

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF POMONA CITY COUNCIL APPROVING 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 allows 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 for 319 beds at said address, and;

WHEREAS, the City wishes to amend development standards of the Pomona Corridors Specific Plan pertaining to emergency shelters by removing the 300 feet minimum distance requirement between emergency shelters, 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, on July 12, 2017, the Planning Commission of the City of Pomona voted 5-0-0-2 recommending to the City Council the approval of Specific Plan Amendment (SPA 7700-2017);

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on August 7, 2017, concerning the requested Specific Plan Amendment (SPA 7700-2017); 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 ORDIANED by the City Council 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 City Council 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 City Council 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 Pomona 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 to allow for 319 shelter beds by right on said property, and the proposal to extend the appeal period for all projects approved under the Pomona Corridors Specific Plan development standards, and the proposal to remove the 300' minimum distance requirement for emergency shelters within the Pomona Corridors Specific Plan area 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 an emergency shelter for 319 beds by-right at 1400 E. Mission Boulevard and to amend development standards of the Pomona Corridors Specific Plan pertaining to emergency shelters 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 Pomona Corridors Specific Plan to permit an emergency shelter for 319 beds by right within an overlay zone at 1400 E. Mission Boulevard and to amend the development standards of the Pomona Corridors Specific Plan pertaining to emergency shelters 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 City Council 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, to allow for an emergency shelter with 319 beds by right;
- 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.~~

b) 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) The property addressed as 1400 E. Mission Boulevard (APNs: 8327-014-028, 8327-014-029) shall be allowed to accommodate 319 resident beds. Additional beds may be permitted through the conditional use permit (CUP) process.

d) The property addressed as 1390 E. Mission Boulevard (APN: 8327-014-005) shall be allowed to accommodate 71 resident beds. Additional beds may be permitted through the conditional use permit (CUP) process.

e) ~~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.~~
- ii.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.
- iii.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 City Council 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 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.

APPROVED AND PASSED THIS 7th DAY OF AUGUST, 2017

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 7th day of August, 2017, and adopted on the _____ day of _____, 2017 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk