



THE PUBLIC INTEREST LAW OFFICE OF THE LOS ANGELES COUNTY AND BEVERLY HILLS BAR ASSOCIATIONS
The Southern California Affiliate of The Lawyers' Committee for Civil Rights Under Law

November 20, 2018

VIA EMAIL ONLY

Mario Suarez
Director
Pomona Development Services Department
505 S. Garey Ave.
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RE: Comments on the Revised Draft Pomona Housing Element (2013-2021)

Dear Mr. Suarez:

Thank you for the opportunity to submit comments on the Draft Housing Element circulated for public review between October 20, 2018 and November 20, 2018 (hereinafter referred to as "current Draft Housing Element"). We are disappointed to see that the City is only identifying one additional site where emergency shelters would be permitted without discretionary review and that the City has not identified adequate sites with capacity to accommodate the identified shelter need. This change also appears to violate the terms of the Stipulated Judgment in *Singleton v. City of Pomona*, Los Angeles Superior Court, Case No. BS 169699.

In its April 27, 2018 letter to the City, the Department of Housing and Community Development (HCD) conditioned its approval of the City's prior Draft Housing Element on the City's implementation of Program 2.16, as identified in that draft. This program would make zoning available for additional sites to permit emergency shelters without discretionary action sufficient to accommodate the need for emergency shelter. Now, the City is replacing that commitment with a program that only extends the Emergency Shelter Overlay to one site: the American Recovery Center site at 2180 West Valley Blvd, and therefore the new program prevents the current Draft Housing Element from complying with the requirements of SB 2 and Housing Element Law.

Pomona previously proposed adding the American Recovery Center site to its Emergency Shelter Overlay. In Public Counsel's February 10, 2016 letter commenting on the sites proposed at the time, we pointed out that 2180 Valley Boulevard appears to be unsuitable for new emergency shelter development because the site is already being used as a supportive and transitional housing facility operated by the Behavioral Health Services Center, a non-profit community health organization that provides drug-free transitional living services. While the Center is providing housing services to individuals in need, its capacity for expansion appears limited as the building and surrounding area are already being utilized for the Center. Moreover,

conversion of any portion of the site would mean either limiting potential expansion or cutting the existing services provided at the Center. As a result, this site does not appear to provide sufficient opportunity for meeting Pomona's unmet shelter needs. The current Draft Housing Element does not address these previously made comments about the site, let alone show how anything has changed to allow the site to be used for emergency shelter during the planning period or in future planning periods.

Further, as our November 14, 2017 comment letter indicated, the two existing Shelter Overlay sites at 1390 and 1400 Mission Boulevard do not have capacity for the identified shelter need in Pomona, calculated in the current Draft Housing Element at 585 individuals. The site at 1390 Mission Boulevard is limited to 71 beds to comply with Pomona's zoning ordinance. The American Recovery Center site would also be limited to 71 beds pursuant to the current zoning code. Together these two sites have a potential capacity of 140 beds, leaving a remaining need of 445 beds. The City relies on the 1400 Mission Boulevard site to accommodate the remaining need for shelter despite the fact that the location does not have capacity for 445 beds. In a presentation about the anticipated shelter at 1400 Mission, the City included the plans for the shelter structure, which illustrate a capacity for 202 people.

The City indicates that its year-round shelter will have the capacity to provide shelter for up to 400 individuals, yet provides no analysis on the suitability of operating a shelter at such a large scale. It may not even be suitable to house 400 individuals in the space designated or in a tent-like structure.

Creating the shelter at 1400 Mission Boulevard required a tremendous amount of work by the City and our comments do not intend to take away from that effort. But there is not enough capacity at the site to accommodate the remaining need and the City must identify additional sites where shelters can be constructed without discretionary review in order for the current Draft Housing Element to comply with state law.

Please feel free to contact us about our comments at either vfeldman@pilpca.org or ahicks@publiccounsel.org.

Sincerely,

/S/

/S/

Antonio Hicks, Senior Staff Attorney
Public Counsel
Community Development Project

Valerie Feldman, Staff Attorney
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Cc: Andrew Jared, Alvarez-Glasman & Colvin