



CITY OF POMONA

COUNCIL REPORT

June 17, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Anita D. Gutierrez, Development Services Director

SUBJECT: Public Hearing - Adoption of Resolution No. 2019-73, Approving an Update to the 2013-2021 Housing Element and Approve Introduction and First Reading of Ordinance No. 4263, Containing Various Implementing Ordinances.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Open a public hearing to receive public testimony; and
2. Adopt Resolution No. 2019-73 (Attachment No. 1) approving the Addendum to the General Plan Environmental Impact Report and Adopting Revisions to the 2013-2021 Pomona Housing Element; and
3. Waive first reading, read by title only and introduce Ordinance 4263 (Attachment No. 2) approving Amendments to the Pomona Zoning Code, Pomona Downtown Specific Plan, Pomona Corridors Specific Plan; and amendments to Ordinance 4224 and Ordinance 4238 relating to Emergency Shelter locations and standards, minimum density requirements and parking ratios; and
4. Authorize the Director of Development Services to make non-substantive clarifications or corrections to the Housing Element in the event the California Department Housing and Community Development (HCD) makes such a request.

EXECUTIVE SUMMARY:

Adopt General Plan Amendment No. 11831-2019 and Code Amendment No. 11832 -2019, approving an update to the 2013-2021 Housing Element as well as various implementing Ordinances, pursuant to the April 2, 2019 conditional letter of approval from HCD. An update to the Housing Element is required in order to bring the City into compliance with State Law.

FISCAL IMPACT: There will be no impact to the General Fund.

PUBLIC NOTICING REQUIREMENTS: The public hearing notice to adopt the updated 2013-2021 Housing Element (GPA No. 11831-2019 and CODE No. 11832 -2019) was published in the Inland Valley Daily Bulletin on Tuesday, May 28, 2019.

PREVIOUS RELATED ACTION: On January 29, 2014, the Planning Commission voted 5-0 to adopt Planning Commission Resolution No. 14-003 recommending to the City Council the approval the 2013-2021 Housing Element Update and its submittal to the Department of Housing and Community Development (HCD) for certification. Subsequently, on February 3, 2014, the City Council reviewed General Plan Amendment No. 14-001 and voted 7-0-0-0 to adopt the 2013-2021 Housing Element Update and directed staff to submit the document HCD for certification.

HCD reviewed the 2013-2021 Housing Element and provided findings related to its review in a letter dated January 31, 2014 and a subsequent letter dated May 19, 2014, but did not issue a letter certifying the 2013-2021 Housing Element.

On May 17, 2016, and April 28, 2017, the City of Pomona received letters from certain individuals and groups requesting that the City of Pomona bring their adopted 2013-2021 Housing Element into compliance with state law and on May 15, 2017, a petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief was filed alleging the City's Housing Element was not in compliance with state housing element law. In June 2018, the City entered into a Settlement Agreement on this matter, requiring the City to make certain amendments its 2013-2021 Housing Element to bring the element into compliance with state housing element law and other requirements described in the Settlement Agreement.

Since that time staff worked diligently with HCD and public commenters to find reasonable solutions and draft policy language that met the intent of both HCD requirements and outstanding items pursuant to the settlement agreement. On December 3, 2018, the City Council directed staff to remove the vacant lot scenario for potential homeless shelters that staff presented and to move forward with specific sites that were either already being developed as a homeless shelter (Hope for Hope) or could be reasonably developed in the future. Subsequently, a Draft Housing Element (dated December 4, 2019) was transmitted to HCD for review.

In January 2019, staff worked with the Interim City Attorney to provide a supplemental information (Follow-up Letter) to HCD to emphasize and further demonstrate the City's efforts to provide zoning for sites to permit emergency shelters without discretionary review action in a sufficient amount to accommodate the City's need for emergency shelters. Subsequently, HCD requested that certain information contained in the Follow-up Letter be incorporated into the December 4th Draft Housing Element, which would also provide the public with additional time to review. The City agreed to do so and provided those changes to HCD on February 1, 2019 (February 1 Draft Housing Element). Rather than continue with the 60 day review of the previously submitted December 4th Draft Housing Element, HCD requested that the revised

February 1 Draft Housing Element be treated as a new submittal in order to provide interested parties additional time to comment.

On April 2, 2019, HCD issued a conditional letter of approval, stating that the Draft Housing Element will comply with housing element law once the City does: 1) revise the Housing Element to include clarifications on two of the homeless shelter overlay sites, 2) adopt the updated Draft Housing Element with clarifications, and 3) adopt zoning ordinances to implement the emergency shelter requirements. These changes have been incorporated into a revised Draft Housing Element Update and is described in further detail in the Discussion Section below.

On May 22, 2019, the Planning Commission held a public hearing (Attachment No. 3) and after discussion considered the Housing Element Update (GPA No. 11831-2019 and CODE No. 11832 -2019), associated ordinance changes and Addendum to the General Plan EIR. The Planning Commission voted 6-0-0-1 (with Commissioner Brown being absent) to adopt Resolution No 19-022 (Attachment No. 4) recommending approval of the Housing Element Update and its associated ordinance changes to the City Council.

ENVIRONMENTAL IMPACT: The Draft Housing Element and the Implementation Amendments include revisions to the Pomona General Plan, Pomona Zoning Ordinance, the Pomona Corridors Specific Plan, the Pomona Downtown Specific Plan and various Ordinances relating to the City's housing and emergency shelter program to bring the City's housing programs into compliance with state housing element law. The Draft Housing Element and the Implementation Amendments identify appropriate zoning for emergency shelter locations in the City, clarify certain development standards for emergency shelters and high density housing and impose certain minimum density and parking requirements for high density housing. The City of Pomona previously adopted an Environmental Impact Report ("EIR") for the Pomona General Plan and the Pomona Corridors Specific Plan which included analysis of the City's Housing Element and housing programs. The proposed amendments shown in the Draft Housing Element and the Implementation Amendments proposed to implement the programs and policies in the Draft Housing Element and do not trigger the preparation of a new or subsequent EIR since none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, the changes that are part of the Draft Housing Element or the Implementation Amendments would not result in any significant impacts not considered under the original EIR. As a result, an EIR Addendum (Attachment No. 5) has been prepared in accordance with Section 15162 and 1564 of the California Environmental Quality Act ("CEQA") Guidelines.

DISCUSSION: The proposed General Plan Amendment (GPA No. 11831-2019) would amend Pomona's General Plan to update the Housing Element in compliance with California Government Code Section 65580 et seq. The Draft Housing Element update would serve as the primary policy document for local decision-making related to housing and includes the City's strategies for effectively addressing local and regional housing needs through October 2021.

MAJOR COMPONENTS OF THE DRAFT HOUSING ELEMENT UPDATE

There are four major components to the Housing Element update (Attachment No. 6), those components are described below, followed by a summary explanation.

1. Expand the Emergency Shelter Overlay

- Amend the Emergency Shelter Overlay map to include the following sites: 1) 1390 E. Mission Boulevard (APN 8327-014-907 formerly 8327-014-005), 2) 1400 E. Mission Boulevard (APN 8327-014-906) formerly (8327-014-028 and 029), 3) 1753 N. Park Avenue (APN 8359-014-016), and 2180 W. Valley Boulevard (APN 8707-007-004), as depicted on Exhibits A-1, A-2 and A-3 of Ordinance No. 4263).
- A text amendment to the Emergency Shelter Overlay to allow the property addressed as 1753 N. Park Avenue (Our House Family Shelter) to accommodate up to 20 beds, any additional beds may be permitted through a Conditional Use Permit (CUP). This shelter currently has a capacity of 13 beds and plans to expand its operation to 20 beds, a net increase of seven beds.
- A text amendment to the Emergency Shelter Overlay to specify there are no bed limits on the following sites: (1) 1390 E. Mission Boulevard (APN 8327-014-907 formerly 8327-014-005), (2) 1400 E. Mission Boulevard (APN 8327-014-906) formerly 8327-014-028 and 029) and, (3) 2180 W. Valley Boulevard (APN 8707-007-004).

Summary explanation:

Currently, the Emergency Overlay Zone includes two sites, 1390 and 1400 E Mission Blvd, more commonly known as the City of Pomona's Hope for Home Homeless Shelter. This issue related directly to the City's compliance with Senate Bill 2 (SB 2), which states that jurisdictions are required to designate a zone or zones to allow emergency shelters as-of-right and regulate transitional and supportive housing in the same manner as other housing. This issue has been the most controversial for the City in achieving final certification on the Housing Element. Over the past several years many approaches were discussed as to how to adequately address the number of sites that should be designated for emergency homeless shelters. The last direction given to staff from the City Council on December 3, 2018 was to move forward with designating two additional sites, 1753 N. Park Avenue (Our House Family Shelter) and 2180 W. Valley Boulevard (ARC) to the Emergency Overlay Zone. Since December 2018, staff has worked diligently with HCD to provide sufficient detail to support the addition of these sites and adequately explain the reasons the City believes these sites meet the City's need for emergency shelters, given the City's construction of the Hope for Home Shelter.

The most recent Annual Homeless Census (PIT - point-in-time) count conducted by the Los Angeles Homeless Services Authority (LAHSA) indicates that the City has a homeless population of 773 persons, with 188 being sheltered and 585 being unsheltered. This has been the number the City has been required to demonstrate capacity for. The Hope for Home has a 400 bed (we use a net increase of shelter bed capacity for 300 persons due to the closure of the Armory site). Our House Family Shelter, currently has 13 beds and the proposed amendments would allow them to increase to 20 beds. The ARC sits on a 3.82 acre parcel with a significant portion (1.52 acres) being vacant or underutilized. The 1.52 acre portion alone could accommodate 331 beds, assuming a reasonable build-out of 50% lot coverage and more if a multiple story structure was built. Therefore, using all four sites, the unsheltered demand could reasonably be met. In their April 2, 2019, HCD called out specific clarifications that they wanted the City to include to further demonstrate these sites provide sufficient capacity. Staff has provided those clarifications and believes sufficient capacity has been demonstrated.

2. Pomona Zoning Code

- Amend the Pomona Zoning Code to prohibit emergency shelters in the C-IND, M-1, and M-2 zones unless those zones are included in the Emergency Shelter (ES) Overlay Zone.

Summary explanation:

As part of its compliance with the requirements of SB 2, it is proposed to replace the use of conditional use permits with an overlay zone that authorizes the construction of emergency shelters without a discretionary permit process. Community care facilities and transitional/supportive housing for six or fewer persons would continue to be permitted by right, consistent with existing State laws (such as the Lanterman Disability Services Act and other Community Care Licensing Programs).

3. Specific Plan Amendments

- Amend the Downtown Pomona Specific Plan and the Pomona Corridors Specific Plan to add the 40 units per acre minimum density for the TOD downtown Core (Exhibits 2.1A and 5.1A or Ordinance No. 4263), all maximum densities remain as is.

Summary explanation:

Program 2.13 of the Draft Housing Element states that the City of Pomona will support the creation of workforce housing throughout the City, but especially in particularly suitable areas such as the Downtown transit-oriented development (TOD) district and the neighborhoods located within a quarter mile of the northern Metrolink station. To encourage the construction of residential projects at densities high enough to facilitate the development of a thriving Downtown TOD district and development along commercial corridors, the City committed to establish a minimum density of 40 units per acre within the Downtown TOD area. All maximum densities would remain in place.

4. Parking Standards

- Amend the Pomona Zoning Code to change the R-3 parking standards to mirror the R-4 parking standards.

Summary explanation:

Program 2.15 of the Draft Housing Element states that the City will facilitate multi-family residential development in Multi-Family (MF) zones by reducing parking requirements. Currently, multi-family development in the R-3 zone (15-30 units per acre) requires two garage parking spaces per unit regardless of unit size. This parking standard could be considered a potential constraint to multi-family development. HCD has requested that we make this amendment concurrent with the adoption Housing Element Update. The update would reflect the parking standards of the R-4 zone (30-70 units per acre) requiring only one space for a bachelor unit, and one and one-half spaces for every standard one-bedroom unit with an increase of one-half space per additional bedroom. Guest parking will remain consistent within the R-3 and R-4 zone, requiring one guest space per every four units

CONCLUSION

The Draft Housing Element reasonably addresses all of HCD's remaining recommendations and suggested clarifications, it satisfies the terms of the settlement agreement and notably captures the work the City has done to not just rely on emergency shelter services and programs provided by other communities and non-profit organizations to "meet" the need, by taking on the task of building an actual homeless shelter, Hope for Home. Staff is hopeful that the Draft Housing Element along with the suite of ordinance amendments to be adopted concurrently with the Housing Element demonstrate to HCD the City's commitment to having a completed and certified 2013-2021 Housing Element.

Prepared by:

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Development Services Director

ATTACHMENT(S):

Attachment No. 1 – Resolution No. 2019-73
Attachment No. 2 – Ordinance No. 4263
Attachment No. 3 – Planning Commission Staff Report
Attachment No. 4 – Planning Commission Resolution No. 19-022
Attachment No. 5 – EIR Addendum
Attachment No. 6 – Draft Housing Element update