission Boulevard and removing the 300 distance requirement for shelters within the PCSP boundary will satisfy the requirements of SB2. Also, extending the PCSP appeal period timeframe from 10 days to 20 days will bring the appeal timeframe for PCSP projects consistent with other appeal procedures in the City, such as decisions made by the Planning Commission and the Historic Preservation Commission.

Once the Ordinance is approved by the City Council as presented, or modified, at the discretion of the City Council at the second reading, the Ordinance will take effect 30 days thereafter.

### Attachments:

1. City Council Ordinance approving SPA 7700-2017
2. Exhibit A
3. Planning Commission staff report dated July 12, 2017
4. Draft Planning Commission meeting minutes dated July 12, 2017