



CITY OF POMONA

COUNCIL REPORT

June 21, 2021

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director

**SUBJECT: CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING
WITH POMONA UNIFIED SCHOOL DISTRICT (PUSD) FOR THE
PROVISION OF SPECIAL PUBLIC OPEN SPACE**

RECOMMENDATION:

Approve the memorandum of understanding (MOU) and authorize the City Manager to execute the agreement on behalf of City.

EXECUTIVE SUMMARY:

The City Council will consider a MOU (Attachment No. 1) with the Pomona Unified School District (PUSD) for the purpose of satisfying Special Public Open Space Requirements in association with the development of approximately 8.96 acres of land located at 2255 S. Garey Avenue by Melia Homes, Inc. (Melia Project). The MOU includes the following key provisions:

1. Corridor Residents, as defined in the MOU, will be granted access to the Goals Soccer facility located at 2255 South Garey Avenue in order to satisfy the Special Public Open Space requirement.
2. Goals Soccer (land owned by PUSD) agrees to make available for the Corridor Residents, free of charge, non-exclusive use of the Soccer Courts, not less than ten (10) hours per week, Monday through Friday, and not less than three (3) hours per weekend, Saturday through Sunday, on such days and times as reasonably determined by the mutual agreement of Goals Soccer and the District.
3. If at any time the Melia Project is determined by the City to no longer be in compliance with the Special Public Open Space Requirement, then PUSD agrees to one of the following alternative arrangements:
 - a. Arrange for the provision of the availability of other open space for residents; or
 - b. The payment of an “in lieu of fee” in the amount of \$226,148.16 by PUSD.

FISCAL IMPACT:

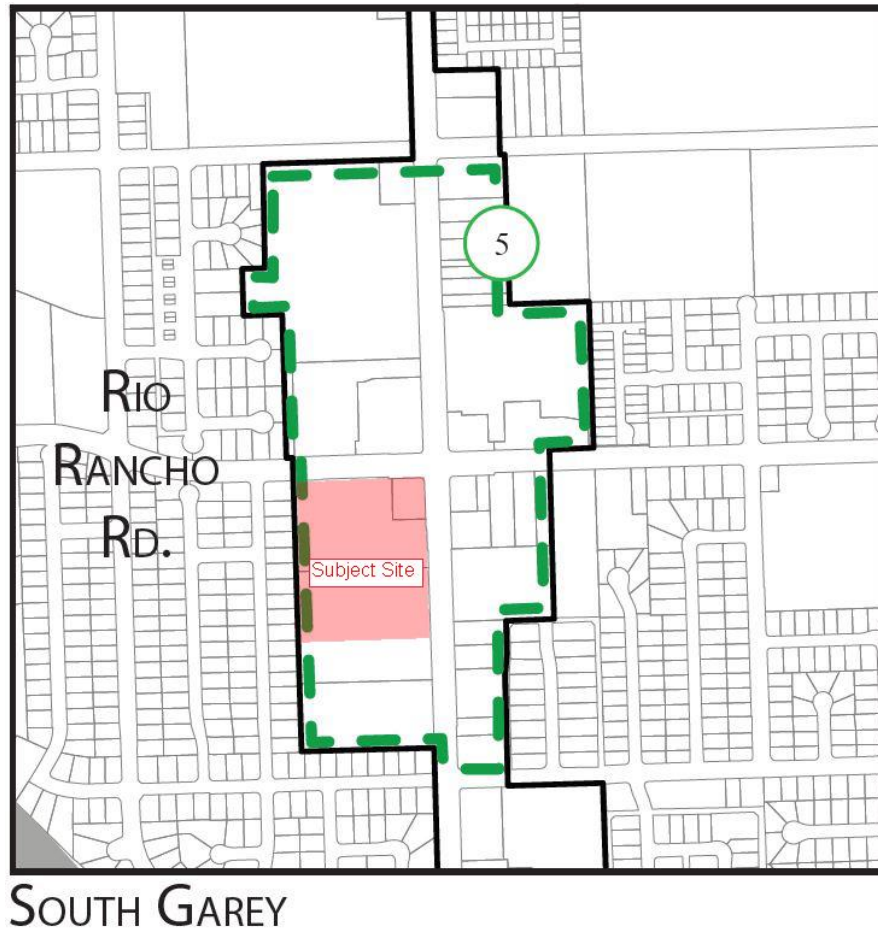
There is no General Fund impact with this item. If at any point it is determined that the Special Public Open Space Requirement is not being met and PUSD does not arrange for the provision of the availability of other open space for residents, PUSD would be required to pay an in lieu fee of \$226,148.16. The in lieu fee would be allocated for the purposes of acquiring and/or developing public open space.

DISCUSSION:

The request for this MOU comes as a result of the proposed development of a PUSD owned property located at 2255 S. Garey Avenue. Melia Homes, Inc. entered into an agreement with PUSD to purchase the property in February of 2019. Melia Homes, Inc. has proposed to develop the property with 156 units including 115 attached, 3-story units and 41 detached, 2-story units (Melia Project). All units will be for sale at market rate. The Melia Project is currently under entitlement review by the Planning Division and has not yet been scheduled for a hearing. Below is a preliminary rendering of the proposed project.



The property is located within the Pomona Corridors Specific Plan (PCSP) and therefore the Melia Project is required to comply with all applicable development standards of the PCSP including Special Public Open Space requirements. The Special Public Open Space provisions identify six (6) areas within the PCSP that require the development of one primary public open space area at least 1/2 acre in area. Additionally, all affected properties within the Special Public Open Space area shall contribute to the construction cost of the primary open space. Below is map of Special Public Open Space Area 5, where the subject property is located, as well as a summary of the Special Public Open Space requirements:



2.6.2 Special Public Open Space Requirement

The following special requirement applies to development within each of the six areas shown in Fig.2.6.2 Special Public Open Space Areas Map.

A. Primary Open Space

- 1. At least one primary public open space larger than a ½ acre shall be provided within each area.*
- 2. The primary open space shall count toward all affected developments' provision of public open space requirements proportional to property size.*
- 3. All affected properties shall contribute to the construction cost of the primary open space.*
- 4. The primary open space shall be centrally located within each area (The exact location of the primary open space may be coordinated and determined by developers/property owners but must be determined before any development which could accommodate a ½ acre open space occurs).*
- 5. The primary open space shall be a linear green, square, or plaza (see Section 2.6.4 – Public Open Space Types).*
- 6. The primary open space shall abut public streets, alleys or passages or abut a public easement for vehicular/pedestrian access on at least three sides.*

7. The primary open space may be used to meet the City's park land dedication or in-lieu fee requirements.

According to the Special Public Open Space Requirement, the Melia Project would be subject to the provision of the 1/2 acre primary public open space. In lieu of providing the 1/2 acre primary public open space, PUSD has requested an alternative method of compliance through the granting of access to the Goals Soccer facility located at 2255 South Garey Avenue for Corridor Residents. Corridor Residents would consist of any residents in Area 5 of Figure 2.6.2 Special Public Open Space Areas Map. The estimated resident population for Area 5, including the Melia Project, is 788 residents. The estimated resident population of 788 does not account for future residential developments which would, of course, increase the projected resident population and therefore the number of residents utilizing the Goals Soccer facility. If at any time the Melia Project is determined by the City to no longer be in compliance with the Public Open Space Requirement, then PUSD agrees to one of the following alternative arrangements: a) Arrange for the provision of the availability of other open space for residents; or b) The payment of an in lieu of fee in the amount of \$226,148.16 by PUSD.

It is anticipated that the MOU will be considered by the PUSD Board on June 30, 2021.

COUNCIL PRIORITIES & GOALS:

This item supports the 2019-2020 City Council Priority 2: Economic Development – Goal J: Encourage the development and maintenance of quality housing opportunities for all.

ALTERNATIVE(S):

The City Council has the following alternatives:

1. Approve the agreement.
2. Direct staff to negotiate specific revisions.
3. Decline to enter into the agreement.

Prepared by:



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Senior Planner

ATTACHMENT(S):

Attachment No. 1 – Proposed MOU