April 2, 2019

Anita D. Gutierrez, Acting Director
Development Services
City of Pomona
505 S. Garey Avenue
Pomona, CA 91769

Dear Anita D. Gutierrez:

RE: Review of the Pomona’s Revised Draft Housing Element Update

Thank you for submitting the City of Pomona’s revised draft housing element update received for review on February 1, 2019. Pursuant to Government Code Section 65585(b), the Department of Housing and Community Development (HCD) is reporting the results of its review. HCD considered comments from Public Counsel, pursuant to Gov. Code Section 65585(c).

The revised draft addresses many statutory requirements; however, the following revisions will be necessary to comply with state housing element law (Article 10.6 of the Government Code):

The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7)... If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element...(Gov. Code Section 65583(a)(4)(A))

The element must demonstrate sufficient capacity to accommodate the need for emergency shelters. While the element includes information regarding the capacity for emergency shelters, it does not demonstrate sufficient capacity. Specifically:

Hope for Home: The element describes that Hope for Home has a gross capacity for 400 beds in a 16,000 square foot facility but should include analysis to demonstrate the facility is sufficient to accommodate 400 beds. For example, the element could detail where the beds are located relative to various services and facilities and the amount of square feet that is assumed per bed.
American Recovery Center (ARC) Site: The element mentions the ARC sits on a 3.82 acre site but does not describe how the site can be developed to accommodate the remaining shelter need of 278 persons, including the potential for redevelopment. To address this requirement, the element could explain how a facility could be built given the existing use. For example, the element could explain (1) the remaining vacant acreage (1.52 acres) is intended to meet the need for emergency shelters and not the whole site, (2) assumed lot coverages and heights relative to surrounding development and (3) square footage assumptions per bed for the covered portion of the site.

Program 2.18 (Identify Additional Sites for Emergency Shelters): Program 2.18 commits to apply the overlay zone within 180 days of adoption. However, the element cannot be found in compliance until the zoning and capacity is available. As a result, the timing should be modified to be concurrent or prior to adoption of the housing element. Also, Program 2.18 commits to monitor the need for emergency shelters and undertake an analysis of sites if insufficient capacity is available. The Program should make a clear commitment to rezone sites within a specific time period (e.g., 6 months), beyond undertaking an analysis. Given the lack of surplus capacity and complexity of zoning additional sites, Program 2.18 could also commit to rezone additional sites regardless of whether sufficient capacity is available.

The element will comply with housing element law once it has been (1) revised to address the above requirements, (2) adopted and submitted to HCD and (3) zoning is completed to address emergency shelter requirements.

HCD has received informal revisions from the city. These informal revisions could meet the requirements described above. However, Program 2.18 should clarify rezoned sites will be suitable and available for the development of an emergency shelter(s). Also, the informal revisions must be made available to the public and HCD must consider comments from the public which could change the review of the informal revisions. Further, as noted in HCD’s April 27, 2018 review, the city must continue to engage the community including organizations representing people experiencing homelessness and commenters and make revisions to incorporate comments where appropriate.

HCD is committed to assisting Pomona in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,

Zachary Olmstead
Deputy Director