



CITY OF POMONA COUNCIL REPORT

Date: **December 3, 2018**

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mario Suarez, AICP, Development Services Director

Subject: **A Public Hearing for General Plan Amendment (GPA 90340-2017) to Revise Draft Pomona Housing Element (2013-2021); Resolution Recommending Submission to California State Department of Housing and Community Development (HCD) as recommended**

OVERVIEW

Recommendation – That the City Council take one of the following courses of action:

- A. That the City Council of the City of Pomona approve the draft resolution approving the revised draft Housing Element with recommendations herein (Attachment 1); or
- B. Provide staff with an alternative direction.

Fiscal Impact – None with this action. Completion of the Revised Draft Housing Element would put the City on course to be in compliance with State mandates and avoid penalties related to building permit issuance and grant funding if the City remains out of compliance.

Public Noticing Requirements – A notice was published in the Inland Valley Daily Bulletin on Friday, October 20, 2018.

Previous Council Action – On October 15, 2018, the City Council recommended removal of the Emergency Shelter Overlay proposal in the pre-draft Housing Element to be replaced with 1390 - 1400 East Mission Boulevard and 2180 W. Valley Boulevard as sites used to comply with SB 2 requirements.

Previous Related Action - On September 26, 2018, the Planning Commission reviewed the pre-draft Housing Element and provided five major comments which were reviewed by the City Council at their October 15, 2018 City Council meeting as noted above.

Environmental Determination – Pursuant to the Guidelines for Implementation of the California Environment Quality Act (CEQA), an Initial Study and a Negative Declaration have been prepared and reviewed finding that the proposed project will not have a significant effect on the environment. The Initial Study was made available for the required 20-day public review period, which began on January 13, 2014 and concluded on February 3, 2014. The Negative Declaration will be updated to reflect revisions of the Revised Housing Element prior to final adoption.

EXECUTIVE SUMMARY

The draft Housing Element must be sent to HCD on or before December 7, 2018. Included for City Council consideration and direction are staff responses to comments received during the 30 day review period. On October 20, 2018, a 30-day review period commenced. Staff met with one member of the public about her concerns and one comment letter was received and a comment letter was received from Public Counsel (Attachment 2), related to adequate sites in compliance with SB 2 – Emergency Shelters. Staff has provided responses to comments and concerns outlined below to address the SB 2 requirements.

BACKGROUND

1. Public Comments Received

The Revised Draft Housing Element was available for public review from October 20 through November 20, 2018. During the 30-day public review period, the City received one comment letter - from Public Counsel (dated November 20, 2018, **Attachment 3**). Comments in the letter focus on the proposed expansion to the Emergency Shelter Overlay and are summarized below:

- **Appropriateness:** Public Counsel disputes the appropriateness and adequacy of the American Recovery Center as an additional site to accommodate the City's unsheltered population. Public Counsel had previously expressed such concern in a letter dated February 10, 2016.
- **Limited Capacity on Site:** Public Counsel reiterated its concern regarding the capacity for expansion on the American Recovery Center site being limited and conversion of any portion of the site into an emergency shelter would reduce the existing level of services on site.
- **Adequacy of Emergency Shelter Overlay for Overall Unsheltered Population:** Public Counsel again commented that the limited number of ES Overlay sites (one) is not in compliance with state law or the settlement agreement in the Singleton case. Additionally, the City's Shelter Overlay site at 1390 Mission Boulevard has a capacity limit of 71 beds. The American Recovery Center would also be subject to the same 71-bed limit unless otherwise amended. Given the current unsheltered homeless population of 585, the remaining unsheltered population would have to be accommodated on 1400 Mission Boulevard. Public Counsel cites a capacity of only 202 people at 1400 E. Mission based on previously provided plans.

Response to Public Comments

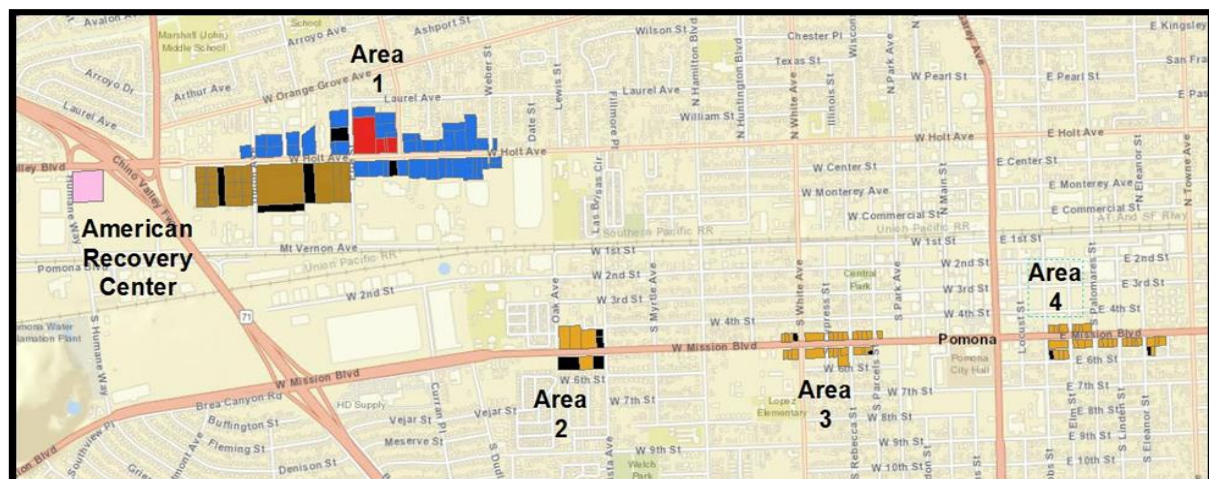
Appropriateness: Should an emergency shelter be provided on the American Recovery Center site, it would complement the transitional housing by expanding the range of services on the continuum of care. Clients who are not immediately ready to enter the transitional housing program can be placed in the emergency shelter for assessment and case management. It could also be a separately operating facility with cooperative agreement with the American Recovery Center. Page 10-53 of the Revised Draft Housing Element shows an aerial photo of the American Recovery Center. The photo shows a significant portion of the site is either vacant or underutilized.

Limited Capacity on Site: As indicated in the Revised Draft Housing Element, page 10-54, this site is zoned M-I-S, which allows a building of up to six stories. An emergency shelter for the homeless under SB 2 is a year-round shelter that allows a person to stay up to 180 days. Emergency shelters throughout the State have a range of physical configurations – ranging from tent-like structure, to repurposed barracks and warehouses, to new construction of permanent, multi-story buildings. As funding permits, a two- or multi-story structure could be constructed on this site. From a zoning standpoint, the site offers adequate capacity for a shelter for the remaining unsheltered population.

Adequacy of Emergency Shelter (ES) Overlay for Overall Unsheltered Population: SB 2 requires that a jurisdiction provide a zone where emergency shelters can be developed without discretionary review. HCD review of the adequacy of the zone typically involves multiple factors, such as number of parcels in relation to maximum bed limit, separation requirement, parking requirements, physical limitation of sites, size of sites, and existing structures on site, among others. While a jurisdiction offers limited sites for emergency shelters, HCD applies more stringent review standards to evaluate the feasibility of the sites, including intent of the property owners and physical/financial feasibility of the sites. For example, while in general a warehouse may be an appropriate structure to be converted into an emergency shelter, it would not be feasible to convert a 40,000-square-foot warehouse into a shelter if the jurisdiction has a maximum bed limit of 30 beds.

In order to allow a sufficient number of spaces to be counted towards the required ES Overlay capacity of 585 and improve likelihood of certification by HCD, an option would be to include only those currently vacant lots within the ES Overlay map below (Attachment 3). Such provision is currently in the draft resolution in Attachment 1.

Map 1: Emergency Shelter Overlay showing vacant lots (See also Attachment 3)



The bed capacity referenced in the Public Counsel's November 20, 2018 letter represents a figure identified in the preliminary plans for 1400 Mission Boulevard. On November 30, 2018, Phase I of the shelter will be opening to include 208 crisis housing beds open on a 24-hour basis. Hope for Home has a combined capacity for 400 beds based on 40 square foot per bed in an approximate area of 16,000 square foot shelter facility.

SB 2 allows each local government to establish objective development and management standards, as set forth in the law, for the operation of emergency shelters. The City has not been in compliance with SB 2 in that the City has not identified enough sites with sufficient capacity to meet the local needs for emergency shelter. Therefore, the City's Housing Element is out of compliance with the State Department of Housing and Community Development (HCD). To bring the City's Housing Element 2013-2021 into compliance, the City is required to be in compliance with SB 2 by identifying enough sites with sufficient capacity to meet the local need for emergency shelter, and rezoning said sites to allow for emergency shelter, and rezoning said sites to allow for emergency shelters by right. On September 19, 2016, the City Council adopted Resolution No. 2016-138 to declare a "Shelter Crisis" in the City of Pomona. Based on the foregoing, on September 11, 2017, the City amended the Pomona Corridor's Specific Plan pertaining to emergency shelters (ES) Overlay designation at 1400 E. Mission Boulevard to allow emergency shelter by right for 319 beds and allow 71 resident beds at 1390 E. Mission Boulevard.

The City was subsequently sued by Public Counsel in the *Singleton* lawsuit and HCD provided a conditional letter working towards certification in April 2018. One of the major comments of HCD and agreement of terms in the *Singleton* lawsuit related to identification of additional emergency shelter sites because the proposed shelter facility on east Mission Boulevard was insufficient. Therefore, the City is now proposing to amend the ES Overlay to include the American Recovery Center and Park Avenue Family Shelter. The amendment will remove the 71-bed limit for the American Recovery Center site, and establish a limit of 20 beds for the Our House Family Shelter per the request of the site operator.

Staff recommends revising Program 2.18 in the Draft Housing Element (Attachment 4) as follows, with strikeouts and single underlined text showing revision from original draft Housing Element, and double underline text showing revised language in response to recent comments:

Program 2.18

Identify additional sites to permit emergency shelters without discretionary action.

Pursuant to SB 2, the City has identified an additional site where emergency shelters would be permitted by right without discretionary reviews. The City has already established an ~~Identify appropriate sites and apply an~~ Emergency Shelter (ES) Overlay. Within 180 days from adoption of Housing Element, by end of 2018, the City will amend the Zoning Code to apply the ES Overlay designation to the on these sites near transit opportunities, city and county services, and transportation to medical services so that City will reach a total capacity of 515 where unsheltered persons may be housed. (Timing: Prior to or concurrent with Housing Element adoption.) American Recovery Center site (2180 W. Valley Boulevard) and the Our House Family Shelter at 1753 N. Park Avenue. The amendment would also remove the 71-bed

limit at the American Recovery Center site and allow “by right” 20 beds at the Our House Family Shelter.

2. Concerns Expressed by Community Member

On November 15, City staff met with Ann Tomkins, a community member, who expressed concerns regarding the Revised Draft Housing Element. Her concerns are summarized below:

- **Homeless Strategy:** The Housing Element should highlight the City’s overall strategy for addressing homelessness.
- **Our House Family Shelter:** This shelter should be included in the ES Overlay.
- **Settlement Agreement:** Disagrees with the interpretation of the settlement agreement. The City should adopt the February 2018 Housing Element that received approval from HCD.

Response to Concerns Expressed

Homeless Strategy: Staff recommends incorporating the following on page 10-27 of the Draft Housing Element (Attachment 4) to address the concern expressed:

In January 2017, the City adopted its strategic plan for addressing homelessness, “A Way Home Solutions for Pomona’s Homeless.” In July 2018, the City adopted the enhanced Strategic Plan with four overarching goals:

1. Reduce the number of Pomona’s unsheltered homeless;
2. Reduce the negative impacts on community neighborhoods and public spaces through the coordination of services;
3. Have an engaged and informed community regarding homelessness and homeless solutions; and
4. Balance the needs and rights of homeless persons and the larger community through updated fair, legal, and enforceable policies and ordinances.

The Enhanced Strategic Plan contains 37 strategies to achieve these goals. Specifically three strategies are identified in the plan as urgent strategies:

1. Establish as Year-Round Shelter Able to Provide for Multiple Populations;
2. Establish as Service Center for Centralization and Coordination of Services; and
3. Establish as Communal Kitchen for the Provision of Food Services.

The City and its partners have been actively addressing these strategies. Details on the creation of a year-round shelter are provided in the “Emergency Shelters” of this Housing Element.

Our House Family Shelter: Staff Recommends revising page 10-53 of the Draft Housing Element (Attachment 4) as follows to include the Our House Family Shelter as part of the ES Overlay.

In addition, Hope Partners, operator of the Our House Family Shelter at 1753 N. Park Avenue is requesting to be included in the Emergency Shelter Overlay. This shelter currently has a capacity of 13 beds and plans to expand its operation to 20 beds, a net increase of seven beds.

The most recent PIT Count (January 2018) by LAHSA indicates that the City has a homeless population of 773 persons, with 188 being sheltered and 585 being unsheltered. . With the opening of Hope for Home (1400 E. Mission Blvd), the City's unsheltered population will decrease by 300 persons as "newly housed" unsheltered homeless persons (400 beds at Hope for Home minus 100 existing emergency shelter beds at the year round emergency shelter at the Armory located at 600 S. Park Avenue, resulting in a net increase of shelter bed capacity for 300 persons). Therefore, the unsheltered demand then will be 285 persons (585 minus 300). With the expansion of the Our House Family Shelter, the unsheltered population could potentially be reduced to 278 persons (285 minus 7), which can be accommodated with the addition of the American Recovery Center at 2180 W. Valley Boulevard.

~~Because the size of the homeless population fluctuates~~ Based on this demand, the City is proposing to expand the ES Overlay to include the American Recovery Center and the Our House Family Shelter at 1753 N. Park Avenue in order to accommodate additional unsheltered persons in the future.

Staff also recommends revising Program 2.18 in the Draft Housing Element in addressing concerns expressed by community member as follows:

Program 2.18

Identify additional sites to permit emergency shelters without discretionary action.

Pursuant to SB 2, the City has identified an additional site where emergency shelters would be permitted by right without discretionary reviews. The City has already established an ~~Identify appropriate sites and apply an~~ Emergency Shelter (ES) Overlay. Within 180 days from adoption of Housing Element, by end of 2018, the City will amend the Zoning Code to apply the ES Overlay designation to the on these sites near transit opportunities, city and county services, and transportation to medical services so that City will reach a total capacity of 515 where unsheltered persons may be housed. (Timing: Prior to or concurrent with Housing Element adoption.) American Recovery Center site (2180 W. Valley Boulevard) and the Our House Family Shelter at 1753 N. Park Avenue. The amendment would also remove the 71-bed limit to the American Recovery Center site and allow "by right" 20 beds for Our House Family Shelter.

Conditional Approval/Settlement Agreement: The City received a conditional approval on the February 2018 Draft Housing Element from HCD, not final approval. The approval is contingent upon the following:

- Implementation of Program 2.16 to identify and make zoning available for additional sites to permit emergency shelters without discretionary action sufficient to accommodate the need for emergency shelters.
- Implementation of Program 3.3 to evaluate parking requirements, particularly garage requirements and 2 spaces per unit and address these and other constraints as appropriate.
- Continued engagement of the community.

The Revised Draft Housing Element represents the City's efforts in not only to address the conditions of the settlement agreement but also to implement the programs outlined in the February 2018 Draft Housing Element. Accordingly, the comment regarding the settlement agreement and adopting the HCD-approved Draft Housing Element do not address the conditional nature of the HCD approval and the fact that the City agreed to terms of a settlement of a lawsuit to proceed with a process and address several specific issues which has now been done.

ATTACHMENTS

1. Draft City Council Resolution
2. Letter from Public Counsel Dated November 20, 2018
3. Emergency Shelter Overlay showing vacant lots in Areas 1-4 and American Recovery Center
4. Revised Draft Housing Element (Published October 20, 2018)
(http://www.ci.pomona.ca.us/mm/comdev/plan/Draft_Housing_Elements_on_Planning_Page/Pomona_Draft_HE_10-18-2018_No_Markups_V2.pdf)
5. Revised Draft Housing Element Appendix (Published October 20, 2018)
(http://www.ci.pomona.ca.us/mm/comdev/plan/Draft_Housing_Elements_on_Planning_Page/Appendix_VTA_Markedup_Item_1.pdf)