

RESOLUTION NO. 2019-73

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,
APPROVING THE ADDENDUM TO THE GENERAL PLAN
ENVIRONMENTAL IMPACT REPORT AND ADOPTING REVISIONS TO THE
2013-2021 POMONA HOUSING ELEMENT**

WHEREAS, the City of Pomona is a charter city organized under the laws of the State of California and is required to adopt a Housing Element as part of its General Plan; and

WHEREAS, the Housing Element is one of seven mandated elements of the General Plan and must, among other things, address the existing and projected housing needs for all economic segments of the community; and

WHEREAS, the California Department of Housing and Community Development ("HCD") is the state agency charged with the primary responsibility for development and implementation of housing policy, and is charged both with issuing guidelines on the preparation of Housing Elements and with reviewing local Housing Elements for substantial compliance with the Housing Element Law; and

WHEREAS, on February 3, 2014, the City of Pomona adopted its 2013-2021 Housing Element; and

WHEREAS, the 2013-2021 Housing Element was reviewed by HCD, who 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; and

WHEREAS, on May 17, 2016, and April 28, 2017, the City of Pomona received letters from certain individuals and groups ("Petitioners") requesting that the City of Pomona bring their adopted 2013-2021 Housing Element into compliance with state law; and

WHEREAS, on May 15, 2017, Petitioners filed a petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief alleging the City's Housing Element was not in compliance with state housing element law; and

WHEREAS, the City and Petitioners entered into a settlement agreement in June of 2018 ("Settlement Agreement") 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; and

WHEREAS, the City of Pomona has duly initiated amendments to the Pomona Housing Element in order to bring the housing element into compliance with state housing element law ("Draft Housing Element") and comply with the terms of the Settlement Agreement; and

WHEREAS, the Draft Housing Element was submitted to the State of California Department of Housing and Community Development (HCD) on December 4, 2018 and subsequently clarified at the request of HCD on February 2, 2019; and

WHEREAS, the Draft Housing Element was reviewed by HCD, which issued a letter dated April 2, 2019 recommending certain changes to the Draft Housing Element and concurrent adoption of certain amendments to the approved policies and programs of the Draft Housing Element; and

WHEREAS, in addition to the changes to the Draft Housing Element, HCD has also required the City to undertake certain concurrent revisions to the City Zoning Ordinance, Pomona Corridor Specific Plan, Downtown Pomona Specific Plan and other ordinances (collectively “Implementation Amendments”); and

WHEREAS, on May 22, 2019, the Planning Commission of the City of Pomona considered the Draft Housing Element Update, the Implementation Amendments and an accompanying Addendum to the previously adopted 2014 General Plan EIR; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq., "CEQA"), Title 14 of the California Code of Regulations Section 15000 et seq. ("State CEQA Guidelines"), and the City of Pomona Local Procedures for Complying with CEQA, the City Council certified a Final EIR for the General Plan, including the Housing Element (State Clearinghouse No. 2012051025) of 2014 ("General Plan EIR"); and

WHEREAS, the General Plan EIR identified feasible alternatives and mitigation measures to mitigate (to the extent feasible) all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations for the same; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the Lead Agency is required to review any changed circumstances and to determine whether any of the circumstances under Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, the City evaluated the 2013-2021 Draft Housing Element and its associated components, including the Implementation Amendments (together, the “Proposed Project”) in light of the standards for subsequent environmental review and concluded that the Proposed Project does not meet the criteria for preparing a subsequent or supplemental EIR under State CEQA Guidelines 15162, and no new or substantially more severe environmental impacts will occur as a result of the Proposed Project; and

WHEREAS, specifically the City determined that the Proposed Project would not result in new or more severe significant environmental impacts compared to the impacts previously disclosed and evaluated in the General Plan EIR, and that all of the environmental impacts that would result from the Proposed Project have been previously evaluated and fully mitigated, to the extent feasible, in the EIR; and

WHEREAS, the City also determined that there are some changes or additions that are necessary to be made to the EIR to specifically tailor it to the Proposed Project; thus, even though a subsequent EIR is not required, the City has prepared an Addendum to the EIR to document additional relevant information and changes to the EIR (Pub. Res. Code § 21166; State CEQA Guidelines §§ 15162, 15164.); and

WHEREAS, the Draft Housing Element, Implementation Amendments, Addendum and the original General Plan EIR, which are incorporated herein by this reference, are available for inspection at City Hall and on the City's website; and

WHEREAS, pursuant to State CEQA Guidelines Section 15164(c), the Addendum is not required to be circulated for public review, but can be attached to the adopted General Plan EIR; and

WHEREAS, the Planning Commission, by a vote of 6-0-0-1 recommended the City Council adopt the revisions to the Draft Housing Element and approved the Implementation Amendments; and

WHEREAS, the City Council of the City of Pomona conducted a duly-noticed public hearing on June 17, 2019, at which time all interested persons wishing to testify in connection with the Draft Housing Element, Implementation Amendments and Addendum were heard; and

WHEREAS, the City Council fully studied and considered all documents related to the Proposed Project, the public comments and the Planning Commission's recommendation; and

WHEREAS, NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Draft Housing Element promotes the goals and objectives of the General Plan and leaves the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

General Plan 7A.P4: "Maintain minimum and maximum development intensities as stipulated in the Land Use & Density Component to ensure availability of land for future growth."

The proposed Housing Element calls for ensuring an adequate supply of mixed-use and residentially zoned land allowing development at densities and intensities to accommodate existing and anticipated housing needs, which will help facilitate future growth. It further promotes a diverse range of housing types in a variety of sizes and locations to provide choice in housing for all economic segments.

General Plan 6E.G4: "Establish active, pedestrian-oriented neighborhoods with a mix of housing and workplace development, including clean light industry, manufacturing, flex and incubator spaces, and live/work units."

The proposed Housing Element calls for supporting the construction of multi-family housing in close proximity to transit, employment centers, schools, community facilities, and public services, which will promote active and walkable neighborhoods. Moreover, it calls for promoting workforce housing of various types in diverse settings and addressing housing needs of employees of local businesses and institutions, which would support the siting of new employment land uses.

General Plan 7C.G6: “Provide a respite from the urban environment in higher intensity districts such as Downtown through the creation of publicly accessible plazas and parks.”

The proposed Housing Element encourages the creation of new parks and gathering spaces in areas designated infill residential development, particularly in mixed-use development projects, which includes Downtown Pomona and the Pomona Corridors of Garey Avenue, and Foothill, Mission, and Holt Boulevards.

General Plan 7E.P22: “Require new residential and commercial buildings to comply with or exceed requirements of CCR Title 24”

The proposed Housing Element promotes the installation of energy- and water-saving features and the use of sustainable and green building designs in new housing development to conserve resources and reduce housing costs, actions which help fulfill the requirements of CCR Title 24.

General Plan 6B.G9: “Provide opportunities for local businesses, incubator uses and compatible housing types such as live-work in areas adjacent to Downtown.”

The proposed Housing Element encourages projects that take advantage of opportunities offered by the Downtown Pomona Specific Plan for the creation of work/live units. It also identifies the need to provide opportunities for local businesses, incubator uses and compatible housing types such as live-work in areas adjacent to Downtown, and the address the housing needs of employees and local businesses and institutions.

SECTION 2. Based upon the evidence presented, both written and oral testimony, and the above findings, the City Council hereby approves and adopts the 2013-2021 Draft Housing Element as shown on the attached Exhibit “A.” The City Council hereby directs staff to submit the adopted Draft Housing Element to HCD for final review.

SECTION 3. CEQA. The City Council has reviewed and considered the Addendum together with the General Plan EIR, and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the Draft Housing Element and its associated approvals. The City Council further finds that the Addendum and the administrative record have been completed in compliance with CEQA and the State CEQA Guidelines. The City Council further finds and determines that the Addendum reflects the City’s independent judgment.

Based on the substantial evidence set forth in the record, including but not limited to the Addendum and the General Plan EIR, the City Council further finds that the Addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the Proposed Project. The City Council finds that based on the whole record before it, including but not limited to the Addendum and the General Plan EIR, none of the conditions under State CEQA Guidelines section 15162 requiring the need for further subsequent environmental review have occurred, because:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration

due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the Mitigation Measure or alternative. (Reference: State CEQA Guidelines § 15162.)

Based on the above findings, the City Council hereby approves and adopts the Addendum to the General Plan EIR prepared for the Draft Housing Element.

SECTION 4. The City Council hereby directs City staff to prepare and file a Notice of Determination (“NOD”) with the County Clerk’s office of the County of Los Angeles within five (5) working days of the adoption of this Resolution.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED THIS 17th DAY OF JUNE 2019.

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 17th day of JUNE 2019, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 17 day of JUNE 2019.

Rosalia A. Butler, City Clerk

EXHIBIT "A"
ATTACH DRAFT
HOUSING ELEMENT