



Legislation Text

File #: 21-1433, **Version:** 1

1. Code Amendment (CODE 14672-2020)

Project Address: City-wide
Project Applicant: City of Pomona
Project Planner: Vinny Tam, Senior Planner
Council District: All

A city-initiated request to amend the City of Pomona Zoning Ordinance (PZO) for the purpose of regulating Accessory Dwelling Units (ADUs) in hillside areas and in accordance with State law as well as to codify policy interpretations issued in December of 2020 by the California Department of Housing and Community Development. The request will include amending section .5809-26 Accessory Dwelling Units of the PZO pertaining to Accessory Dwelling Unit (ADU) regulations. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates Junior Accessory Dwelling Units (JADUs), as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law. In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the "exceptions" to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. This environmental review will be considered by the Planning Commission at the public hearing for this project scheduled for June 23, 2021.

Recommendation:

Staff recommends that the Planning Commission adopt the attached draft Resolution recommending the City Council approve Code Amendment (CODE 14672-2020).