

Appendix B

HOUSING CONSTRAINTS





A. Housing Constraints

A variety of constraints may affect the provisions and opportunities for adequate housing in the City of Pomona. Housing constraints consist of both *governmental constraints*, including, but not limited to, development standards and building codes, land use controls, and permitting processes; as well as *nongovernmental or market constraints*, including but not limited to land costs, construction costs, and availability of finances. Combined, these factors can create barriers to availability and affordability of new housing, especially for lower and moderate-income households.

B. Nongovernmental Constraints

Nongovernmental constraints largely affect the cost of housing in the City of Pomona and can produce barriers to housing production and affordability. These constraints include the availability and cost of land for residential development, the demand for housing, financing, and lending, construction costs, and the availability of labor, which can make it expensive for developers to build any housing, and especially affordable housing. The following highlights the primary market factors that affect the production of housing in Pomona.

1. Land and Construction Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes. However, there is variation within each construction type, depending on the size of the unit and the number and quality of amenities provided. An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The International Code Council was established in 1994 with the goal of developing a single set of national model construction codes, known as the International Codes, or I-Codes. The ICC updates the estimated cost of construction at six-month intervals and provides estimates for the average cost of labor and materials for typical Type VA wood-frame housing. Estimates are based on “good-quality” construction, providing for materials and fixtures well above the minimum required by state and local building codes. In August 2020, the ICC estimated that the average per square-foot cost for good-quality housing was approximately \$118.57 for multi-family housing, \$131.24 for single-family homes, and \$148.44 for residential care/assisted living facilities. Construction costs for custom homes and units with extra amenities, run even higher. Construction costs are also dependent upon materials used and building height, as well as regulations set by the City’s adopted Building Code. For example, according to the ICC, an accessory dwelling unit (ADU) or converting a garage using a Type VB wood framed unit would cost about \$123.68 per square foot. Although construction costs are a significant portion of the overall development cost, they are consistent throughout the region and, especially when considering high land costs, are not considered a major constraint to housing production in Pomona.

Land costs can pose a significant constraint to the development of affordable and middle-income housing and represents a significant cost component in residential development. Land costs may vary depending on whether the site is vacant or has an existing use that must be removed. Similarly, site constraints such as environmental issues (e.g. soil stability, seismic hazards, flooding) can also be factored into the cost of land. A May 2021 Zillow search for lots for sale in Pomona returned 11 properties for sale ranging in size



from 0.18 acres to 1.94 acres and listed between \$250,000 and \$3,500,000. Of these 11 vacant lots, the average cost of land is approximately \$44 per square foot: resulting in approximately \$396,000 for a 9,000 square foot single-family vacant lot and just under \$2,000,000 for a vacant one-acre lot for a multi-family development. This is considered affordable for market-rate housing and moderately affordable for affordable housing and is therefore not considered a constraint.

2. Financing Availability

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, rates and fees charged, laws and regulations governing financial institutions, and equal access to such loans. Additionally, availability of financing affects a person's ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to all residents of a community. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in the Los Angeles-Long Beach-Glendale Metropolitan Statistical Area/Metropolitan Division (MSA/MD).

Table B-1 below displays the disposition of loan applications for the Los Angeles-Long Beach-Glendale MSA/MD, per the 2019 Home Mortgage Disclosure Act report. The table below displays percent of application Approved, Denied and Other (Applications Approved But Not Accepted, Applications Withdrawn, and Files Closed for Incompleteness). According to the data, applicants in the 120% MSA/MD median income range or more had the highest rates of loans approved. Of that income category, applicants who reported White had the highest percentage of approval and the number of applications. Applicants in the less than 50% MSA/MD median income range experienced higher percentages of denied loans than other income categories. In all income categories, applicants who reported White had the most approvals and applicants who reported Native Hawaiian or other Pacific Islander had the most denials. Encompassing all income levels, about 59% of applicants received a loan and 18.5% had their loan application declined.

Compared to the Anaheim-Santa Ana-Irvine MSA/MD region, the Los Angeles-Long Beach-Glendale MSA/MD region has a lower loan approval rate across the board. The most discrepancy is within the 80-99% of MSA/MD Median group where the Los Angeles-Long Beach-Glendale region has approval rates 16-31 percent below that of the same group in the Anaheim-Santa Ana-Irvine area. When compared to the Riverside-San Bernardino-Ontario MSA/MD region, the Los Angeles-Long Beach-Glendale MSA/MD region also has a lower loan approval on average. While the loan approval rate in the Los Angeles-Long Beach-Glendale MSA/MD region is lower than the Riverside-San Bernardino-Ontario MSA/MD region, the difference is not as dramatic as the difference with the Anaheim-Santa Ana-Irvine MSA/MD region.



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Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	24.2%	57.3%	18.5%	178
Asian	36.5%	42.1%	21.3%	1,932
Black or African American	42.0%	28.8%	29.2%	2,120
Native Hawaiian or other Pacific Islander	20.3%	67.0%	12.6%	182
White	44.1%	30.9%	24.9%	11,384
Hispanic or Latino	39.0%	36.2%	24.8%	6,559
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	37.0%	43.3%	19.7%	238
Asian	44.3%	34.1%	21.6%	2,873
Black or African American	42.8%	32.2%	25.0%	2,367
Native Hawaiian or other Pacific Islander	22.8%	62.2%	15.0%	254
White	49.0%	28.3%	22.7%	14,902
Hispanic or Latino	44.6%	32.5%	22.9%	10,611
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	41.4%	33.3%	25.2%	111
Asian	51.1%	27.4%	21.5%	1,611
Black or African American	47.3%	27.3%	25.4%	1,124
Native Hawaiian or other Pacific Islander	35.5%	47.3%	17.2%	93
White	53.6%	23.4%	23.0%	6,887
Hispanic or Latino	50.1%	26.7%	23.2%	4,974
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	42.0%	32.1%	25.9%	352
Asian	60.5%	19.9%	19.5%	5,869
Black or African American	49.9%	23.7%	26.3%	3,579
Native Hawaiian or other Pacific Islander	40.9%	39.9%	19.2%	291
White	60.1%	17.9%	22.0%	25,143
Hispanic or Latino	56.4%	20.7%	22.9%	16,541
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	23.9%	27.2%	871
Asian	62.9%	14.3%	22.8%	35,764
Black or African American	55.0%	19.5%	25.5%	11,611
Native Hawaiian or other Pacific Islander	54.2%	23.3%	22.5%	1,052
White	64.9%	13.5%	21.7%	135,203
Hispanic or Latino	60.4%	16.5%	23.1%	42,722
TOTAL	59%	18.5%	22.6%	347,398

Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.

3. Economic Constraints

Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. It is estimated that housing price growth will continue in the city and the region for the foreseeable future. Moving into 2020, the economy was growing, and California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates. COVID-19 had stalled much of the economy in early 2020; however, as the



California economy regains momentum the housing stock and prices in the Pomona community remain stable. A housing market analysis by Redfin in April 2021 reports the median sale price of homes in Pomona is \$510,000 and has increased by 10.3% year-over-year. The median sale price of homes in Pomona was reported at \$462,500 in March 2020. In addition, the median days a home spent on the market is reported to be 31 days – a 29.5% decrease year-over-year.

A 2021 California Association of Realtors (CAR) report found that homes on the market in Los Angeles County experienced a 14.4 percent year-to-year increase and cost a median of \$664,120 in February 2021; approximately \$10,880 lower than the Southern California median home price in the same month (\$675,000). According to the CAR First Time Buyer Housing Affordability Index, for 2020 the median value of a home in Los Angeles County was \$585,360 with monthly payments (including taxes and insurance) of \$2,870 – requiring an average qualifying income of \$86,100.

Mitigating Non-Governmental Constraints

The City has developed a variety of programs and methods to assist residential development and reduce the constraints brought on by market conditions. The City implements the SB 330 overlay, which promotes consistency between the City of Pomona Zoning Code and Land Use Designations. The SB 330 overlay also increase densities in previous low density and single-unit areas of the community and promotes housing development opportunity. Additionally, the City implements streamlined permit review for projects with affordable housing, funding support and continued staff coordination to increase housing supply in the City.

Where the market does not provide for lower income housing the City utilizes programs, funding and policies to bridge the gap between market development and the City's RHNA goals. Programs and efforts are identified in *Section 5: The Plan for Pro Housing Pomona* and include the following:

- **Program 1.3A:** By-Right Housing Entitlement Analysis
- **Program 1.3B:** Housing Permit Streamlining
- **Program 1.4B:** Affordable Housing Incentives
- **Program 2.4A:** Community Land Trust
- **Program 2.4B:** Reuse, Repurpose and Redevelopment of Public Assembly Sites
- **Program 2.4C:** Housing Development on City-Owned Parcels
- **Program 2.5B:** Affordable Housing Trust Funds & Targeted Investments
- **Program 3.1A:** Express Permitting for Additional Units

C. Governmental Constraints

In addition to market constraints, local policies and regulations also affect the price and availability of housing and the provision of affordable housing. For example, State and Federal regulations affect the availability of land for housing and the cost of housing production, making it difficult to meet the demand for affordable housing and limiting supply in a region. Regulations related to environmental protection, building codes, and other topics have significant, often adverse, impacts on housing cost and availability.



While the City of Pomona has no control over State and Federal Laws that affect housing, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing create barriers to housing. All information regarding the City’s zoning, development standards, and fees is available to the public on the City of Pomona's website (www.pomonaca.gov/) pursuant to Gov. Code §65940.1 (a)(1)(B).

1. Land Use Controls

Cities in California are required by Law to prepare a comprehensive, long term General Plan to guide future development. The Land Use Element of the General Plan establishes permitted land uses and development density throughout the City of Pomona.

The following lists the Place Type designations identified in the City’s General Plan (2014). These Place Types guide the transect zoning regulations which allows for a variety of housing types. The Place Types include the following:

- Activity Center
- Residential Neighborhood
- Neighborhood Edge
- Urban Neighborhood
- Transit Oriented District: Neighborhood
- Transit Oriented District: Core
- Workplace District
- Workplace District Edge

Within the Place Types listed above, the City has identified Transect Zones which regulate the use and intensity of residential developments within Pomona. The Transect Zones (including density and height limits) are listed below:

- **T6-A DOWNTOWN CORE** – 2-12 floors and 5-100 DU/AC
- **T6-B TYPICAL** – 2-6 floors and 20-100 DU/AC
- **T5 TYPICAL** – up to 6 floors and 80 DU/AC
- **T4-A TYPICAL** – up to 4 floors and 70 DU/AC
- **T4-B NEIGHBORHOOD EDGE** – up to 3 floors and 40 DU/AC
- **T4-B SECONDARY CORRIDORS** – up to 3 floors and 30 DU/AC
- **T4-B RESIDENTIAL TRANSITION** – up to 3 floors and 20 DU/AC
- **T3 TYPICAL** – up to 2.5 floors and 20 DU/AC
- **SD SPECIAL DISTRICTS** – 9-100 floors

Note: The City currently defaults to implementing the General Plan Transect Zones rather than the Pomona Zoning Ordinance where applicable, using the SB 330 Overlay. The City has identified a goal to update the Zoning Ordinance for consistency with the General Plan. Minimum densities range based on development standards applied to the site, site acreage and developer interest. More recently (2018-2021) the City has seen and processed primarily high-density residential projects, it is not typical for developers to request to develop and density below what development standards or minimum densities permit.



State Density Bonus Law

In accordance with State Law – Government Code Section 65915 – a housing development may increase the number of units above the maximum permitted and/or receive reductions in development standards in exchange for reserving units for very low-, low-income, and/or moderate-income households or for seniors. These units must be restricted to their level of affordability for at least 55 years. The City's Density Bonus regulations are not in compliance with state law, so the City defers to using the current State Density Bonus regulations under Government Code 65915. The City's Zoning Code states that a density bonus or other incentives may be granted when a developer agrees to one of the following:

- 20% of the total units of a housing development for persons and families of lower income;
- 10% of the total units of a housing development for very low-income households; and/or
- 50% of the total units of a housing development for qualifying senior residents, as defined in Section 51.2 of the California Civil Code.

A density bonus may only apply to developments which include five or more owner-occupied housing units. The developer must enter into written agreement with the City to guarantee for 30 years the affordability of said units to low- and moderate-income households.

Until 2021, under Government Code Section 65915, known as the Density Bonus Law, the maximum bonus was 35%. California state law AB 2345 states that all jurisdictions in California are required to process projects proposing up to 50% additional density as long as those projects provide the additional Below Market Rate units (BMR) in the “base” portion of the project, unless the locality already allows a bonus above 35%. The bill also lowered the BMR thresholds for concessions and incentives for projects with low income BPRs. As of 2021, Government Code Section 65915 authorizes an applicant to receive 2 incentives or concessions for projects that include at least 17% of the total units for lower income households, at least 10% of the total units for very low-income households, or at least 20% for persons or families of moderate income in a common interest development. It also allows an applicant to receive 3 incentives or concessions for projects that include at least 24% of the total units for lower income households, at least 15% of the total units for very low-income households, or at least 30% for persons or families of moderate income in a common interest development.

The City's Density Bonus program allows a maximum of 25% density increase; however, AB 2345 requires an allowance of up to 50% density bonus when the base BMR is proposed. Currently, the City refers to the latest State Density Bonus law provisions and implements the most recent changes of state law. Additionally, the City has included a program in **Section 4: Housing Plan** to update the City's Development Code in compliance with state legislation.

2. Residential Development Standards

The City of Pomona Zoning code establishes residential zoning districts that permit a variety of developments and land uses in accordance with the General Plan. **Table B-2** provides the development standards established for each zoning district to guide appropriate development. The development



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standards include minimum lot size requirements, building setback, and lot coverage. The City of Pomona does not have a history of developer request to build at densities less than permitted.

- Single-Family Residential District (R-1-20,000)
- Single-Family Residential District (R-1-7,500)
- Single-Family Residential District (R-1-6,000)
- Planned Development Overlay District
- Medium Density Multiple-Family Residential District (R-3)
- Administrative and Professional Office District (A-P)
- Neighborhood Stores and Services Commercial District (C-1)
- General Commercial District (C-3)
- Commercial and Industrial District (C-IND)
- Light Industrial District (M-1)
- Fairgrounds Zoning District (F)
- Single-Family Residential District (R-1-10,000)
- Single-Family Residential District (R-1-7,200)
- Single-Family Residential Overlay District (R-1-E Overlay)
- Low Density Multiple-Family Residential District (R-2)
- High Density Multiple-Family Residential District (R-4)
- Planned Residential Development District (PRD)
- Neighborhood Shopping Center Commercial District (C-2)
- Highway Commercial District (C-4)
- Special Industry Zone (M)
- General Industrial District (M-2)

Table B-2: Pomona Development Standards - Dimensions

Zone	Min. Dimensions		Min. Yard Setbacks (feet)			Construction Standards		
	Lot Size	Lot Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Min. Density ⁽²⁾
R-1-20,000	20,000 sq.ft.	100 ft.	30 ⁽¹⁾	8	30	35 ft.	35%	1 DU/ 20,000 sq.ft.
R-1-10,000	10,000 sq.ft.	80 ft.	25 ⁽¹⁾	5	25	35 ft.	35%	1 DU/10,000 sq.ft.
R-1-7,500	7,500 sq.ft.	65 ft.	25 ⁽³⁾	5	25	35 ft.	35%	1 DU/7,500 sq.ft.
R-1-7,200	7,500 sq.ft.	65 ft.	25 ⁽³⁾	5	25	35 ft.	35%	1 DU/7,500 sq.ft.
R-1-6,000	6,000 sq.ft.	60 ft.	25 ⁽³⁾	5	25	35 ft.	35%	1 DU/6,000 sq.ft.
R-2	3,000 sq.ft.		25	⁽⁴⁾	⁽⁵⁾	35 ft.	N/A	7-15 DUs/acre
R-3	2,500 sq.ft.	27 ft.	25	⁽⁴⁾	⁽⁵⁾	35 ft.	N/A	15-30 DUs/acre
R-4	40,000	100	25	⁽⁶⁾	25	75 ft.	N/A	30-70 DUs/acre
A-P	40,000	100	25	⁽⁶⁾	25	75 ft.	N/A	30-70 DUs/acre
C-1	N/A	N/A	25	10	10	N/A	35%	N/A
C-2	N/A	N/A	25	10	10	40 ft.	35%	N/A



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Table B-2: Pomona Development Standards - Dimensions

Zone	Min. Dimensions		Min. Yard Setbacks (feet)			Construction Standards		
	Lot Size	Lot Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Min. Density ⁽²⁾
C-3	N/A	N/A	N/A	N/A	N/A	40 ft.	50%	N/A
C-4	N/A	N/A	N/A	N/A	N/A	75 ft.	50%	N/A
C-IND	N/A	N/A	N/A	10	N/A	75 ft.	50%	N/A
M	40,000 sq.ft.	100 ft.	60/20 ⁽⁷⁾	10	20	75 ft.	N/A	N/A
M-1	N/A	N/A	25	20	20%	75 ft.	N/A	N/A
M-2	N/A	N/A	25	20	20%	100 ft.	N/A	N/A
F	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

- 1) Except in hilly areas - in no case may said yard be less than 10 feet.
- 2) DU – Dwelling Units
- 3) Except in hilly areas - in no case may said yard be less than 10 feet. The maximum depth is 40 feet.
- 4) One-half the height of the building wall adjacent to the yard.
- 5) Equal to the height of the building wall adjacent to the rear yard – in no case less than 15 feet.
- 6) One-quarter the height of the building wall adjacent to the yard – in no case less than 10 feet.
- 7) 60 feet minimum on a major or secondary street and 20 feet on all other streets.

Source: City of Pomona Zoning Code

Yard Requirements

A yard is defined by the City’s Zoning Code as any open space on the same lot with a building unoccupied and unobstructed from the ground upward to the sky, except for the projections and/or accessory buildings permitted by the Ordinance No. 3621 Section 5. All yards must be completely landscaped except for driveways, walkways, or side or rear-yard open patios.

Lot Coverage

Lot coverage refers to the portion of a lot or building site which is occupied by any building or structure, regardless of whether said building or structure is intended for human occupancy. Lot coverage is regulated in order to avoid nuisances from inappropriate and excessive massing or density in a particular zoning district.

Maximum Building Heights

Building height is defined as the vertical distance measured from adjoining curb level to the top plate, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

Parking Standards

Sufficient off-street parking must be provided to avoid street overcrowding. This is maintained through the establishment on parking requirements, which fluctuate depending on the land use/housing type and the number of bedrooms. Single-Family Residences shall have a minimum of two covered parking spaces located within a garage with ingress from and egress to a street, alley, or highway. Garages shall have minimum interior dimensions of twenty feet by twenty feet for every dwelling unit. Single-Family



Residences should provide one guest parking space for every four dwelling units. **Table B-3** provides the parking requirements specific to the City of Pomona.

Table B-3: Multi-Family Parking Requirements	
Number of Bedrooms	Parking Spaces Required
Bachelor Unit	1 space for each unit, 1 guest parking space for every 4 dwelling units
One Bedroom	1.5 spaces for each, 1 guest parking space for every 4 dwelling units
Two Bedroom	2 spaces for each unit, 1 guest parking space for every 4 dwelling units
For each additional bedroom	0.5 spaces for each unit, 1 guest parking space for every 4 dwelling units

Source: City of Pomona Zoning Ordinance Part III Section .503

Minimum and Maximum Densities

Minimum densities range based on development standards applied to the site, site acreage and developer interest. More recently (2018-2021) the City has seen and processed primarily high-density residential projects, it is not typical for developers to request to develop at a density below what development standards or minimum densities permit.

The existing development standards have not proved to be a constraint to meeting the maximum density. There is enough flexibility that setback requirements do not constitute a constraint on residential development. The City’s 35-foot height limit for all R-1 through R-3 developments does not pose a constraint to meeting the City’s established densities and is not considered a constraint to the development of housing. Due to no maximum lot coverage requirements for multifamily zones, there are no scenarios in which maximum densities would not be feasible.

3. Planned Residential Developments

The City has established a Planned Residential Development (PRD) District with the purpose of facilitating development that will be consistent with the public interest and in retaining the unique character of certain areas, while also providing for more flexible development standards and provisions than are permitted by other residential zone districts. In addition, PRDs allow for planned subdivisions with smaller minimum lot sizes or master-planned, large multi-unit apartment communities.

4. Local Ordinances

An ordinance is a law passed by a municipal government that is enacted to maintain or improve public safety, health, and general welfare. Locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances may directly impact the cost and supply of residential development. Impacts may create governmental constraints to the development of housing and may hinder the City from meeting its share of the regional housing need and the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.



Inclusionary Housing Ordinance

Inclusionary Housing Ordinances are local zoning ordinances which either mandate or encourage housing developers to include a specified percentage of units affordable to lower and moderate-income households. Inclusionary Housing Ordinances bring affordable housing to market and increases types of housing available to different income levels.

The City of Pomona currently has an Inclusionary Housing Ordinance. Any residential development that includes three or more units is subject to the ordinance. Inclusionary Housing requirements include:

- For sale single family detached dwelling units shall include for-sale moderate-income units equal to seven percent of the total number of dwelling units in the residential development.
- For sale townhomes, condominiums or similar attached dwelling units shall include for-sale moderate-income units equal to eleven percent of the total number of dwelling units in the residential development.
- Rental low-income units included within the residential development equal to fifteen percent of the total number of for-sale and rental dwelling units included in the residential development.
- Rental low-income units located outside the boundaries of the residential development equal to fifteen percent of the total number of dwelling units in the residential development.
- Rental moderate-income inclusionary units included within the residential development equal to thirteen percent of the total number of dwelling units in the residential development.
- Rental low-income units located outside the boundaries of the residential development equal to fifteen percent of the total number of dwelling units in the residential development.
- Alternatives to developing units on-site includes In-lieu fees, land dedication, and off-site development
- For-sale inclusionary units are legally restricted to 45-year affordability.
- Rental units are legally restricted to 55-year affordability.

Inclusionary Housing requirements often increase the cost of development of housing, but incentives and waivers allow developers to develop housing for all income levels without creating constraints.

Short-Term Rental Ordinance

Short-term rentals are commonly defined as an accessory use of a Primary Residence for the purposes of providing temporary lodging for compensation for up to 30 days or less. The purpose of Short-Term Rental Ordinances is to establish regulations, standards, and a permitting process governing the renting or leasing of privately owned, visitor-serving dwelling units on a short-term basis. Short-Term Rental Ordinances are often established to safeguard residents by ensuring that short-term rental activities do not threaten the character of neighborhoods and that such short-term rental activities do not become a nuisance, or threaten the public health, safety, or welfare of neighboring properties.

The City of Pomona does not have a Short-Term Rental Ordinance but does have Short-Term Rental Guidelines detailed below:

- A Business License is required when renting a property for short-term rentals



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- A property must be registered with the City when renting it out as a short-term rental
- Short Term Rental of Accessory Dwelling Units (ADU's) is prohibited per City Ordinance
- Monthly remittance must be submitted to The City of Pomona to report rental income received

The Short-Term Rental Guidelines do not pose a governmental constraint to the development of housing for any income level.

Growth Management Measures

Growth management measures are techniques used by a government to regulate the rate, amount, and type of development. Growth management measures allow cities to grow responsibly and orderly, however, if overly restricted can produce constraints to the development of housing, including accessible and affordable housing. The City of Pomona does not have any growth management measures that would affect or hinder the development of housing in the City.

5. Specific Plans

The purpose of a Specific Plan is to implement the goals and objectives of a city's General Plan in a more focused and detailed manner that is area and project specific. The Specific Plan promotes consistency and an enhanced aesthetic level throughout the project community. Specific Plans contain their own development standards and requirements that may be more restrictive than those defined for the city as a whole. The following sections provide brief descriptions of the City of Pomona's adopted Specific Plans which affect the development of housing.

Downtown Pomona Specific Plan

The purpose of the Specific Plan is to implement a vision for Downtown Pomona which supports Transit Oriented Development (TOD) around station and transit areas, as well as reconcile overlapping development standards, land uses, and boundary conditions with the Pomona Corridors Specific Plan. The Specific Plan allows for Mixed-Use – High Density Residential (MU-HDR) and also Residential-Multifamily (R-MF). Densities permitted within the Specific Plan's 232 acres range between 40 to 100 dwelling units per acre.

Pomona Corridors Specific Plan

The purpose of the Specific Plan is to allow for private and public investments activities along the Garey Avenue, Holt Avenue, Mission Boulevard, and Foothill Boulevard corridors, and to support and promote the type of investment that will enhance the beauty and vitality of the City's primary commercial corridors. The Specific Plan includes a total of 1,95 acres and permits the following residential uses in various locations throughout the Plan: Live Work units, Multi-Family with Common Entries and Individual Entries, and Single Family Attached and Detached units.



Phillips Ranch Specific Plan

The purpose of the Specific Plan is to facilitate developments that meet the adopted guidelines within the Project area. The Specific Plan permits densities up to 8 dwelling units per acre and the following uses: Multiple Family (rental units) Attached, and Single Family Attached and Detached units.

Mountain Meadows Specific Plan

The purpose of the Specific Plan is to allow for residential, including detached and attached units, undeveloped empty lots, and open space in the northwest portion of Pomona. Multiple family residential uses and expressly prohibited.

6. Variety of Housing Types Permitted

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes, employee and agricultural work housing, transitional and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table B-4** shows the various housing types permitted throughout the City of Pomona



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Table B-4: Permitted Housing Types

Housing Types	O	R-1-20,000	R-1-10,000	R-1-7,500	R-1-7,200	R-1-6,000	R-1-E	R-2	R-3	R-4	A-P	C-1	C-2	C-3	C-4	C-IND	M	M-1	M-2	F
Single-Unit Dwellings	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Accessory Dwelling Units	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Multi-Unit Dwelling	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-
Mobile Home/ Manufactured Homes	-	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Day Care Home (8 or fewer persons)	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Day Care Home ⁽¹⁾ (9-14 persons)	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Day Care Center ⁽¹⁾ (less than 24 hours per day)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Residential Care Facility ⁽¹⁾ (6 or fewer persons)	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Residential Care Facility ⁽¹⁾ (more than 6 persons)	-	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Residential Service Facility ⁽¹⁾ (6 or fewer persons)	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Residential Service Facility ⁽¹⁾ (more than 6 persons)	-	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Rooming house	-	CUP	CUP	CUP	CUP	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-
Homeless Shelters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Single-Unit Dwelling for caretaker of industrial use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Single-Unit Dwelling for owner/lessee of industrial establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-
Farmworker Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



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Table B-4: Permitted Housing Types

Housing Types	O	R-1-20,000	R-1-10,000	R-1-7,500	R-1-7,200	R-1-6,000	R-1-E	R-2	R-3	R-4	A-P	C-1	C-2	C-3	C-4	C-IND	M	M-1	M-2	F
Low Barrier Navigation Centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rest Homes	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	-	-
In-Patient Drug Abuse Treatment Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Transitional Housing ²		P	P	P	P	P	P	P	P	P										
Supportive Housing ²		P	P	P	P	P	P	P	P	P										

1. Subject to the provisions of Section .5809-14.

2. Ordinance Number 4224 amended the City's code to permit transitional and supportive housing in all residential zones as standalone use.

Source: City of Pomona Zoning Code



Accessory Dwelling Unit

An Accessory Dwelling Unit (ADU) is defined by the City's Zoning Ordinance as an attached or a detached residential dwelling unit that provides complete independent living facilities (permanent provisions for living, sleeping, eating, cooking, and sanitation) for one or more persons and is located on a lot with a proposed or existing primary residence. ADUs are currently permitted in all residential zones. The zoning requirements and development standards of ADUs meets the intent of State law through the provisions of Ordinance No. 4281 which was adopted on March 16, 2020 and went into effect September 1, 2021.

Single-Family Dwelling

Single-Family Dwelling is defined as one permanent residential dwelling located on a single lot with yard areas that separate that dwelling from other dwellings. It shall be a detached building designed and/or used exclusively for the occupancy of one family. The definition of Dwelling, One Family meets the requirements set forth by California law. All residential zones permit the development of One Family Dwellings.

Multiple-Family Dwelling

A Multiple Dwelling is defined as a building designed for permanent residency for three or more families living independently of each other. This includes apartment houses and condominiums, but does not include hotels, motels, or inns. It is a detached building designed and used for occupancy by two or more families, all living independently of each other. Multiple-family dwelling developments are permitted in all higher density residential zones.

Mobile Home/ Manufactured Home

The City of Pomona's Zoning Code defines mobile home to be a vehicle designed or used for human habitation when used as a place of residence where such vehicle conforms to applicable state rules and regulations. A Manufactured House is defined a housing unit built with a vehicular chassis, designed and equipped for human habitation, and for being drawn by a motor vehicle, conforming to the National Mobile Home Construction and Safety Standards Act of 1974. Mobile and manufactured homes are permitted in R-1 residential zones.

Group Care Facility

A Group Care Facility is defined as a facility maintained and operated to provide residential or nonresidential care and service to children or adults including day care centers, day care homes, residential care facilities, and residential service facilities. Group care facilities are permitted through Section .5809-14 of the City's Zoning Code. Provisions are subject to requests for Reasonable Accommodations.

Homeless Shelter/Emergency Shelter

A Homeless/Emergency Shelter is defined as a facility which provides immediate and short-term housing and supplemental services for the homeless. Supplemental services may include food, counseling, and access to other social programs. Such facility is operated by a government agency or private non-profit



organization, which shelter meets the standards contained in Title 25, California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972.

State law (SB 2) requires that jurisdictions identify in their Housing Element zones in the city where emergency shelters are allowed as a permitted use without Conditional Use Permits or other discretionary permits. The identified zone(s) must have sufficient capacity to accommodate the shelter need and at a minimum, provide capacity for at least one year-round shelter. Permit processing and development / operational standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters.

Prior to the implementation of SB2, the City permitted emergency shelters in the C-IND, M-1 and M-2 zones, subject to the approval of a Conditional Use Permit. Also through the Determination of Similarity process, emergency shelters have been allowed in the R-1-7,200 and R-2 zones by right for up to six persons and with a Conditional Use Permit for seven to twelve persons. As part of its compliance with the requirements of SB 2, in June 2019 the City of Pomona replaced the use of conditional use permits with an overlay zone that authorizes the construction of emergency shelters without a discretionary permit process. Emergency shelters are prohibited in the C-IND, M-1, and M-2 zones unless those zones are included in the Emergency Shelter (ES) Overlay Zone. Community care facilities and transitional/supportive housing for six or fewer persons continue to be permitted by right, consistent with existing State laws (such as the Lanterman Disability Services Act and other Community Care Licensing Programs).

A three-month winter shelter program operated and funded by the Los Angeles Homeless Services Authority (LAHSA) operated at the Pomona Armory since 1988, and recently relocated to La Puente in December 2018. The seasonal program was funded to provide 115 beds for individuals and operated at full capacity nightly for the seasonal period. The program relocation coincided with the opening of the City's Hope for Home, which doubled the available beds for single adult's year-around.

Of the various data sources on homelessness discussed above (see "Special Needs Groups"), the Point-in-Time (P.I.T.) count of unhoused persons in Pomona conducted in January 2020 and the results of the survey completed in June 2020 provides the most comprehensive and up to date picture of the unhoused population in Pomona. The report indicates that a total of 722 unhoused individuals existed in the 2020 P.I.T count in the City, of which 320 were sheltered and 402 were unsheltered.

Emergency Shelter Overlay

To address the need for an emergency shelter beds, the City conducted a staff level review of the various zoning districts and identified parcels that have the greatest amount of vacant and underutilized land in the City, have the potential for adaptive reuse of the existing facilities, are located near main arterials and accessible to public transit routes, and are near service providers and job centers. On April 18, 2016 the City Council approved a Code Amendment to add definitions for Emergency Shelters, Supportive Housing, Transitional Housing and Target Population. At the same meeting, the City Council also amended the Pomona Corridors Specific Plan to add an Emergency Shelter (ES) overlay district to the property addressed as 1390 E. Mission Boulevard. On July 2019, the City Council further amended the Pomona Corridors Specific Plan to designate ES overlay to a second parcel at 1400 E. Mission Boulevard for the specific purpose of building a year-round emergency shelter. In July 2019, the City Council further amended the ES Overlay to include 1753 N. Park Avenue (Our House Family Shelter) and 2180 W. Valley Boulevard (ARC). The 2019 amendment also removed any bed limit on (1) 1390 E. Mission Boulevard (APN 8327-014-907



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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) and increased the previous bed capacity for the 1753 N. Park Avenue site from 13 to 20. In May 2021, the City as part of its 5th Cycle implementing program 2.18, amended the ES Overlay to include an additional three (3) parcels located at property address 3505-3531 Pomona Blvd (APN Nos. 8719-001-007; 8719-001-010; 8719-001-011), as well as amended off-street parking requirements for “emergency shelter” to a ratio of no greater than one (1) parking space per (10) individual beds, and one (1) parking space per staff member. The current list of properties and the associated existing and projected bed capacity is as follows:

Table B-5: Bed Capacity for Shelters

Address	Parcel Size (acres)	Existing Use	Number of existing beds	Number of beds if existing use repurposed	Number of beds using a 50 % development scenario
1400 E. Mission Blvd	2.58 ac	Homeless Shelter	400	--	--
1390 E. Mission Blvd.	1.36 ac	Homeless Shelter	(included in count for 1400 E. Mission)	--	--
1753 N. Park Avenue	4.0 ac	Homeless Shelter	20	--	--
2180 W. Valley Blvd.	3.82 ac	Drug Rehabilitation Center	--	--	331
3505-3531 Pomona Boulevard	2.07 ac	Industrial facility (structure built 1977, 1980)	--	91	453
Totals	--	--	420	91	784

Source: City of Pomona, 2022.

Hope for Home

In 2017, in order to address increases in the homeless population, the City Council approved a contract to construct a year-round shelter to house up to 400 individuals. In December 2018, the City of Pomona opened a state of the art, year-round emergency homeless shelter – Hope for Home, located at 1390-1400 E. Mission Boulevard on 3.94 acres of land, with 2.59 acres being buildable land. The Hope for Home is a campus like facility comprised of four buildings, which includes an ambulatory clinic (Building A), a commercial kitchen and dining area (Building B), a shower/restroom/laundry facility (Building C) and the emergency homeless shelter (Building D), as well as ancillary amenities such as dog kennels, open space, benches, tables, and shade structures. Building D is 16,000 square feet and accommodates up to 400 beds, which is achieved through 208 assembled bunk beds and 198 cots, which are set up on an as needed basis. Additionally, the emergency homeless shelter includes 596 storage lockers (388 accessed exterritorialy and 208 accessed within the shelter itself). The American Red Cross standard of 40 sq. ft. per bed was used in calculating how many beds could fit in the emergency homeless shelter (16,000 sq. ft. /400 beds = 40 sq. ft. per bed), in addition there is approximately another 14,000 sq. ft. of supportive services available in Buildings A, B and C, which equates to roughly 75 sq. feet of services (including bed space) per individual. Beyond the physical structures there is approximately 15,000 sq. ft. of open space on the site. All buildings are completed and actively serving the homeless population with a range of supportive programs and services to help the homeless gain self-sufficiency and transition to permanent housing. According to the City’s Neighborhood Services Director, as of January 2021, the Hope for Home shelter has a funding



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capacity for 208 homeless persons per night. In addition, the City utilizes state funding for the Pomona Police Department to allow officers to work alongside social service workers to conduct outreach activities.

The Hope for Home Shelter has been in use since the winter shelter located at the Pomona Armory was discontinued by the California Department of General Services in early December of 2018. At that time, 100 winter shelter beds used at the Armory were transferred to the Hope for Home Shelter and increased by 15 new winter shelter beds and 208 new interim crisis beds were established. Thus, the Hope for Home Shelter currently maintains 323 beds, with an overall capacity of 400 beds.

Analyzing Additional Capacity

All sites included in the ES Overlay were analyzed at a parcel level for proximity to existing resources that could serve emergency shelters, including emergency vehicular access, adjacency to healthcare resources, proximity to reliable transit routes, and regional connectivity and then analyzed for realistic development potential of an emergency shelter. This included a site analysis of land suitability, vehicular access, adequate width and depth of lot, and restrictions from any recorded easements or land dedications

In July 2019, The Behavior Health Services' American Recovery Center (ARC) located at 2180 West Valley Boulevard, Pomona was added to the ES Overlay. The ARC is an existing Residential Substance Abuse Treatment facility. It provides medical detoxification, residential-inpatient, outpatient, and court-related services. The ARC sits on a 3.82-acre parcel with a significant portion (1.52 acres) being vacant or underutilized. The ARC is adjacent to Valley Boulevard, a major Pomona City of Pomona Housing Element 2013-2021 10-56 thoroughfare and has access to nearby local freeways. The site is served by Foothill Transit Bus Lines 480 and 482, and a bus stop is located across the Humane Way Street. In addition, the site is served by the Pomona Valley Transportation Authority which provides dial-a-ride transportation services for a small fee. The ARC is also near supportive services such as a Los Angeles County social services office (0.3 miles away), the Pomona Valley Hospital Medical Center (4 miles away), the San Dimas Community Hospital (4.8 miles away) and multiple medical clinics within a 2-mile radius. Given the nature of services offered by the ARC and its location, it would be appropriate to expand the ES Overlay Zone to this site. The ARC property is zoned M-1-S, which allows a building of up to six stories, with no specific setbacks or lot coverage requirements. **Table B-6** shown below indicates the redevelopment scenarios that support the potential for additional beds. Using the conservative approach of a 50% lot coverage approach, 331 beds would be possible at this site.

Table B-6: ARC Redevelopment Scenarios				
Building Assumptions for 1.52 acres (66,221 sq. ft)	Building Sq. Footage at % Lot Coverage	Avg. Beds/Sq. Ft.	Capacity (1 person = 1 bed)	Remainder of Sq. Footage of Open Space at % Lot Coverage
@ 40% Lot Coverage	26,488	100	265	39,723
@ 50% Lot Coverage	33,111	100	331	33,101
@ 60% Lot Coverage	39,733	100	397	26,478
<p><i>Assumptions:</i></p> <ol style="list-style-type: none"> 1. Assumes existing building remains and the 1.52-acre vacant area is developed 2. The redevelopment scenarios assume construction of a one-story building. A multi-story building would likely contain more capacity. 3. The 100 sq. ft. per bed ratio is a more conservative estimation of potential build out, compared with the Hope for Home facility. Other shelters recently constructed in Orange County also use a 100 sq. ft. per bed ratio, so it is a reasonable build 				



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Table B-6: ARC Redevelopment Scenarios

Building Assumptions for 1.52 acres (66,221 sq. ft)	Building Sq. Footage at % Lot Coverage	Avg. Beds/Sq. Ft.	Capacity (1 person = 1 bed)	Remainder of Sq. Footage of Open Space at % Lot Coverage
<i>out assumption. The actual lot coverage of recent industrial developments constructed in the area range from 20% coverage to 50% coverage.</i>				

In May 2021, the City amended the ES Overlay to include an additional three (3) parcels currently zoned Commercial Industrial (C-IND), located at property address 3505-3531 Pomona Blvd (APN Nos. 8719-001-007; 8719-001-010; 8719-001-011). Two lots are vacant, and one lot is developed with a commercial/industrial structure (built 1977, 1980). Multiple services are located within 500 feet of the parcels, including the California Conservation Corps, Cal Poly Pomona, Los Angeles County Child Support Services, Behavioral Health Services (medical), Foothill Transit Bus routes 195 & 482 and the Temple/57 Freeway. In analyzing this site for realistic feasibility of development, the City reviewed the recent track record of allowing the conversion of existing commercial and industrial uses into higher density residential development. For example, in 2017, the City entitled the redevelopment of an 8.44-acre site previously zoned industrial. The site was re-zoned “Transit Oriented District” in the 2014 Corridors Specific Plan as part of the 2014 General Plan implementation. The subject site was previously occupied by a 134,000 square foot one-story light industrial building, including an associated chemical storage building. The site was redeveloped into 647 residential housing units, and ground-floor commercial development, representing over 70 units per acre of density. 312 of those units are currently under construction and expected to be completed by 2022. **Table B-7** below demonstrates the redevelopment scenarios that support the potential for additional beds. Using the conservative approach of a 50% lot coverage approach, 453 beds would be possible at this site.

Table B-7: 3505-3531 Pomona Boulevard Redevelopment Scenarios

Building Assumptions for 2.07 acres (90,508 sq. ft)	Building Sq. Footage at % Lot Coverage	Avg. Beds/Sq. Ft.	Capacity (1 person = 1 bed)	Remainder of Sq. Footage of Open Space at % Lot Coverage
@ 40% Lot Coverage	36,203	100	362	54,305
@ 50% Lot Coverage	45,254	100	453	45,254
@ 60% Lot Coverage	54,304	100	543	36,204

Assumptions:

- 1. Assumes existing building is expanded or new construction.*
- 2. The redevelopment scenarios assume construction of a one-story building. A multi-story building would likely contain more capacity.*
- 3. The 100 sq. ft. per bed ratio is a more conservative estimation of potential build out, compared with the Hope for Home facility. Other shelters recently constructed in Orange County also use a 100 sq. ft. per bed ratio, so it is a reasonable build out assumption.*

Project Roomkey

In addition to the bed capacity in the ES Overlay, the City actively participates in Project Roomkey, established in March 2020 as a statewide initiative that aims to provide non-congregate shelter options for people experiencing homelessness, protect human life, and minimize strain on health care system capacity



during the COVID-19 pandemic. In addition to hotels that had already agreed to shelter the homeless for isolation, the State of California entered into a partnership with Motel 6 to secure additional motel rooms. Of these Motel 6 locations, the current location at South Garey Avenue was selected as a participant for the Project Roomkey program. Since February 2021, the City of Pomona has allocated 21 rooms at Motel 6, which were obtained with vouchers provided through Project Roomkey. These vouchers are anticipated to continue through December 30, 2022.

Transitional Housing

Government Code Section 65582 defines "transitional housing" as buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculating of the assisted unit to another eligible program recipient at some predetermined future point in time, that shall be no less than six months from the beginning of assistance.

On April 16, 2016, The City adopted ordinance 2016-4224 which amended its Zoning Code to allow Transitional Housing to be considered a residential use of property, subject only to restrictions that apply to other residences of the same type (single-family or multi-family) in the same zone.

Supportive Housing

The California Health and Safety Code defines supportive housing as housing with no limit on length of stay that is occupied by a target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the house, improving their health status, and maximizing their ability to live and, when possible, work in the community. "Target population" means persons with lower incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the Welfare and Institutions Code, who include persons diagnosed with a developmental disability before age 18) and may, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. The Pomona Municipal Code does not address Supportive Housing by definition.

On April 16, 2016, The City adopted ordinance 2016-4224 which amended its Zoning Code to allow Supportive Housing as a residential use of property, subject only to restrictions that apply to other residences of the same type (single-family or multi-family) in the same zone.

Low Barrier Navigation Centers

AB 101 states that "The Legislature finds and declares that Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state and are a matter of statewide concern." Low Barrier Navigation Centers are defined as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low Barrier Navigation Centers are required as a use by right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets specified requirements. The Pomona Municipal Code does not address Low Barrier Navigations Centers by definition. A program is included in



Pro-Housing Pomona Section 5 to ensure the City’s development standards allow Low Barrier Navigation Centers by-right in all zones that permit mixed-uses and non-residential uses.

Farmworker Housing

California Health and Safety Code Sections 17021.5 and 17021.6 generally require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The Pomona Municipal Code does not address Farmworker Housing by definition. A program is included in **Pro-Housing Pomona Section 5** to ensure the City’s development standards allow Farmworker Housing by-right, without a CUP, in single-family zones for six or fewer persons.

7. Housing for Persons with Disabilities

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location and discrimination, which could limit the availability of housing for disabled persons.

Reasonable Accommodation

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Pomona Municipal Code allows for reasonable accommodations for group facilities only. The City recognizes that disabled individuals may benefit from the ability to live in group care facilities and that strict adherence to provisions of the Zoning Ordinance could result in the exclusion of such a facility from a location particularly suitable to meeting the needs of certain disabled persons. Therefore, it is the policy of the City of Pomona to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of regulations, policies, and processes set forth in Zoning Ordinance Section .5809-14, Subsections A-D. A person with disabilities is someone who has a physical or mental impairment that substantially limits one or more of such person's major life activities. Laws that protect persons with disabilities against discrimination include within their protection persons who are recovering from



addictions to alcohol or narcotics so long as such persons are not currently using the substances. The following are considered regarding the reasonableness of the requested accommodation:

- Special need created by the disabilities
- Benefits that may result from the requested adjustment of a regulation or policy
- Potential impacts on surrounding uses
- Physical attributes of the subject property and structures
- Alternative accommodations that may provide equivalent benefits
- Whether the requested accommodation would impose an undue financial or administrative burden on the City
- Whether the requested accommodation would require a fundamental alteration of the nature of a program

8. Development Fees

Residential developers are subject to a variety of permitting, development, and impact fees in order to access services and facilities as allowed by State law. The additional cost to develop, maintain, and improve housing due to development fees result in increased housing unit cost, and therefore is generally considered a constraint to housing development. However, fees are necessary to provide planning and public services in Pomona.

The varying degrees of development fees result in location of projects and housing type. The presumed total cost of development is also contingent on the project meeting city policies and regulations and the circumstances involved in a particular development project application. **Table B-8** provides the planning processing fees and **Table B-9** provides the engineering and development fees.

Description	Planning Fees ⁽¹⁾	Public Works Fees ⁽²⁾	Total	
Appeal ⁽³⁾	\$928.33	N/A	\$928.33	
Appeal of Single-Family Owner-Occupied Project	\$128.33	N/A	\$128.33	
Change of Zone	\$5,536.33	\$372	\$5,908.33	
Code Amendment	\$5,536.33	\$372	\$5,908.33	
Conceptual Development Plan	\$5,627.33	\$372	\$5,999.33	
Conditional Use Permit	\$5,768.33	\$372	\$6,140.33	
Conditional Use Permit (Single-Family, Owner Occupied)	\$1,788.33	\$372	\$2,160.33	
Conditional Use Permit for Alcohol Related Use	\$6,424.33	N/A	\$6,424.33	
Determination of Similarity	\$816.33	N/A	\$816.33	
Development Review (Pre-App)	\$2,767.33 ⁽⁴⁾	\$855	\$3,622.33	
Development Plan Review	\$4,727.42	\$372	\$5,099.42	
Environmental Assessment	Categorical Exemption	\$535.33	N/A	\$535.33
	Initial Study and Negative Declaration ⁽⁵⁾	\$2,038.33	N/A	\$2,038.33
	Initial Study and Environmental Impact Report (EIR) ⁽⁵⁾	\$532.33	N/A	\$532.33



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Table B-8: Planning Application Fees			
Description	Planning Fees ⁽¹⁾	Public Works Fees ⁽²⁾	Total
Final Development Plan	\$2,605.33	\$372	\$2,977.33
General Plan Amendment	\$5,536.33	\$372	\$5,908.33
General Plan Conformity	\$503.33	\$372	\$875.33
Historic District Designation	\$503.33 + \$10/lot	N/A	Calculated at time of submittal
Home Occupation Permit	\$120.33	N/A	\$120.33
Landscape Plan Check	\$582.33	N/A	\$582.33
Major Certificate of Appropriateness	\$503.33	N/A	\$503.33
Major Oak Tree Permit	\$503.33	N/A	\$503.33
Major Site Development Permit (DPSP)	\$6,381.33	\$372	\$6,753.33
Master Sign Program	\$1,752.33	N/A	\$1,752.33
Minor Certificate of Appropriateness	\$53.33	N/A	\$53.33
Minor Conditional Use Permit	\$4,868.33	N/A	\$4,868.33
Minor Deviation Variance	\$487.33	N/A	\$487.33
Minor Oak Tree Permit	\$120.33	N/A	\$120.33
Minor Site Development Permit (DPSP)	\$4,868.33	\$372	\$5,240.33
Outdoor Dining Permit (DPS R.O.W)	\$253.33	N/A	\$253.33
Public Use Permit	\$5,768.33	N/A	\$5,768.33
RV Parking Permit	\$361.33	N/A	\$361.33
Sign Permit	\$120.33	N/A	\$120.33
Sign Permit Variance	\$2,923.33	N/A	\$2,923.33
Single Historic Landmark Designation	\$203.33	N/A	\$203.33
Specific Plan Amendment	\$5,536.33	\$372	\$5,908.33
Temporary Banner Permit	\$13.33	N/A	\$13.33
Temporary Use Permit	\$396.33	N/A	\$396.33
Tentative Tract Map	\$5,768.33 + \$35/lot	\$306	Calculated at time of submittal
Time Extension	\$812.33	N/A	\$812.33
Time Extension for Single-Family Owner-Occupied Project	\$128.33	N/A	\$128.33
Variance	\$4,624.33	\$372	\$4,996.33
Variance for Single-Family Owner-Occupied Project	\$2,303.33	\$372	\$2,675.33
Zoning/Rebuild Letter	\$153.33	N/A	\$153.33
Notes:			
1. Fees include any applicable surcharge.			
2. Effective 9/14/2018 on listed applications.			
3. This fee is a deposit. If the appeal is not set for a public hearing by the City Council, \$570 of the deposit is returned to the applicant.			
4. Fee credited towards application fee for project if planning application is submitted within 12 months of Development Review comment letter prepared by the Planning Division.			
5. Fee does not include cost for consultant services or staff review. Staff review is calculated at 15% of the cost for consultant services.			
<i>Source: City of Pomona Planning Division Planning Application Fees, 2018</i>			

Table B-9: Engineering Fees	
Description	Fee
Certificate of Compliance	\$922
Base Fee	\$1,117



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Table B-9: Engineering Fees		
Description		Fee
Lot Line Adjustment/Lot Merger	Each Additional Lot	\$142
Processing Easements	City is Grantee	\$1,138
	City is Grantor	\$1,558
Processing Quitclaim		\$1,027
Release of Lien		\$141
Final Parcel Map		\$4,526
Tract Map		\$5,094
Vacation of Public ROW/Easement		\$1,945
Encroachment Permit Processing		\$173
Plan Check (in house)		6%
Review of Building Site Plans		\$114
Review of Traffic Impact Study		Actual + 20%
Review of Environmental Document/SUSMP		Actual + 20%
Preferential Parking Request		\$390
Traffic Control Plan Review		\$109
Review of Grading Plan Check		\$294
Address Assignment/Verification Request		\$49
Sanitary Sewer Connection (Impact Fee)	Per Linear Foot	\$30
	Additional Per Acre	\$500
Development Meetings – Planning (per meeting)		\$855
Design Review Meetings – PW		\$855
CUP Process		\$372
Subdivision Tentative Map Process		\$306
Inspection Permit		4%
Re-Inspection Fee		\$53
Drive Approach (Inspection)	Residential, standard width	\$311
	Residential, over width	\$311
Reinstatement of Expired Permit		\$49
Sewer Laterals (Inspection)	Base Fee	\$523
	Per Linear Feet Over 30 LF	\$0.79

Source: City of Pomona Resolution No. 2018-108

In 2021 the City of Pomona underwent an analysis process and market review to update and revise the city’s Development Impact Fees (DIF). The primary policy objective of a development impact fee program is to ensure that new development pays the capital costs associated with growth.¹ Prior to 2021, the City implemented a flat development fee per project type, the analysis and update changed the flat fee to a fee per unit. Updating the impact fee schedule intends to increase funding for citywide, development-related improvements, such as on and off sites improvements, and to increase smart growth and provide services as development intensifies. The City’s adopted 2021 Impact fee schedule is shown below in **Table B-10**. While overall impact fees have increase for residential to a per unit fee, rather than a flat fee, the City took the following actions as to not create impediments for affordable and accessible housing:

¹ City of Pomona, Development Impact Fee Update Study, April 13, 2021.



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- A deferral and waiver program to waive fees for inclusionary units required under the City Inclusionary Housing Ordinance
- A deferral and waiver program to defer fees for 100% affordable projects, including but not limited to cost limits for low and very low-income households in rental housing
- To capture the appropriate impact of live/work units and not overburden a typically one-person unit with excessive fees, it recommended to tie live/work units to the 500 square foot unit size or below
- Shift to collecting impact fees when the certificate of occupancy is issued to allow the building industry to better manage increased fees

Residential – Per Dwelling Unit (Square Feet)	Fee							TOTAL
	Roadways	Traffic Signals	Public Safety	Parks	Storm Drain	Water	Sewer	
Less than 500	\$6,807	\$592	\$2,284	\$4,873	\$45	\$2,424	\$2,427	\$19,452
500 to 749	\$6,807	\$592	\$2,644	\$5,640	\$45	\$2,806	\$2,809	\$21,343
750 to 999	\$6,807	\$592	\$3,227	\$6,885	\$45	\$3,425	\$3,429	\$24,410
1,000 to 1,499	\$6,807	\$592	\$3,972	\$8,473	\$45	\$4,216	\$4,221	\$28,326
1,500 to 1,999	\$10,210	\$887	\$4,307	\$9,188	\$78	\$4,572	\$4,577	\$33,819
2,000 to 2,499	\$10,210	\$887	\$4,469	\$9,532	\$78	\$4,742	\$4,748	\$34,666
2,500 to 2,999	\$10,210	\$887	\$4,680	\$9,982	\$78	\$4,966	\$4,973	\$35,776
3,000 to 3,999	\$10,210	\$887	\$4,866	\$10,381	\$78	\$5,164	\$5,170	\$36,756

Source: City of Pomona Development Impact Fee Update Study (April 13, 2021).

The development fees associated with each project is dependent on the housing type, density, and intensity of use. In addition to these direct fees, the total cost of development is contingent on the project meeting the City’s policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.

The estimated total development and impact fees for a typical 3,000 square foot single-family residential project on a 9,000 square foot lot, assuming it is not part of a subdivision and is consistent with existing city policies and regulations, can range from \$35,776 to \$36,756. Estimated total development and impact fees for a typical 34,848 square foot multi-family residential project with ten units on one acre of land, assuming it is consistent with existing city policies and regulations range from \$398,28 to \$400,066.

These estimates are illustrative in nature and that actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Pomona, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 6.24% percent to 6.51% percent of the direct cost of development for a single-family residential project and 6.13% percent to 6.16% percent for a multi-family residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities, therefore the percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.



9. On-/Off-Site Improvements

Site improvements in the City consist of those typically associated with development for on-site improvements (improvements within the lot or property boundaries specific to the project or development), and off-site improvements which are required as a result of a development or project (curb, gutter, sidewalk, road widening and upgrading; stormwater facilities; and traffic improvements). Thus, these are costs that may influence the sale or rental price of housing.

Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are considered a regular component of development of housing within the City. The majority of cost associated with on and off-site improvements is reimbursed to the City in the form of Development Impact Fees as these improvements would impact public facilities such as water and sewer lines. In April 2021, the City conducted a Development Impact Fee Update Study so analyze impact fees needed to support future developments in the City through 2040. The study concluded that there is a reasonable relationship between the use of fee revenue and new developments – both residential and non-residential – and that the fees positively advance a legitimate City interest by enabling the City to provide public facilities to new developments.

Subdivisions are required to make the necessary dedications for streets right of way and improvements based on the Official Plan of Principal Streets and Highways and/or Book of Official Plan Lines and are dependent on the location of the purposed project.

10. Building Codes and Enforcement

As of May 2021, the City has adopted the 2019 California Building Code as the basis of its building code, including the ancillary information within the tables, attachments, addendums, and footnotes. This would include the California Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and California Referenced Standards Code. The adoption of the California Building Code therefore ensures a consistent development standard that would be promoted throughout the State. The City of Pomona does not have a local Ordinance which pertain to or affect the Building Code.

The Code Compliance staff investigate, enforce, and resolves exterior property maintenance issues in violation of State and Local law. Code Compliance also abates nuisances and hazardous conditions throughout the City. Code Compliance's goal is to obtain voluntary compliance. Working together with property owners, tenants, other City Departments and outside agencies, Code Compliance continues to improve the quality of life throughout the community. Code Compliance continues to assist the Police Department with the cleanup of homeless encampments and the shutdown of illegal marijuana dispensaries throughout the City. Code Compliance is able to resolve exterior property maintenance issues by voluntary compliance, citations, abatements, and civil/criminal prosecution.

11. Local Processing and Permit Procedures

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that



elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for discretionary entitlements are recommended to request a pre-application meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the City's review process, possible project alternatives or revisions; and identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

The City complies with PSA requirements that were revised per SB 330. There are now vesting application processes and limitations on timing for review based on the size of a residential project. Additionally, ADU law was recently revised limiting an agency's time to approve or act on the application to 60 days maximum. Compliance with all these new time limits would reduce or remove many constraints to housing. The City is in compliance with all permit processing procedures and tries to limit review time from initial application to issuance building permits. Although the development community cites the permit processing time as a contributor to the high cost of housing, the City must be diligent in its review of development projects. Review times from initial application to permit issuance is comparable to other Cities in the region. Permit processing time in the City does not create a constraint on the development of housing.

All discretionary entitlement applications are first reviewed by City Staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing. The typical timeframe for the discretionary review of a single-unit for-sale, a single-unit rental, or a multi-unit condo or rental housing project is six months followed by an additional six to 12 months of ministerial processing for a total of 12 to 24 months. For ministerial projects, the typical timeframe is between six and 12 months.

The appropriate review process and requirements for each discretionary planning permit application is as follows:

Pre-Applications and Inquiries

Prior to submitting a ministerial or discretionary permit application, prospective applicants often visit the Planning Counter to make inquiries or to formally request a pre-approved review. The following pathways are typically followed as follows at this stage of development:

1. Zoning Information Letter: Applicants may formally submit for a Zoning Letter application. A letter will be drafted and issued to the applicant outlining the property development potential of a given parcel, or multiple parcels. A Zoning Information Letter is generally completed within 10 business days of an application.
2. Inquires: Applicants may make formal inquiries to Planning Counter staff by email, phone, or in person at City Hall, between the hours of 7:30 A.M. to 6:00 P.M., Mondays through Thursdays.



Often, Planning Staff may schedule a formal meeting with a prospective application to discuss project details in greater detail. These meetings typically involve Senior Staff, the Planning Manager, and Director of Development Services, and are scheduled as needed.

3. **Pre-Applications:** For projects involving discretionary actions, a Pre-Application may be filed with the Planning Division. A Pre-Application represents an initial site plan review from all City departments and serves as an opportunity for an applicant to receive formal comments on a project to determine the feasibility of a full submittal. Pre-Applications generally take 3 to 6 months.

Discretionary Review Process

The following process is typical for actions on housing development projections involving “discretionary” authority, which typically involves approval by the Director of Development Services or Planning Commission. Generally, this process for housing development projects ranges from 6 months to 12 months, depending on the complexity of the project.

Overall Steps

1. Applicant submits an application based on a Completeness Application Checklist to the Planning Counter.
2. The Planning Division reviews an application for completeness. If there are missing elements to the application, an “Incomplete Letter” is issued. This process is timed in accordance with the Permit Streamlining Act.
3. Once an application is deemed complete, the Planning Division reviews the submittal against all relevant ordinances. Correction letters are issued as needed to resolve any non-compliance.
4. Concurrent to Planning review, a copy of the submittal is routed internally to Public Works, Building and Safety, Water Resources, Trash, Police, and Pomona Unified School District for comments. All comments are organized and shared with the applicant as part of review.
5. Concurrent to compliance review, the environmental review process occurs, for compliance with the California Environmental Quality Act, or CEQA.
6. Once an application meets compliance and completeness, and environmental review is completed, it is noticed for a public hearing, which may include a public notice to the Inland Valley Daily Bulletin, and anywhere from a 400 to 1,000-foot radius noticing to property owners and tenants.
7. A public hearing is conducted at the appropriate discretionary body, which may include the Director of Development Services or the Planning Commission. Applications involving legislative actions such as zone changes, general plan amendments, require City Council approval.

Detailed Steps

1. **Application Intake:**
 - a. Within 30 days (as required of the California Permit Streamlining Act) of submittal, staff will determine if application is complete
2. **Routing to Departments:**
 - a. After completeness is determined, staff will route the project to other departments and request a review and comments. Departments include:
 - i. Building & Safety



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- ii. Public Works (Transportation & Development Division, Parks, Solid Waste, Environmental)
 - iii. Water Resources
 - iv. Streets and Solid Waste
 - v. L.A. County Fire/Land Development Unit (Fire prevention)
 - vi. Submit through the website: (lacounty.gov)
 - vii. Pomona Police Department
 3. **Review:**
 - a. Each department will conduct their own review concurrently. Planning staff will schedule a site visit to the location of proposed project
 4. **Comment Letter:**
 - a. The applicant will be issued a “Comment Letter” with comments from Building & Safety, Public Works, Water Resources, and Streets & Solid Waste Department (L.A. County Fire issues comments separately).
 - b. The California Environmental Quality Act (CEQA) requires all California public agencies to identify and inform the public if the construction of the proposed project may have a potential significant environmental effect.
 - i. Staff will make the determination of appropriate environmental review process
 - c. If no > No further action
 - d. If yes > Is it exempt?
 - i. Yes > No further action
 - ii. No > An initial study is prepared and determine whether:
 - A Negative Declaration can be prepared
 - A mitigated Negative Declaration
 - An Environmental Information Review (EIR) is needed
 5. **Staff Analysis:**
 - a. Staff will analyze against the city’s general plan, zoning ordinance, and all applicable development standards
 - b. If corrections are required: Once correction are made and received by staff, then the project is determined to be ready for public hearing
 6. **Project is Ready for Hearing:**
 - c. Public hearing notice is prepared and published
 - i. Notice is mailed to radius requirement
 - ii. Publish to local newspaper (Inland Valley Daily Bulletin)
 7. **Public Hearing:**
 - a. Date of Public Hearing (Planning Commission)
 - i. 2nd and 4th Wednesday’s
 - b. If project is approved or denied, the 20-day appeal period begins
 - i. If appealed: Project goes to City Council
 - ii. If no appeals: Planner files all necessary documents
 8. **Entitlement is Closed (Approved or Denied)**
 - a. If approved, applicant can now submit for building permits to Building & Safety Department for construction. Submittals to plan check must be made by the expiration date listed on the approved resolution.



Ministerial Review Process

The following process is typical for actions on housing development projects involving “ministerial” authority, which is also known as “plan check.” Plan checks for housing development projects typically take 6 months to 12 months, depending on the complexity of the project.

1. **Application Intake:**
 - a. The Building and Safety Department intakes all ministerial applications and checks for completeness.
2. **Routing to Departments:**
 - a. After completeness is determined, Staff will route the project to other departments and request a review and comments. Departments include:
 - i. Building & Safety
 - ii. Planning
 - iii. Public Works (Transportation & Development Division, Parks, Solid Waste, Environmental)
 - iv. Water Resources
3. **Review:**
 - a. Each department will conduct their own review concurrently. Planning staff will schedule a site visit to the location of proposed project if necessary.
4. **Correction Letter (multiple letters may be needed):**
 - a. Staff from each respective department issues a correction letter within 14 and 28 days to the application, requesting a revised plan, or determining that the plan as submitted is satisfactory. If a revision is required, the applicant re-submits back to Step 1.

Estimated Total Review Time to Permit Issuance

From initial pre-application and inquiry to discretionary action to ministerial permit issuance, housing development projects take anywhere from 12 to 24 months on average in the City of Pomona. Projects that do not involve discretionary action generally take 6 to 12 months, while projects involving discretionary action take 12 to 24 months.

Approval Certainty

Housing development projects in the City of Pomona that are four or fewer units do not require public hearings. For housing development projects that are five or more units, a Development Plan Review public hearing is involved, which requires discretionary approval from the Director of Development Services (except within the Phillips Ranch Specific Plan, which requires a Major Site Development Permit reviewed by Planning Commission). All of these approvals are rarely appealed; for example, in the past four years, not a single housing development projects that was approved at a public hearing was appealed to a higher approval body. Therefore, in conclusion, projects with four or fewer units are generally allowed by right, and projects greater than five units generally involve a single public hearing and rarely require continuance or second hearings.



Findings

Approval findings for housing development projects requiring a public hearing vary depending on whether the proposed project is within a Specific Plan or only subject to the SB 330 Overlay Zoning District/Pomona Zoning Ordinance. Overall, the findings listed below are not deemed a constraint to the development of housing:

- **SB 330 Overlay District/Pomona Zoning Ordinance (Urgency Ordinance No. 4311, Section .585-C):**
“To approve a Development Plan Review, the approving body shall make the following objective findings:
 1. *The project is consistent with the City of Pomona General Plan and all applicable requirements of the Pomona City Code.*
 2. *The project complies with the applicable regulations of the Pomona Zoning Ordinance and all other applicable Federal, State, and local regulations.”*
- **Downtown Pomona Specific Plan (Section 2.2.2):**
“To approve a Development Plan Review, the Director of Development Services shall make the following four findings:
 1. *The project is consistent with the City of Pomona General Plan and all applicable requirements of the City of Pomona Municipal Code; and*
 2. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood; and*
 3. *The project will not adversely affect the policies contained in the Public Realm chapter of the Downtown Pomona Specific Plan; and*
 4. *The project complies with the applicable regulations contained in the Private Realm chapter of the Downtown Pomona Specific Plan and all other applicable Federal, State, and local regulations.*
”
- **Pomona Corridors Specific Plan (Section 2.03.3-A):**
“In order to approve a Development Plan Review application, the Community Development Director shall make the following findings:
 1. *The project is consistent with the City’s General Plan and all applicable requirements of the Pomona City Code; and*
 2. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood; and*
 3. *The project will not adversely affect the Circulation Plan of this Specific Plan; and*
 4. *The project complies with the applicable provisions of the Pomona Corridors Specific Plan and other applicable regulations.”*
- **Phillips Ranch Specific Plan 2016 Amendment (Section 1.3.2.3):**
“The reviewing body shall grant approval of a Major or Minor Site Development Permit application, with or without conditions, if all the following findings are made:
 1. *The project is consistent with the City’s General Plan and all applicable requirements of the Pomona City Code; and*
 2. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood; and*
 3. *The project complies with the applicable provisions of the SPA and other applicable regulations.”*



Program Considerations:

- The City should assess all findings for discretionary permits to determine which findings have ambiguity and subjectivity, and consider eliminating or modifying such findings to be more objective as part of the Pomona Zoning Ordinance Update (Program 1.2A).

Post Permit Issuance and Construction

Upon permit issuance, an applicant may proceed with construction of the housing development project. This timeline is generally dictated by the applicant's own readiness to pursue construction, market conditions, weather, labor, and other non-governmental variables. As phases of construction are complete, the applicant requests inspections from respective City departments, such as Building and Safety and Public Works. Upon final completion of a housing development project, a final inspection is conducted by each City department, and a Certificate of Occupancy is issued.

Senate Bill 35

California Senate Bill 35 (SB 35), codified at Government Code Section 65913.41, was signed on September 29, 2017 and became effective January 1, 2018. SB 35 will automatically sunset on January 1, 2026 (Section 65913.4(m)). The intent of SB 35 is to expedite and facilitate construction of affordable housing. SB 35 applies to cities and counties that have not made sufficient progress toward meeting their affordable housing goals for above moderate- and lower-income levels as mandated by the State. In an effort to meet the affordable housing goals, SB 35 requires cities and counties to streamline the review and approval of certain qualifying affordable housing projects through a ministerial process.

When a jurisdiction has made insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report (2018) it is subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50 percent affordability. All projects, which propose at least 50 percent affordable units within Pomona are eligible for ministerial approval under SB 35 as determined by the SB 35 Statewide Determination Summary. To be eligible for SB 35 approval, sites must meet a long list of criteria, including:

- A multifamily housing development (at least two residential units) in an urbanized area;
- Located where 75% of the perimeter of the site is developed;
- Zoned or designated by the general plan for residential or mixed use residential;
- In a location where the locality's share of regional housing needs have not be satisfied by building permits previously issued;
- One that includes affordable housing in accordance with SB 35 requirements;
- Consistent with the local government's objective zoning and design review standards; and
- Willing to pay construction workers the state-determined "prevailing wage."

A project does not qualify for SB 35 streamline processing if:

- A coastal zone, conservation lands, or habitat for protected species;
- Prime farmland or farmland of statewide importance;



- Wetlands or lands under conservation easement;
- A very high fire hazard severity zone;
- Hazardous waste site;
- Earthquake fault zone;
- Flood plain or floodway;
- A site with existing multi-family housing that has been occupied by tenants in the last ten years or is subject to rent control; or
- A site with existing affordable housing.²

According to HCD’s *SB 35 Statewide Determination Summary* (based on APR data received as of June 25, 2019), the City of Pomona has not made sufficient progress towards its Above-Moderate income RHNA and is therefore subject to SB 35. The City is subject to the streamlined ministerial approval process for proposed developments with at least 10 percent affordability. No projects have been submitted or processed between 2014 and 2021 using SB 35.

D. Infrastructure Constraints

Another factor that could constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often “passed on” in as part of home rental or sales rates.

1. Dry Utilities

Electricity

The City of Pomona utilizes two providers for electricity resources, including Southern California Edison (SCE), which provides electricity to much of Southern California. According to the California Energy Commission, SCE consumed approximately 80,912 million kilowatts per hour (kWh) of electricity in 2019. SCE continues to provide energy to the state of California through a series of methods including oil and natural gas, renewable energy resources and alternative diverse supplies.

In addition, the City of Pomona created in 2020 Pomona Choice Energy to offer its residents and local businesses another option for electricity. Pomona Choice Energy is locally-managed, not-for-profit, and offers clean energy at low and competitive rates. Revenue from the program is reinvested into the community through local programs and benefits. Pomona Choice Energy offers customers the option to choose between 35% carbon free energy, 100% renewable energy, or self-generated energy or customers who generate their own electricity through solar, wind, or other methods.

² JD Supra Knowledge Center, “How California’s SB 35 Can Be Used to Streamline Real Estate Development Projects”, Accessed March 26, 2021.



Natural Gas

The Southern California Gas Company (SCGC) provides natural gas service to Pomona and is the nation's largest natural gas utility provider with more than 21.8 million consumers across 24,000 square miles throughout Central and Southern California. As a public utility, SCGC is under the jurisdiction of the California Public Utilities Commission (CPUC) which regulates natural gas rates and natural gas services, including in-state transportation over the utilities' transmission and distribution pipelines system, storage, procurement, metering, and billing. Most of California's natural gas supply comes from out of the state. SCGC is responsible for providing service to residential, industrial, and commercial customers in Pomona.

2. Water Supply and Wastewater Capacity

Water Supply

According to the City's General Plan, water service within the City is provided by the City's Public Works Department with supply sources including groundwater, treated surface water, imported water and water conservation. Groundwater is the primary source of water supply for the City, providing approximately 70% of the water, which is drawn from four groundwater basins, including: Chino Basin, Pomona Basin, Claremont Heights Basin and Spadra Basin. In addition, 23% of water is supplied by imported water from the Metropolitan Water District of Southern California (MWD), and 7% is local surface water from the San Antonio and Evey Canyon watersheds and is treated at the Pedley Water Treatment Plant. As documented by the City's Water and Recycled Water Master Plan (dated May 2005), the City anticipates having a sufficient water supply to meet the projected annual water demands in a dry year through the year 2025. However, by establishing higher density development patterns there will be less demand for water primarily due to lower outdoor watering/ irrigation needs.

The existing demand for recycled water within the City is approximately 5,595 acre-feet per year, according to the City's General Plan. Major users of recycled water in the City include Cal Poly Pomona, Frank G. Bonelli Regional Park, the City of Pomona Parks Department, Cal Trans, and Robert's Ready Mix. The City expects to add new customers to its list of recycled water users, and they estimate future demand (through the year 2025) to be approximately 6,189 acre-feet per year. This is a 10% increase compared to existing recycled water demand and, according to the May 2005 Water and Recycled Water Master Plan, the City is planning improvements to its existing recycled water system to be able to accommodate the additional demand. These improvements include replacement of pumps, new pipelines, and the addition of new recycled water fire hydrants.

Wastewater

Wastewater service within the City of Pomona is provided by the City's Public Works Department. Wastewater from the City's system is treated by the Los Angeles County Sanitation Districts (LACSD). A majority of the City's wastewater is treated and disposed of at the LACSD's Pomona Water Reclamation Plant (PWRP). Sewage effluent from the neighboring cities of La Verne and Claremont is also treated at the PWRP. The PWRP currently has a design capacity of 15 million gallons per day (mgd) and in 2012 treated an average flow of 8.7 mgd; the PWRP is currently operating below design capacity. In addition, the City operates four pump stations that feed into the PWRP. As noted within the May 2005 Sewer Master Plan, all four pump stations have sufficient capacity to meet existing and estimated future service requirements.



(to the year 2025). The May 2005 Sewer Master Plan outlines a Capital Improvement Plan for the pipeline system and improvements to the pump stations.

On April 13, 2021 the City adopted an updated development impact fee schedule which considered public infrastructure and resources as they are related to growth in Pomona. The study and fee schedule identified storm drain, water, recycled water, and sewer fees to ensure that new development funds its fair share of public services and resources. The City plans to use the revenue collected through these fees to fund improvements, updates and necessary maintenance for public utilities and water and sewer resources.

3. Public Service Constraints

As cities grow population and households increase as well as economic opportunities and respective employees. Public services such as fire, police and emergency services are vital to the health and safety of both the resident and working community. Costs to maintain and support these public services are funded by resident and business taxes, however costs to increase infrastructure to support public services is often funded by the developer and can be passed along to owners and renters in upfront costs. Additionally, it is important that where growth occurs in a city there is connectivity, appropriate resources and services.

Fire and Emergency Services

Fire Prevention

According to the City's General Plan, the Los Angeles County Fire Department (LACFD) serves the City of Pomona. LACFD operates nine divisions, 21 battalions, 160 staffed fire stations, and 11 fire suppression camps and answers over 282,000 emergency calls annually. The City of Pomona is part of the LACFD Division VIII, located on the eastern boundary of the Department's jurisdiction.

Emergency Medical Services (EMS)

The LACFD is also responsible for providing emergency medical services throughout the City of Pomona. The LACFD EMS Bureau was created to address the growing needs across the County and currently comprises about 85 percent of the Department's responses. The Department is committed to providing prompt, clinically skilled, and caring services to ensure positive outcomes for the whole community.

Police Services

The Pomona Police Department provides law enforcement services to the community. Services include the following:

- Preserving and protecting life and property;
- Enforcing City, County, and Federal statutes, ordinances, and laws;
- Investigating criminal activities;
- Apprehending criminals and recover stolen property;
- Providing programs to educate the public in crime prevention; and
- Processing all parking citations.

The Pomona Police Department is made up of the Administrative Services Department, Investigative Services Department, and the Operations Division. The Operations Divisions' Patrol Services represents the



primary function of the Police Department and is primarily responsible for reporting to “in progress” crimes, assisting the community, conducting investigations, arresting perpetrators, and report on crimes.

The Community Programs group within the Police Department is responsible for educating the community on crime prevention and encouraging the formation of Neighborhood Watch Groups and Business Watch Groups as a method of deterring crime. Other community events hosted by the Community Programs team members include:

- Coffee with a Cop
- Citizen’s Academy
- National Night Out
- Shred-A-Thon
- Drug Take Back
- Santa Cop

On April 13, 2021 the City adopted an updated development impact fee schedule which considered services related to growth in Pomona. The study and fee schedule identified a public safety facilities fee to ensure that new development funds its fair share of public safety facilities. The City plans to use public safety facilities fee revenue to construct improvements and acquire capital facilities and equipment to add to the system of public safety facilities to serve new development.³

E. Environmental Constraints

The City of Pomona is located in the valley between Angeles Nation Forest to the north, San Bernardino National Forest to the west, and Cleveland Nation Forest to the south. The City is susceptible to several potential environmental constraints to the development of housing, including geologic and seismic hazards, flooding, and fire hazards, all of which are detailed below.

1. Geologic and Seismic Hazards

The City is located within the northern portion of the Peninsular Range geomorphic province, which is characterized by steep, elongated valleys and ranges that generally trend northwestward from the tip of Baja California to the Los Angeles Basin. Within the City of Pomona, natural hazards such as seismic and soils hazards, liquefaction, and landslides pose potential hazards to the community.

Seismic Hazards

The City of Pomona, as with the rest of Southern California, is located within a seismically active region. Faults and earthquakes present direct hazards from fault ruptures and ground shaking. According to the City’s General Plan Noise and Safety Section, the United States Geological Survey (USGS) estimates a 60 percent probability that an earthquake with a magnitude 6.7 on the Richter scale will occur in Southern California in the coming years.

Faults

³ City of Pomona, Development Impact Fee Update Study, April 13, 2021.



The City of Pomona is located near several major active faults, including the San Andreas, Sierra Madre, and Whittier-Elsinore fault zones. Active faults located within the City include the San Jose, Indian Hill, Chino, and Central Avenue faults.

The Noise and Safety Element of the General Plan identifies the San Jose fault as having the greatest earthquake activity probability. While this fault and the other local faults in Pomona may have smaller probabilities of earthquake activity, large ruptures of the major active faults may trigger additional ruptures locally. The General Plan policies seek to ensure that new structures are built with consideration of the major hazards associated with earthquakes.

2. Flooding

As a result of extensive flooding in the 1930s due to the San Antonio Canyon floodplain, the City developed several miles of large flood control channels to protect the City from future flooding. The Noise and Safety Element of the General Plan identifies localized inundation as the greatest concern for the community. Full failure or rupture of the San Antonio Dam would result in the flooding of eastern portions of Pomona. Full failure or rupture of the Live Oak Reservoir would also result in the flooding of northern portions of the City. However, both possible events are considered highly unlikely to occur.

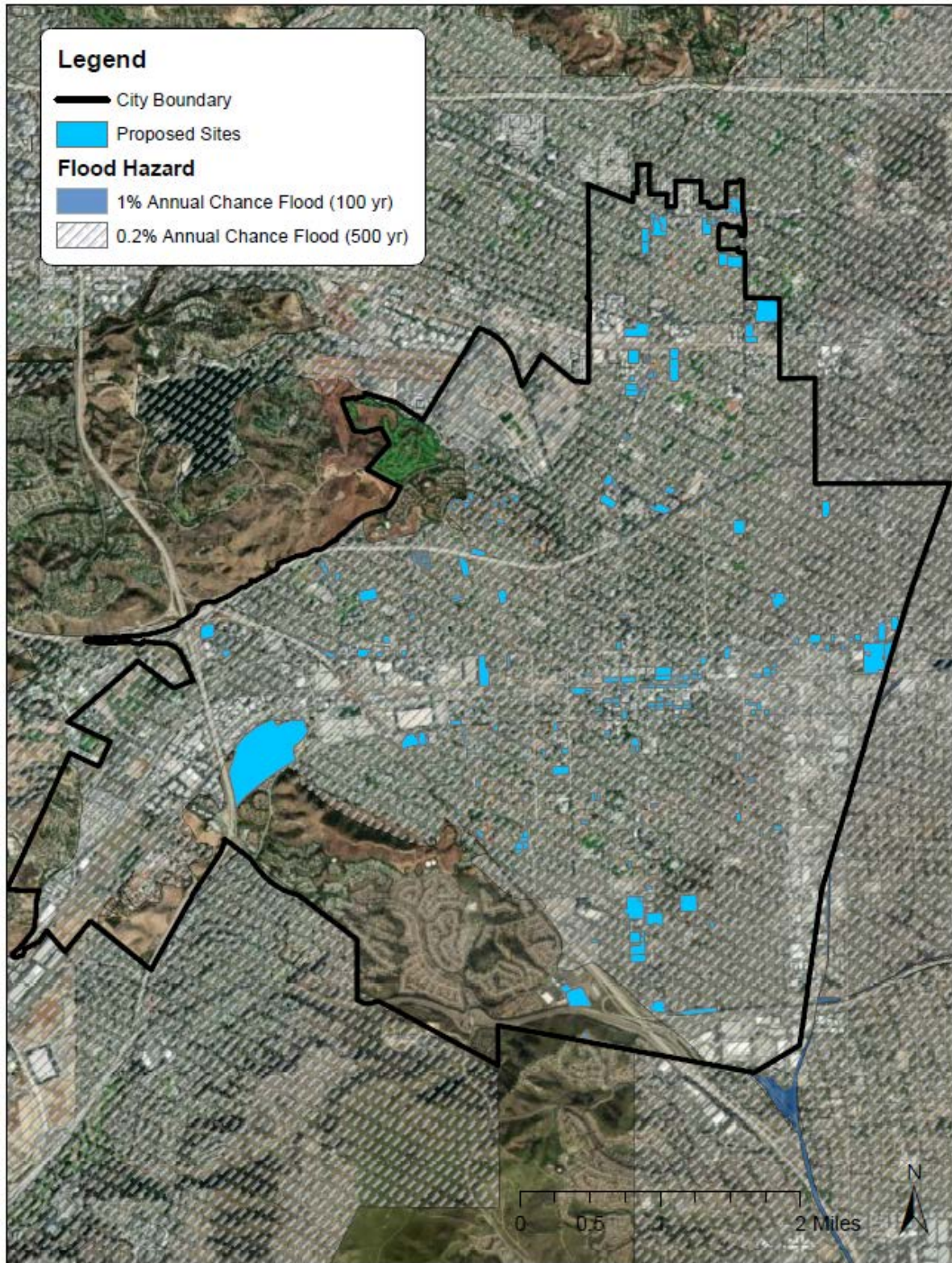
100-Year Floods

One-hundred-year floods are those that have 1/100 or one percent chance of occurring in any given year. According to the Los Angeles County Public Works Flood Zone Determination Website, the City of Pomona is not located within a 100-year flood zone.

Figure B-1 illustrates the flood zones within the City of Pomona in relation to the proposed sites selected for future housing. There are no housing sites located within the 100-year flood zone. The majority of the sites are located within the 500-year flood zone. The 500-year flood zone is considered an area of minimal flood hazard and does not present a constraint to the development of housing as the sites are located within an existing developed context.



Figure B-1: Flood Zones and Proposed Sites Map



Source: FEMA, Flood Zones SCAG, published by Southern California Association of Governments, 2019, accessed November 2021.



3. Fire Hazards

Wildland Fires

The Noise and Safety Element of the General Plan identifies parts of the City as being susceptible to wildland fires due to hilly terrain, dry weather conditions, and plant cover. The southwestern corner of the City and the Ganesha Hills areas are identified as the most at risk of wildland fires, where even a small fire may quickly spread and threaten nearby residential areas.

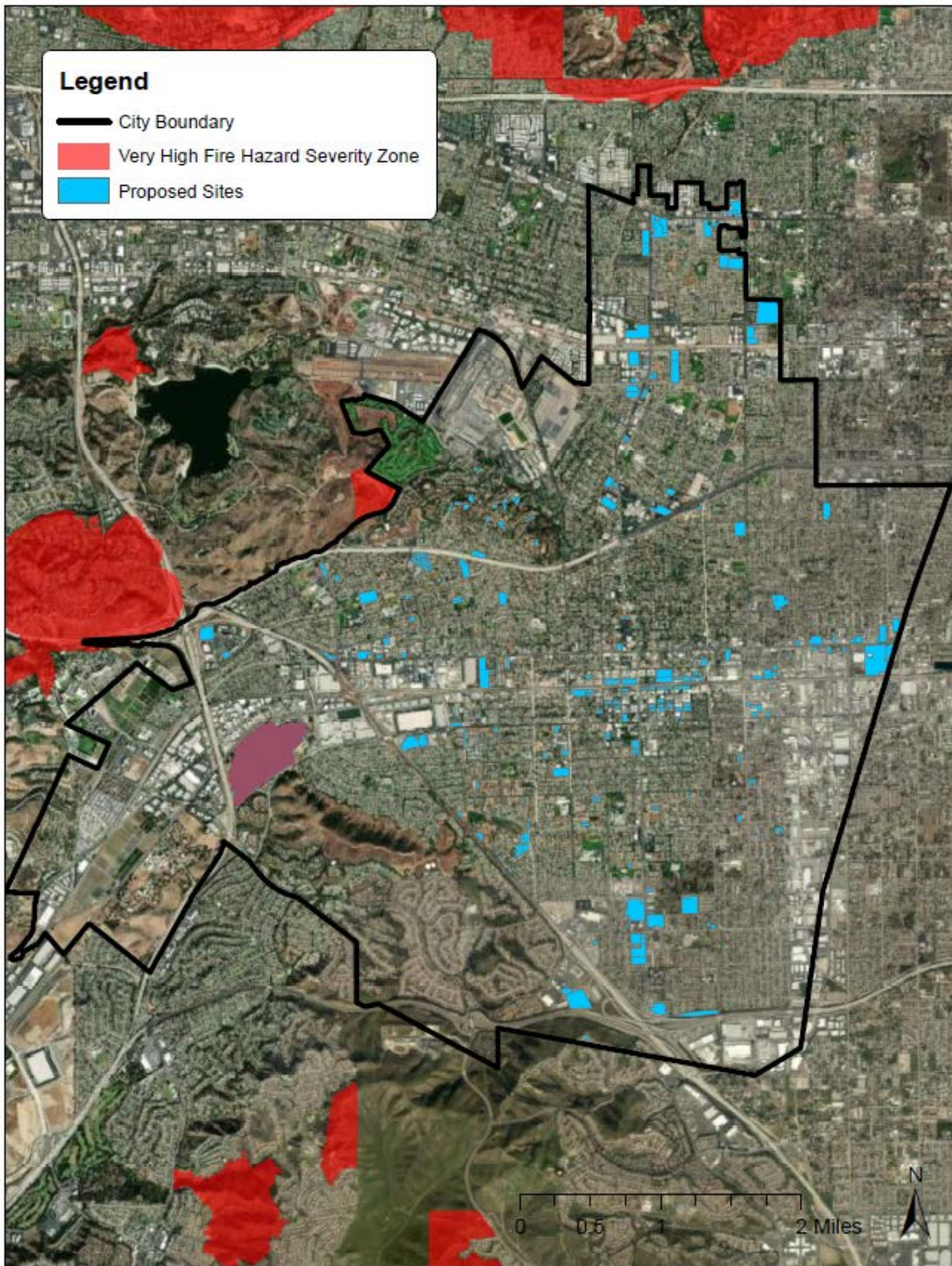
Urban Fires

The greatest fire hazard threatening residential neighborhoods are for those located near the wildland/urban interface areas. The prevalence of open space and steep slopes near neighborhoods in Philips Ranch and Ganesha Hills create higher potential risk for wildland fires affecting residential communities.

Figure B-2 maps the fire hazard severity zones identified within the City in relation to the proposed sites for future housing. Based on the map all of the housing sites except for one are located outside of the fire hazard severity zones. The one site that is located within a fire hazard severity zone is already designated for housing and located adjacent to existing developed land. Additionally, the City's emergency response services can accommodate the planned increase in dwelling unit capacity.



Figure B-2: Fire Hazard Severity Zones and Proposed Sites Map



Source: VHFHSV in LRA, Cal Fire, May 2012.



4. Summary of Environmental Constraints on Sites

The City has reviewed all sites identified in the sites inventory for the above environmental concerns and considerations as well as development regulation and land use restrictions. Additionally, each site has been reviewed for access to infrastructure, water, utilities and additional development constraints. Where the analysis showed increased barriers to development related to environmental concerns, infrastructure concerns or existing conditions/development concerns (such as slope and grading, hazardous surrounding uses, restrictive development standards, etc.) the sites were removed. The result is a list and analysis of sites which are most ripe for development or redevelopment for housing, a complete analysis of the sites is provided in **Appendix C**.