



Attachment No. 7

# Zoning Code Amendment

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Update to the Pomona Zoning & Development Code  
Zoning Code Amendment (CODE-000378-2025)

Applicant: City of Pomona  
Planner: Alina Barron, Senior Planner



# Request

Code Amendment (CODE-000378-2025)  
Request to amend the Pomona Zoning & Development Code to modify objective design standards, use definitions and standards, and administrative processes.



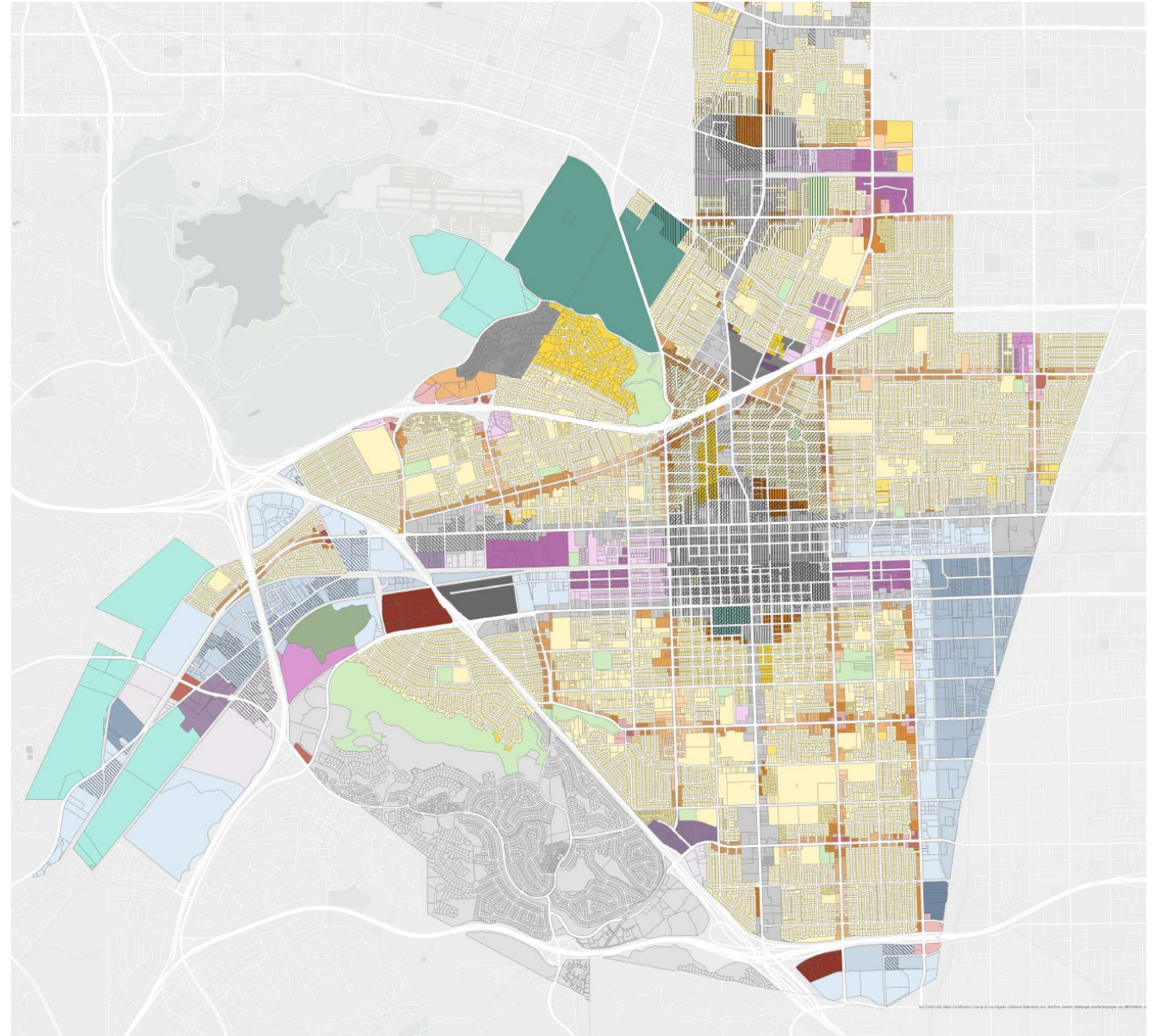
# Applicable Code Section

Pursuant to Pomona Zoning & Development Code Section 1150.D.(2), the City Council may, by ordinance and upon written recommendation of the Planning Commission, amend, supplement, or change the ordinances codified in this Zoning and Development Code whenever the public necessity, convenience, general welfare, or good zoning practice so requires.



# Location

+ Citywide







These revisions follow a year and half of documentation on the New Code's usability from the perspective of the general public as well as Planning Division staff and include both major and minor revisions.



Index of Proposed Revisions non-clerical
City of Pomona Zoning & Development Code

Table with 4 columns: Part, Section, Page #. Lists various zoning sections like 100.E.(2) Applicability, 310.A.(2) Form Applicability, etc.



ed Revisions non-clerical
ning & Development Code
continued

Table with 2 columns: Section, Page #. Lists sections like General Commercial Uses Small-Scale Contractor, Industrial, etc.



These revisions follow a year and half of documentation on the New Code's usability from the perspective of the general public as well as Planning Division staff and include both major and minor revisions.

Of the over 45 revisions, there are 9 major revisions proposed.

With 3 related to architectural design, 2 related to use definitions & standards, 2 related to fencing, and 2 major administration revisions.

Part	Revision Section
1) FORM	Section 380.B.2. Outdoor Amenity Design Standards
2) FRONTAGE	Section 470.B.4. Build-To Measurements
3) FRONTAGE	Section 420.A. Neighborhood Yard Frontage Modules
4) USE	Section 550.C.6 Home Occupation Section 550.C.8 Home Based Business
5) USE	Section 550. Allowed Uses, Definitions, & Use Standards.
6) SITE	Section 620.H.2. Fence and Wall Standards, Applicability
7) SITE	Section 620.H.3.c. Design & Installation (Fence & Wall)
8) ADMINISTRATION	Section 1160.G. Development Plan

# USE

## Small-Scale Industrial

### *Intent*

To define and allow limited small-scale industrial in purpose-built industrial structures not located within the industrial workplace districts.

No allowance for fulfillment.

### 530.M. Small-Scale Industrial

#### 1. Small-Scale Production

Any production use that maintains a primary manufacturing or fabrication component involving the making or processing of materials/components primarily by persons into products. Includes the manufacturing and assembly of: medical equipment and supplies; semiconductors and electronic instruments; signs and printed material; musical instruments; toys; furniture; crates; boxes; barrels; electronics; cosmetics; food and drinks; textiles; and similar goods. Includes Commercial Cannabis Manufacturing pursuant to the Pomona City Code (Ch. 68) within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4. All associated activities must occur in an area not to exceed 10,000 square feet.

#### 2. Small-Scale Product Distribution

The indoor storage of bulk goods intended for consolidation and distribution of products to manufacturers, wholesalers, or retailers within the supply chain ("business to business"), with little storage duration, high throughput of products, and high efficiency, in either a traditional or high cube format. Includes receiving and processing of bulk goods. Includes Commercial Cannabis Distribution pursuant to the Pomona City Code (Ch. 68) within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4. All associated activities must occur in an area not to exceed 10,000 square feet.

#### 3. Small-Scale Microbusiness

A single business less than 10,000 square feet in size that engages in at least two of following activities: Retail – General; Production; Artisanal Manufacturing; Distribution; and Fulfillment. Includes Commercial Cannabis Microbusiness pursuant to the Pomona City Code (Ch. 68) within the Commercial Cannabis Permit Program Overlay District Sub Area 3.



# USE

## Small-Scale Industrial

### *Intent*

To define and allow limited small-scale industrial in purpose-built industrial structures not located within the industrial workplace districts.

### Pomona Example

#### 540.G. Small-Scale Industrial

##### 1. Small-Scale Industrial, All

All small-scale industrial may only be located in an existing purpose-built industrial structure that meets the following criteria:

###### a. Location

- The structure was constructed prior to July 31, 2024.
- The structure must not be larger than 30,000 square feet.
- The structure must have at least 1 at-grade roll-up door per 2 tenants.
- The structure must not have an operable loading ramp, loading bay, or any other loading entry that is not at-grade.

###### b. Size

The maximum establishment size is 10,000 square feet as defined in Sec. 530.M. (Small-Scale Industrial).

###### c. Operations

All operations must occur within an enclosed structure.

#### 540.H. Urban Agricultural Uses

##### 1. Animal Keeping

###### a. General

No animal keeping use is permitted within a required setback of required frontage yard.

###### b. Bees

The keeping of bees will be subject to the following requirements:

- Bees must be maintained in hives consisting of moveable frames and combs;
- No more than 2 hives must be maintained on a lot;
- Hives must be kept in sound and usable condition at all times;
- Hives must be located at least 5 feet from all property lines;
- Hive entrances or openings must be oriented away from neighboring properties;
- Hives must be continually managed to provide adequate living space for the resident bees in order to prevent swarming;
- A water source for bees must be provided, at all times, on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs, and other water sources on



# USE

## Small-Scale Industrial

### *Revision Recommendation*

#### 1. Small-Scale Industrial, All

All small-scale industrial uses may only be located in an existing purpose-built industrial structure that meets the following criteria:

##### a. Location

- ~~The structure was constructed prior to July 31, 2024.~~
- The building permit issued for the existing purpose-built industrial structure must have been finalized by July 31, 2024.

#### 540.G. Small-Scale Industrial

##### 1. Small-Scale Industrial, All

All small-scale industrial may only be located in an existing purpose-built industrial structure that meets the following criteria:

###### a. Location

- The structure was constructed prior to July 31, 2024.
- The structure must not be larger than 30,000 square feet.
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- The structure must not have an operable loading ramp, loading bay, or any other loading entry that is not at-grade.

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The maximum establishment size is 10,000 square feet as defined in Sec. 530.M. (Small-Scale Industrial).

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# USE

## Small-Scale Contractor's Storage

### *Intent*

To define and allow limited small-scale contractor storage in purpose-built industrial structures not located within the industrial workplace districts.

No allowance for storage of contractors product for purposes fulfillment.

anatomical areas. Each sexually oriented business use must constitute a separate sexually oriented business, even if operated in conjunction with another adult business at the same establishment, for the intent of meeting applicable use standards. Includes: adult arcade, adult bookstore, adult cabaret, adult modeling studio, adult merchandise store, adult motel, adult motion picture theater, adult theater, sexual encounter establishment.

### 13. **Indoor Self-Service Facility**

Any commercial use that offers indoor, secure self-storage for household goods in individual rooms, compartments, lockers, or containers, to which clients bring goods for storage and retrieve them at any time during normal business hours.

### 14. **Small-Scale Contractors Indoor Storage**

The primary indoor storage of non-hazardous equipment, material, and machinery for use in the production of goods, construction, or maintenance. Includes infrastructure related storage, contractor's storage, and machinery rental storage. All associated activities must occur in an area not to exceed 5,000 square feet.



# USE

## Small-Scale Contractor's Storage

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No allowance for storage of contractors product for purposes fulfillment.

**vi. Dedicated Stage Access**

- a. Dedicated access for entertainers between the stage and the dressing rooms, which is completely separated from the patrons must be provided.
- b. Where separate access is infeasible, a walk aisle at least 3 feet wide must be provided for entertainers between the stage and dressing rooms. A railing or other physical barrier separating the patrons and entertainers must be provided to prevent any physical contact between patrons and entertainers.

**5. Small-Scale Contractors Indoor Storage**

Small-scale contractor indoor storage may only be located in an existing purpose-built industrial structure that meets the following criteria.

**a. Location**

1. The structure was constructed prior to July 31, 2024.
2. The structure must not be larger than 30,000 square feet.
3. The structure must have at least 1 at-grade roll-up door per 2 tenants.
4. The structure must not have an operable loading ramp, loading bay, or any other loading entry that is not at-grade.

**b. Size**

The maximum establishment size is 5,000 square feet as defined in Sec. 530.F.14. (Small-Scale Contractors Indoor Storage).

**c. Operations**

All operations must occur within an enclosed structure.

**540.E. Auto-Oriented Commercial Uses**

**1. Electric Vehicle Charging Station (EVCS)**

- a. Only permitted in conjunction with another allowed primary use;
- b. Must be located within a parking area.
- c. Must not be located within a Build-to zone.
- d. Must not cause any net loss of tree canopy or landscaping on the site.



# USE

## Small-Scale Contractor's Storage

### *Revision Recommendation*

#### 1. Small-Scale Contractors Indoor Storage

Small-scale contractor indoor storage uses may only be located in an existing purpose-built industrial structure that meets the following criteria:

##### a. Location

- ~~The structure was constructed prior to July 31, 2024.~~
- The building permit issued for the existing purpose-built industrial structure must have been finalized by July 31, 2024.

##### vi. Dedicated Stage Access

- Dedicated access for entertainers between the stage and the dressing rooms, which is completely separated from the patrons must be provided.
- Where separate access is infeasible, a walk aisle at least 3 feet wide must be provided for entertainers between the stage and dressing rooms. A railing or other physical barrier separating the patrons and entertainers must be provided to prevent any physical contact between patrons and entertainers.

#### 5. Small-Scale Contractors Indoor Storage

Small-scale contractor indoor storage may only be located in an existing purpose-built industrial structure that meets the following criteria.

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##### b. Size

The maximum establishment size is 5,000 square feet as defined in Sec. 530.F.14. (Small-Scale Contractors Indoor Storage).

##### c. Operations

All operations must occur within an enclosed structure.

#### 540.E. Auto-Oriented Commercial Uses

##### 1. Electric Vehicle Charging Station (EVCS)

- Only permitted in conjunction with another allowed primary use;
- Must be located within a parking area.
- Must not be located within a Build-to zone.
- Must not cause any net loss of tree canopy or landscaping on the site.



# USE

## Detention Facilities

### *Intent*

To define and prohibit detention facilities as an assembly use in all zoning districts.

e. **Detention Facility**

1. Any building, structure, enclosure, or portion thereof, whether permanent or temporary, designed, constructed, converted, adapted, or used for the involuntary confinement.

Adopted July 1, 2024

Pomona, California | Zoning & Development Code

5-23

Part 5 | Use

Assembly Uses

incarceration, housing, holding, or physical restraint of one or more persons for any of the following purposes:

- i. Execution of a punitive sentence imposed by any court of competent jurisdiction;
  - ii. Detention pending a trial, hearing, arraignment, sentencing, or other judicial or administrative proceeding;
  - iii. Detention pursuant to any civil immigration proceeding or administrative order;
  - iv. Detention, confinement, or housing of persons in the custody of any federal, state, or local governmental entity, where such persons are not free to leave of their own volition;
  - v. Any other involuntary confinement for the purpose of law enforcement, compliance monitoring, removal processing, or civil or criminal custody;
  - vi. Any facility that functions as a Type I, Type II, Type III, or Type IV facility as those terms are defined in Title 15, Division 1, Chapter 1, Subchapter 4 of the California Code of Regulations (Minimum Standards for Local Detention Facilities), or that would meet such definitions if it were subject to state regulation, regardless of whether the facility is actually inspected or certified by the Board of State and Community Corrections.
2. The term "Detention Facility" includes, without limitation, any facility characterized or denominated as a jail, prison, correctional center, processing center, transfer center, staging facility, holding facility, compliance center, secure shelter, civil detention center, or immigration detention center, regardless of the name or designation assigned to the facility by its operator, contracting entity, or any governmental entity. Additionally, this includes any facility operated by a private entity under an intergovernmental service agreement (IGSA), cooperative agreement, or any other contractual mechanism through which a governmental entity procures detention or incarceration services from a non-governmental operator.
  3. Exemptions. Notwithstanding the foregoing, "Detention Facility" does not include, and this Ordinance does not apply to, any of the following:
    - i. Any facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile under the jurisdiction of the juvenile court pursuant to Part 1 (commencing with Section 100) of Division 2 of the Welfare and Institutions Code;
    - ii. Any facility providing evaluation or treatment services to a person detained or subject to a court-ordered commitment pursuant to Penal Code Section 1026, or pursuant to Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code;
    - iii. Any residential care facility licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code, including but not limited to sober living environments, group homes, and community care facilities, provided that residents are not involuntarily confined;
    - iv. Any school facility used for the disciplinary management of a student during the school day.



# SITE

## Fence & Wall Standards, Applicability

### *Intent*

- To require a fence permit and allow for the replacement of up to 50% of fencing with no permit.

### 620.E. Fence and Wall Standards

*A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length.*

#### 1. Intent

To balance the needs for natural surveillance and visual interest along the public realm and security and privacy for private ground story uses in a manner appropriate to context.

#### 2. Applicability

- The wall and fence height standards apply to all zoning lots.
- Allowed wall and fences types are set in Subpart 3B. Form Modules and Subpart 4B. Frontage Modules.
- Where a buffering or screening requirement requires a taller wall or fence, the buffer or screening requirements supersede.
- All new fences and walls, including buffering and screening, must obtain a permit pursuant to the procedures described in Sec. 1170.C. (Ministerial Permit).
- A legally established fence or wall may be replaced with the same material at less than 50% of the established fence or wall length without a fence & wall permit from the Planning Division.

#### 3. Standards

##### a. Front/Side Street Yard Fence and Wall Types

See Sec. 490.B.3.b. Frontage Yard Fence and Wall Types.



# SITE

## Fence & Wall Standards, Applicability

### *Intent*

- To require a fence permit and allow for the replacement of up to 50% of fencing with no permit.
- To revise allowed material and prohibit all types of security fencing.

### c. Design and Installation

All walls and fencing must be continuous and uniform in material and finish with exception to gates and transitions between the front yard and rear/side yard areas.

#### 1. Material

All walls, fences and gates must be constructed of standard building materials that are customarily used for wall and fence construction, such as brick, stone, concrete masonry, stucco, concrete, or wood. Scrap or "recycled" material must not be used. Tires, junk, recycled garage doors, sheet metal, or plywood must not be used as fencing material.

##### i. Permitted Material

- Masonry material, including: brick, stone, and concrete. All masonry must include an architectural cap.
- Sealed wood.
- Wrought iron.
- Vinyl.
- Other material customarily used for wall and fence construction as determined by the Development Services Director.

##### ii. Prohibited Material

- Scrap or "recycled" material including but not limited to: tires; garage doors; sheet metal; plywood; windows; corrugated metal; inoperable motor vehicles and parts; construction material; household waste including discarded appliances; and yard debris.
- Chain link.
- Security fencing material, including but not limited to: barbed wire; concertina wire; razor wire; and electric fencing.
- Sharp material, including: glass shards; spikes (other than decorative spikes that are part of an ornamental metal fence); nails; or other sharp material installed on the top of any fence or wall.

iii. Chain-linked fences are not allowed in front or side yards.

iv. Barbed wire and concertina wire are not allowed.

#### 2. Location

- The finished side of a wall or fence must be placed on the outside of the property.
- Walls, fences and gates must be set back from the lot line in accordance with Sec. 620.B. Transition Buffers, Sec. 620.C. Frontage Screens, Sec. 490.B.3.b. Frontage Yard Fence and Wall Types and Sec. 620.E.3.b. Side/Rear Yard Fence and Wall Types.
- No wall or fence is allowed within any required drainage or utility easement.



# ADMINISTRATION

## Development Plan Review

### *Intent*

To create a tiered review process for Development Plan Reviews for review of applications by the Development Services Director and the Planning Commission.

District	Projects
Neighborhood Edge Districts (NED)	New construction of housing units on a property that is greater one acre in usable size OR New non-residential construction greater than 22,500 square feet (cumulative)

Development Plan Tier	Projects
Tier 1	<u>New construction of 4 to 29 housing units. Includes establishing housing units within existing structures.</u>
Tier 2	<u>New non-residential construction or addition over 10,000 SF (cumulative)</u> OR <u>New construction of 30 or more housing units. Includes establishing housing units within existing structures.</u>

- c. Any Tier 1 Development Plan with a proposed map action is considered a Tier 2 Development Plan.
- d. A Development Plan must remain in effect for the life of the affected development project, which must be developed and maintained in conformance with the plans as approved by the Approving Authority and must be maintained on file with the City.

### 3. Application Filing, Processing and Hearing

A Development Plan application must be filed, processed and heard pursuant to Sec. 1110. Application Filing and Processing and the provisions of this Section.

### 4. Findings and Decision

A Development Plan must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division’s written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below- listed findings cannot be clearly established.

- a. The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the General Plan;
- b. The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;
- c. The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project;



# Existing

District	Projects
Residential Neighborhood Districts (RND)	New construction of 4 or more housing units OR New non-residential construction greater than 22,500 square feet (cumulative)
Urban Neighborhood Districts (UND)	
Activity Center Districts (ACD)	
Transit Oriented Districts (TOD)	
Workplace Districts (WD)	
Special Campus Districts (SCD)	
Parkland Districts (PLD)	
Neighborhood Edge Districts (NED)	New construction of housing units on a property that is greater one acre in usable size OR New non-residential construction greater than 22,500 square feet (cumulative)

# Proposed

Tier	Projects
Tier 1 Zoning Administrator	New construction of 4 to 29 housing units. Includes establishing housing units within existing structures.
Tier 2 Planning Commission	New construction of 30 or more housing units. Includes establishing housing units within existing structures. ..... New non-residential construction or addition over 10,000 SF (cumulative).



# ADMINISTRATION

Conditional Use Permits:  
Alcohol Uses Requiring Finding of Public Convenience or Necessity

## EXISTING

The existing review process for alcohol sales requires a conditional use permit to be reviewed and approved by the Planning Commission.

Additionally, if the proposed alcohol license is located in an area of undue concentration pursuant to the CA Dept of Alcoholic Beverage Control (ABC), then a finding of Public Convenience or Necessity (PCN) shall also be made by the City Council.

Current process is bifurcated and only allows City Council purview on the PCN and does not allow the City Council to place conditions on the conditional use permit without appeal of the approved CUP.



# ADMINISTRATION

Conditional Use Permits:  
Alcohol Uses Requiring Finding of Public Convenience or Necessity

## PROPOSED

Conditional Use Permit (CUP) applications for Alcohol (Off-sale and On-sale) requiring a PCN finding from the City, will be heard by the Planning Commission with a recommendation to City Council for final action. If the CUP is denied by the Planning Commission, then the denial action is considered final, unless appealed to the City Council

This revision would allow for a unitary review body for the CUP and the PCN.

The review authority for alcohol-related CUPs that do not require a PCN will remain with the Planning Commission as the land use authority and subject to appeal to the City Council.





# General Plan Compliance

Pursuant to Pomona Zoning & Development Code Section 1150.D.(4), an application for a code amendment application must be denied if one or more of the below- listed findings cannot be clearly established.

1. The proposed Zoning and Development Code Amendment is consistent with the goals, policies, plans and exhibits of the General Plan(GP); and
2. The proposed Zoning and Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.



# General Plan Compliance

To implement the vision set by the General Plan, regular maintenance including the proposed revisions of the New Code must occur to ensure intended outcomes as envisioned by the General Plan.

The proposed amendments are revisions to help continue to safeguard life, health, property and public welfare. The proposed amendments modify regulations that enhance the pedestrian experience and supports public activity.

The Zoning & Development Code will continue to change with the changes that occur at the national, state, and local scale politically, economically, technologically, and environmentally.



# Noticing

## Code Amendment (CODE-000378-2025)

- + A public hearing notice in the Inland Valley Daily Bulletin, the local paper of circulation.
- + All notification for the processing of a Code Amendment was completed as required by law.



# Environmental Review

- + The City of Pomona, as lead agency, has conducted an environmental review on the proposed project per the California Environmental Quality Act (CEQA).
- + In compliance with Section 15061(b)(3), the proposed project is covered by the general rule exemption which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The project may be considered for the general rule exemption in that the proposed project only includes the amendment of text of an adopted document previously studied in the 2014 Pomona GPU Final EIR. The proposed project described above hereby meets the guidelines. Therefore, no further environmental review is required.

# Next Steps

April 22



Recommendation

May 18



1<sup>st</sup> Reading

June 15



2<sup>nd</sup> Reading

July 15



30 days from Adoption





# Staff Recommendation

Staff recommends that the City Council introduce, waive further, and give first reading the following ordinance:

ORDINANCE NO. 4365 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING ZONING CODE AMENDMENT (CODE-000378-2025) TO MODIFY OBJECTIVE DESIGN STANDARDS, USE DEFINITIONS AND STANDARDS, AND ADMINISTRATIVE PROCESSES IN THE POMONA ZONING & DEVELOPMENT CODE