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# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** May 8, 2019

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Planning Division

**SUBJECT:** General Plan Amendment (GPA 11831-2019) to adopt a revised 2013-2021 Housing Element and Code Amendment (CODE 11832 -2019) to amend Section A of Section 5 of Ordinance No. 4224, Section A of Section 6 of Ordinance No. 4224, Exhibit "A" and Exhibit "B" of Ordinance No. 4224, Section (A) of Section 3 of Ordinance No. 4238, PZO Section .580 Subsection J, Figure 7 of the Downtown Pomona Specific Plan, Section 2.1 of the Pomona Corridors Specific Plan, Section .503-H, subsection D, and delete Sections (c) & (d) of subsection (c)(7) of Section 3 of Ordinance No. 4238.

### STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission adopt the attached PC Resolution (Attachment 1) recommending that the City Council take the following action:

Adopt the Draft Housing Element (Attachment 2) and adopt the Implementation amendments to the Pomona Zoning Code, the Pomona Downtown Specific Plan, the Pomona Corridors Specific Plan, Ordinance No. 4224 and Ordinance No. 4238 in order to comply with programs identified in the amendments, and; adopt the Addendum (Attachment 3) for the Draft Housing Element and the Implementation Amendments.

### PROJECT/APPLICANT INFORMATION

Project Location: Citywide  
Project Applicant: City of Pomona

### BACKGROUND

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, public commenters and the City Attorney 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 letter (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 4<sup>th</sup> Draft Housing Element. 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 4<sup>th</sup> 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 has done the following: 1) revised 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 section below.

## **OVERVIEW OF THE HOUSING ELEMENT**

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**

### **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).
- 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 only 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 numbers 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.

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.

### **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).

### **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), 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.

### **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.

### **ENVIRONMENTAL REVIEW**

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 has been prepared in accordance with Section 15162 and 1564 of the California Environmental Quality Act ("CEQA") Guidelines.

### **PUBLIC AND AGENCY COMMUNICATIONS**

#### **Public**

Staff has received three letters, dated December 20, 2018, February 13, 2019 and April 5, 2019, respectively from Public Counsel (letters included as Attachment 4) since December 2018. All three letters raise objections to the City's number of designated sites for homeless shelters and the bed capacity at those sites. As described in the Draft Housing Element, the Annual Homeless Census PIT count conducted by the LAHSA indicates that the City has a homeless population of 773 persons, with 188 being sheltered and 585 being unsheltered. That unsheltered number is being addressed through multiple sites: 1) the opening of Hope for Home (1390 and 1400 E.

Mission Boulevard), which has a 400 bed capacity, but we count as only 300 “newly housed” persons to account for the closing of the Armory site that had 100 emergency shelter beds, 2) the expansion Our House Family Shelter, which currently has a capacity of 13 beds and plans to expand its operation to 20 beds, a net increase of seven beds, and 3) the potential development of a homeless shelter at the American Recovery Center, which could reasonable accommodate 331 bed in a medium buildout scenario. The City believes it has demonstrated that the proposed site additions and bed limit amendments to the Emergency Shelter Overlay could reasonable accommodate the 585 unsheltered homeless need.

In addition, the April 5, 2019 letter asserts that the City did not meet its obligation to submit a Draft Housing Element to HCD for review by December 7, 2018 pursuant to the settlement agreement. The City submitted a Draft Housing Element to HCD on December 4, 2018 and then engaged in discussions with HCD to add clarifications to the Draft Housing Element as requested by HCD, the City believes its submittal obligations were met.

### **Agency**

On April 2, 2019, the City received a letter from HCD (Attachment 5), which stated that the Draft Housing Element would comply with State law once it has been revised to demonstrate sufficient capacity at the Hope for Hope and American Recovery Center. The letter outlined specific examples of how the City could demonstrate capacity including providing details where the beds are located relative to various services and facilities and the amount of square feet that is assumed per bed. Further the letter, requested that the zoning amendments to achieve the shelter capacity occur simultaneously with Housing Element adoption. The Draft Housing before the Planning Commission incorporates all requested additions and recommendations by HCD to date.

### **NOTICING**

The public hearing notice to adopt the updated 2013-2021 Housing Element (GPA No. 11831-2019 and CODE No. 11832 -2019) was published on in the Inland Valley Daily Bulletin on Sunday, April 28, 2019 (Attachment 6).

### **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.

Respectfully Submitted:

Prepared By:

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Development Services Director

**ATTACHMENTS:**

- 1) Draft PC Resolution
- 2) Draft Housing Element ( also referred to as “Exhibit A”)
- 3) EIR Addendum
- 4) Public Comment letters
- 5) Department of Housing and Community Development letter
- 6) Public Hearing Notice