

**URGENCY ORDINANCE NO. 4340**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING SECTIONS .5809-26 OF THE CITY OF POMONA ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**

**WHEREAS**, the City of Pomona, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

**WHEREAS**, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Government Code sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

**WHEREAS**, in 2023, the California Legislature approved, and the Governor signed into law, new bills (AB 976 and AB 1033) that further amend Government Code sections 65852.2; and

**WHEREAS**, AB 976 and AB 1033 take effect January 1, 2024, and if the City’s ADU ordinance does not comply with the applicable requirements imposed by AB 976 and AB 1033 by that date, the City’s entire existing ADU ordinance becomes null and void as a matter of law; and

**WHEREAS**, the City desires to amend its local regulatory scheme for the construction of ADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.26, as applicable; and

**WHEREAS**, the City of Pomona has duly initiated Code Amendment (CODE-022706-2023);

**WHEREAS**, there is a current and immediate threat to the public health, safety, or welfare based on the passage of AB 976 and AB 1033, as applicable, because if the City’s ordinance does not comply with the amended laws as of January 1, 2024, and the City’s ADU ordinance becomes null and void, the City would thereafter be limited to applying the few default standards that are provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

**WHEREAS**, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, and architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety,

health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a six-sevenths (6/7) vote of the City Council; and

**WHEREAS**, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code sections 36934 and 36937(b).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pomona as follows:

**SECTION 1.** The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

**SECTION 2.** Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

**SECTION 3.** The City Council hereby finds that the proposed Code Amendment is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is, as a matter of law, consistent with the Pomona General Plan pursuant to Government Code Section 65852.2(a)(1)(C).

**SECTION 4.** Section .5809-26 of the City of Pomona Zoning Ordinance is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 5.** This ordinance takes effect immediately upon its adoption.

**SECTION 6.** The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

**SECTION 7.** The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

**SECTION 8.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or

applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

**PASSED, APPROVED AND ADOPTED** this 4<sup>th</sup> day of December, 2023.

**CITY OF POMONA:**



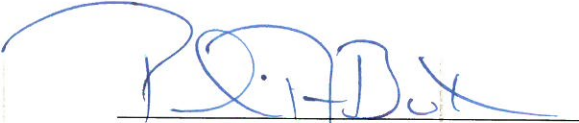
\_\_\_\_\_  
Tim Sandoval  
Mayor

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Sonia Carvalho  
City Attorney

**ATTEST:**



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Rosalia A. Butler, MMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )ss.  
CITY OF POMONA                )

I, DIANA ROBLES, DEPUTY CITY CLERK of the City of Pomona do hereby certify that the foregoing Urgency Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on December 4, 2023 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on December 4, 2023 by the following vote:

AYES:           Garcia, Lustro, Nolte, Ontiveros-Cole, Preciado, Sandoval  
NOES:           None  
ABSENT:        Torres  
ABSTAIN:       None



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Diana Robles  
Deputy City Clerk