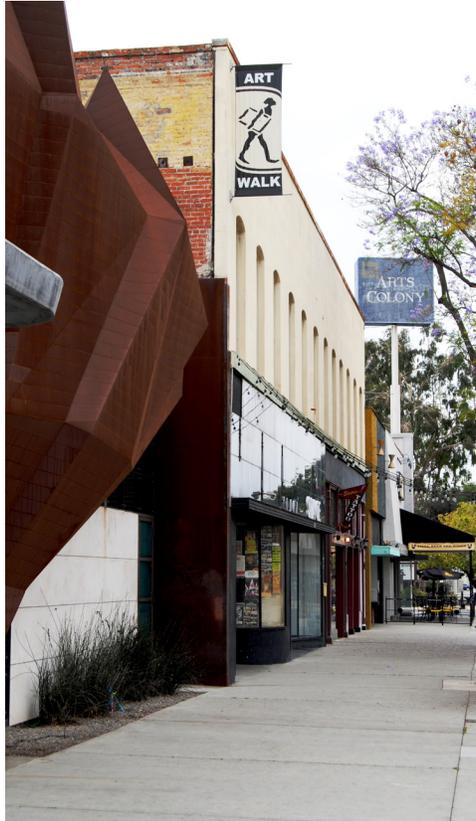


CITY OF

POMONA

ZONING AND SUBDIVISION CODES UPDATE



CODE DIAGNOSIS

Prepared for:



by:



JUNE 27, 2016

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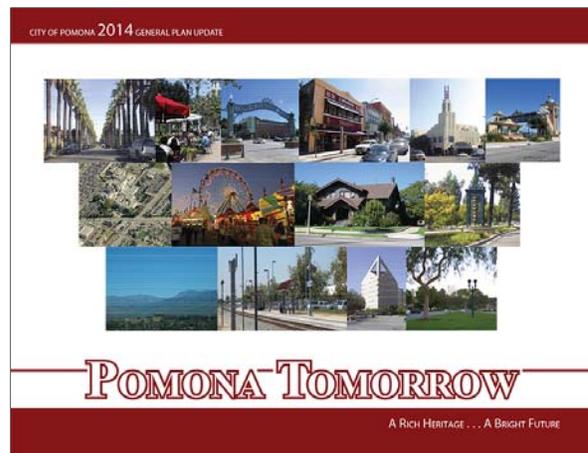
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Introduction

PROJECT OBJECTIVES

The effort to update the Pomona Zoning and Subdivision Codes was initiated to update Pomona’s regulation of land use and development, bringing it up to date to reflect current uses and practices while also providing consistency with the policy direction of the General Plan. Overall, the revision will strive not only to ensure that regulations are relevant to today’s concerns, but also to produce codes that are understandable and easy to use. The objectives of the Zoning and Subdivision Code updates are to have new zoning and subdivision codes that:

- Are consistent with and implement the new General Plan;
- Promote high quality design with flexible standards and performance requirements;
- Respond to community concerns about neighborhood character and project design;
- Promote infill, mixed use, and transit-oriented development (TOD) in activity centers and corridors;
- Streamline development review and approval processes;
- Comply with State and federal requirements and current case law; and
- Are clear, concise, understandable, and easy to use.



The City’s recently adopted General Plan.

The emphasis of the overall project is on improving procedures, introducing options, and creating a more logical and transparent body of regulations, rather than imposing new prescriptive limitations on land use and site development, which would be counter to the City’s goals for job creation and economic development and place-based revitalization.

WHAT IS ZONING?

While the General Plan sets forth a wide-ranging and long-term vision for the City, the Zoning Code specifies how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. Zoning determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

What Zoning Can Do

Zoning is used to implement the community goals expressed in the General Plan. Zoning can do the following:

- **Use Regulations.** Zoning specifies what uses are permitted, what uses are required to meet specified standards or limitations, and what uses are prohibited. In this way, the zoning determines the appropriate mix of compatible uses, as well as how intense these uses can be.
- **Development and Design Standards.** Zoning reflects the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, streetfront and architectural character, location of parking and driveways, “buffering” of uses, and landscape needs.
- **Performance Standards.** Zoning often includes standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and stormwater runoff.
- **Predictability.** The use regulations and development standards established in zoning provide neighbors with assurance of what land uses are permitted and to what scale they may be developed. Developers benefit from knowing exactly what can be done. City staff benefits too, since the need for case-by-case discretionary review of development applications is reduced.

What Zoning Cannot Do

There are things that zoning cannot do, since zoning is limited in some respects by State law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

- **Dictate Architectural Design.** Although zoning can improve the overall physical character of the community, it can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a building, such as colors and finish materials, are usually addressed in specific plans and design guidelines adopted separately.
- **Regulate Free Market.** Zoning cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- **Establish Land Use Policy.** Zoning is a tool for implementing land use policy, not setting it. As such, zoning is not the appropriate means for planning analysis or detailed study. Zoning takes direction from the General Plan.

WHY DOES POMONA NEED TO UPDATE ITS ZONING AND SUBDIVISION CODES?

The current Zoning Code, which was adopted in 1957 and has been amended numerous times since, is no longer an effective tool. Piecemeal changes have made the zoning rules hard to understand and difficult to use. Despite changes in State law and adoption of the 2014 General Plan, and several specific plans, the Zoning Code has never been comprehensively updated. As a result, the current Zoning Codes doesn't effectively communicate the City's land use policies and omits a number of new techniques and

approaches that have been used in other jurisdictions. Additionally, State law requires that the Zoning Code be consistent with the General Plan.

The City first adopted regulations and standards for the subdivision of real property in 1959. The subdivision regulations have been incrementally amended on several occasions since the initial adoption. Although these changes were presumably intended to maintain compliance with State law, further revisions are necessary to update certain provisions that do not conform to the Subdivision Map Act. In addition, because the regulations have not been comprehensively revised for many years, there are a variety of additional changes that could also be made to make the Subdivision Code easier to use and understand and to implement the updated General Plan including:

- Reorganization and consolidation of the content and other formatting changes to make it easier to identify applicable provisions;
- Incorporation and/or augmentation of Government Code provisions to minimize need to consult multiple sources; and
- Updating design standards to conform to the new General Plan.

KEY ISSUES

As the first step of updating the Zoning and Subdivision Codes, Pomona's consultant team, RRM Design Group, is evaluating the City's current approach to regulating development and determining if there are alternative approaches that would better implement the new General Plan, attract high quality development that meet community needs, and respond to State and federal mandates. This working paper summarizes the principal findings and conclusions of an assessment of existing regulatory tools, field reconnaissance of current development, and discussions with code users and City staff. Six key issue areas were identified:

- Code Usability;
- General Plan Implementation;
- Review Process;
- Subdivision Standards; and
- Compliance with State and Federal Law.

Each of these issue areas are addressed in subsequent sections of this paper.

NEXT STEPS

This paper will be the basis for public workshops within each of the Council districts. Comments from the workshops and further work with City staff will guide preparation of an Annotated Outline and initial drafts of preliminary regulations. They will be presented in parts for subsequent review, and additional workshops will be scheduled with the Planning Commission and other advisory committees to review milestone products.

Code Usability

The need to make Pomona’s Zoning Code more user-friendly and concise was one common observation noted during meetings with code users and was an issue expressed by City staff. Many code users commented that the text of the Code is too complex and hard to interpret; others said that the document is difficult to navigate and should rely more extensively on pointers and references to direct users to appropriate regulations. A well-organized code is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Code.

ORGANIZATION AND STYLE

Overall, the Code lacks a user-friendly structure with clear hierarchy. With over 200 sections divided between only four parts, the Code does not organize or group regulations in an intuitive manner. Over the years, sections have been updated or added without a comprehensive reformat of the Code, resulting in a disorganized code format as well as inconsistent organization of each individual section.

The organization of Pomona’s Zoning Code can be improved in several ways. First, the City should combine, consolidate, and reorganize its numerous sections into chapters, sections, and subsections so that they flow more logically and have a consistent structure. Overall, the Code can progress from the most often referenced to the least—with basic provisions and administrative chapters in the beginning, followed by regulations of specific zones, and then use and performance standards. Definitions and standards of measurement can be moved to the end of the code as an auxiliary reference tool, so that code users do not have to scour the text for these references when needed. Finally, the City should supplement these organizational revisions with improvements to the appearance of the text itself, including wider spacing, different fonts for articles, sections, and the main text, and consistent indentation.

ORDINANCE COMPLEXITY

The organization of the current Code leaves standards of development spread out among various sections. Many code users have complained that when they look up the regulations governing a project, they have no confidence that they are seeing a comprehensive list. Because standards are dispersed, users are left with a nagging fear that a “hidden” regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment.

The Zoning Ordinance also includes several instances of unnecessary redundancy. Because the requirements for each zone are, for the most part, included within separate chapters, information that could be grouped together is repeated in several chapters, resulting in avoidable repetition.

Pomona should ensure that the Zoning Code functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, unnecessary sections of the code should be removed in order to avoid ambiguity and reduce the sheer bulk of the code.

Related content should be organized together. Where standards apply solely to a particular set of base zones, for instance, standards for residential open space or commercial landscaping, they should be grouped to immediately follow the standards for that set of zones. Consolidating these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

Standards and other requirements that are applicable to specific uses or development citywide, such as parking or lighting standards, should be grouped together. Rules governing the construction of language, interpretation of Zoning Code provisions, and rules of measurement should likewise be grouped together to serve as a reference section that users can turn to in the event of uncertainty regarding Ordinance provisions. Consolidating these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

UNCLEAR LISTS OF ALLOWED USES

Each base zone currently contains a list of allowed uses by right or by review and approval of a Conditional Use Permit. Many of the listed uses are not defined. Other times, users need to reference another part of the code to determine if a use is allowed. In addition, some conditional uses are listed within the zoning district section, although others are listed in the separate Conditional Use Permits section. The Code at times, also employs archaic language and outmoded references, such as “tinsmith” and “phonographs”.

Many jurisdictions have adopted a flexible system for use regulation to accommodate new development and minimize the need for Zoning Code amendments to accommodate new and changing uses. Typically, this strategy includes the formulation of “use groups” that classify all land uses and activities according to common characteristics. For example, the Zoning Code currently lists many types of sales separately, including department stores, furniture stores, paint and wall paper stores, photography and camera shops, toy stores, trunk and leather good stores, and plumbing supply stores, among others. A use group system would consolidate all of these types of sales into one category—retail sales—because they share common physical requirements.

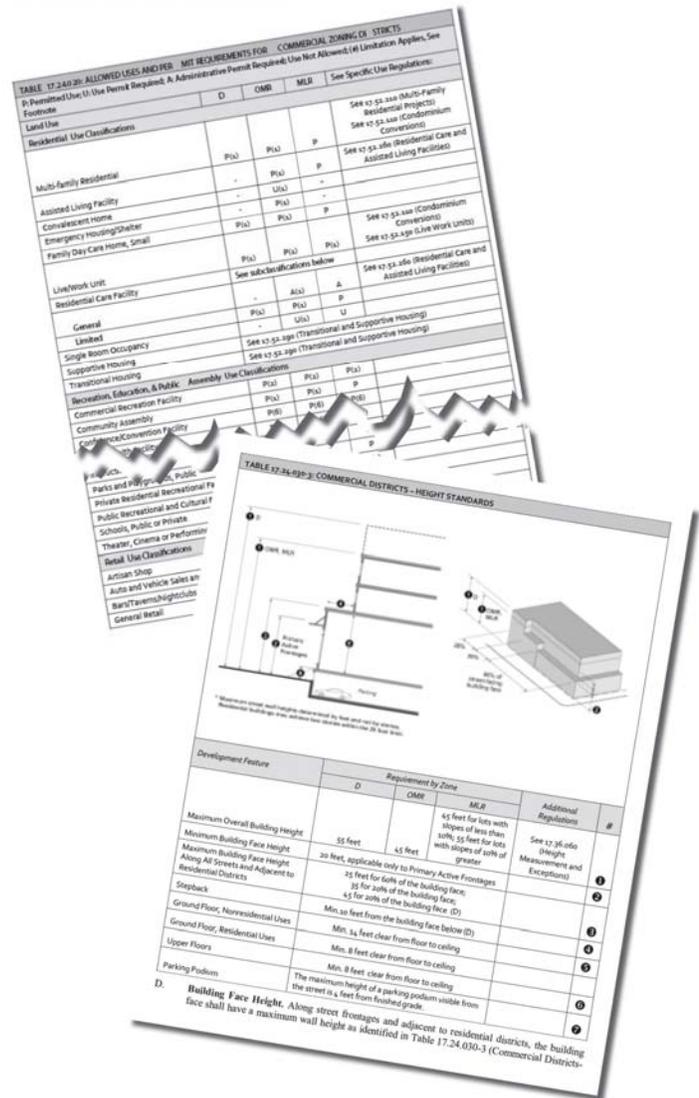
The Zoning Code should consolidate use types into a clearly defined modern classification system, which places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses help streamline the use regulation parts of the code. Categories are also broad enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections or make interpretations as frequently. This system can still allow for standards for problematic uses, such as tattoo parlors, outdoor retail sales, and auto repair.

UNDERUTILIZED TABLES

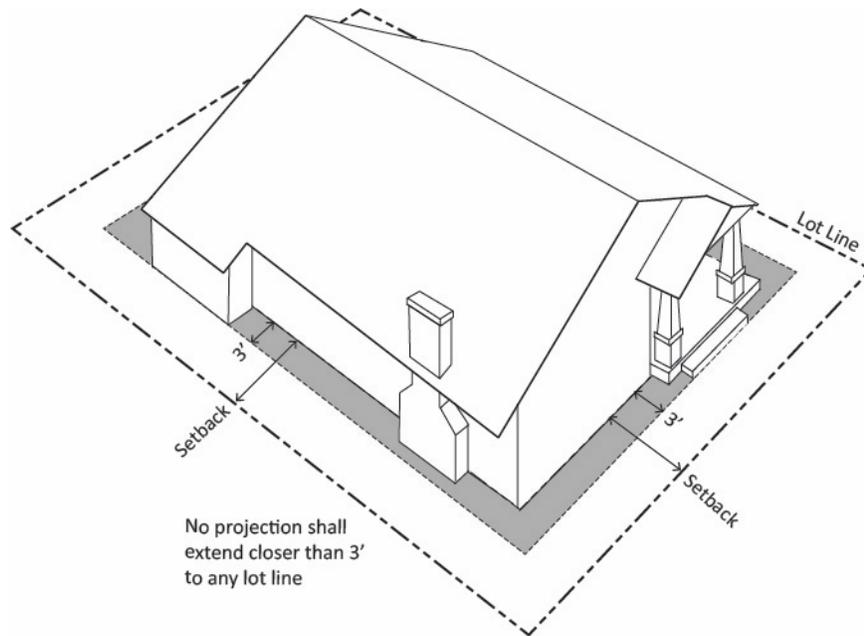
The existing Zoning Ordinance contains very few tables to help users identify applicable regulations quickly and easily. Tables greatly enhance the ordinance’s usability, and they should be used more extensively to organize the information presented in the ordinance. The Zoning Code should rely more extensively on tables and cross references to convey use regulations and development standards, provide quick access to all relevant regulations for a particular topic, and to avoid unnecessary repetition of provisions. Tables and cross-references greatly improve the readability of complex regulations. This method also helps to facilitate searching with hyperlinks in a Web-based version of the code.

ABSENCE OF ILLUSTRATIONS

In addition, the current Zoning Ordinance provides very few graphic examples or illustrations of standards. Without clarifying visual examples of measurement standards, development standards, and other complex provisions, these sections are highly vulnerable to misinterpretation, which further complicates understanding and enforcement. In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, images can clearly depict standards for measuring building height or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. With visual clarification, fewer sections of the Zoning Code will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon that can obscure the code’s intent.



Tables with cross references enhance usability.



Illustrations of standards aids in interpretation.

LACK OF CLEAR DEFINITIONS AND RULES OF MEASUREMENT

Though the Zoning Code does currently include a section of definitions, they are overly specific and include development standards. Definitions should convey the meaning of a term; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Ordinance and other City codes and ordinances. The Zoning Code does not include a chapter on rules of measurement, which ensures that all ordinance users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. A set of rules of measurement should also be incorporated into the Zoning Code to ensure consistent interpretation and application of standards.

General Plan Implementation

The 2014 General Plan articulates the community's vision for the future. Overall, the General Plan emphasizes a renewed Downtown and refined corridors, it proposes focus areas and activity centers to help shape and distribute new development, it promotes protecting the character of existing residential neighborhoods, and outlines the future role and form of Pomona's public realm. The challenge now is to translate the policies related to zoning and subdivision controls into a user-friendly, legally adequate, and effective set of regulations and procedures that steer development to the most suitable places, responding to the community's desire to maintain and improve Pomona as a safe, diverse, vibrant, livable, and prosperous community with a vibrant downtown, active corridors, and healthy neighborhoods. The zoning and subdivision regulations should clearly communicate and effectively implement the Plan's policies and incorporate its carefully crafted direction for the development, maintenance, and improvement of land and properties. This section contains observations and strategies for improving regulations to be more conducive and effective in achieving the vision articulated in the General Plan.

INSUFFICIENT PHYSICAL FORM AND DESIGN RELATED STANDARDS

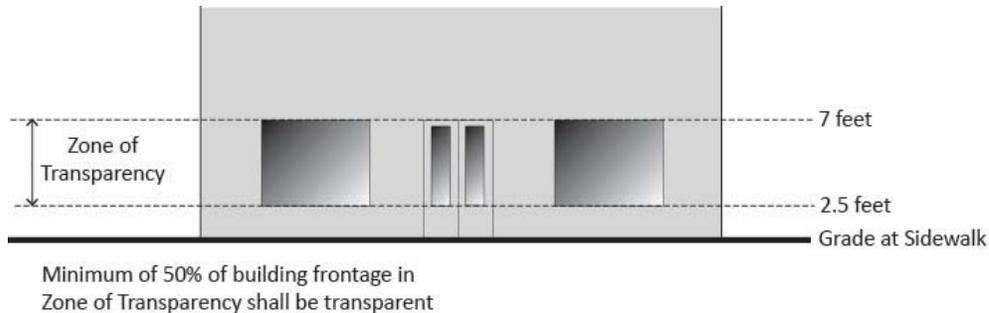
Physical form of development is not addressed in an organized or complete fashion in the current Zoning Code. The current Code gives dimensional requirements with regards to height limits, lot coverage and density, setbacks and yard widths. However, specific design standards are not handled consistently among the different districts. While recent specific plans contain extensive physical form and design related standards, there are no specific design standards or urban design guidelines that apply citywide.

In order to implement the new General Plan policies, the City will need to adopt new development regulations to address the form and design of new development. Infill standards should differentiate among commercial and mixed-use areas, workplace areas, and residential areas; promote a desirable physical form, and ensure that more intense uses of land do not become public nuisances. For commercial and mixed-use infill sites, standards should focus on the creation of an attractive pedestrian environment and, where appropriate, promoting transit-oriented development. Neighborhood compatibility standards should be tailored to the range of neighborhood patterns throughout the City.

Pomona should consider adopting clear development standards to achieve quality design, such as standards for the following:

- Location of a building on a lot – where a building may or must be built to the street and where setbacks are required;
- Façade design and articulation;
- Orientation of building entries;
- Transparency – pedestrian level windows offering views into buildings and displays;
- Limitations on blank walls;
- Number of stories; minimum building height;
- Relation to adjoining sites;

- Location and screening of parking-including garage placement in residential areas; and
- Landscaping.



Height, bulk, setback, and other form-related standards can help achieve high quality design.

Establishing minimum design standards will set the tone for the type of development the City hopes to attract. These standards will allow developers to know exactly what is expected of them. At the same time, flexibility can still be achieved by allowing a modification of standards so long as certain findings and criteria are met. For instance, setback requirements could be modified if a wider sidewalk area or outdoor dining area is provided and enhances a pedestrian-oriented feel. In single-family residential areas, the City should adjust standards carefully to maintain compatibility with surrounding development.

ABSENCE OF STANDARDS TO PROMOTE COMPACT DEVELOPMENT IN ACTIVITY CENTERS

Pomona’s development standards fail to distinguish clearly among more pedestrian and compact versus more auto-oriented types of development and design. The predominant character suggested by the development standards in commercial areas and key corridors is more auto-oriented, where buildings can be set back far from the sidewalk, surrounding by parking lots or buildings separated from the street by landscaping.

Although the City’s goal for development in the activity centers is to create an attractive, vital pedestrian environment, the Code continues to mandate minimum – and not maximum – setbacks for most of the area (outside of specific plan areas). There are no requirements for buildings to be located along a sidewalk or for building entries to face the street, while the General Plan contains several policies requiring buildings to be placed close to the street.

Development standards should address:

- “Build-to” lines, a method of establishing the edge of the pedestrian corridor.
- Zero-setbacks between buildings, with performance standards that will provide for emergency equipment access and fire safety.
- Requirements for “active frontages,” where a building must include spaces for businesses with walk-in clientele, ground level fenestration, awnings and arcades, and visible entries, rather than long sections of ill-defined buildings, blank walls, and fences.

- Compatibility and ensuring that new buildings fit amongst existing buildings. The ordinance should detail how to address contextual issues of building placement, scale, massing, and height. The ordinance should also include standards to ensure sensitive transition from more intense development to surrounding neighborhoods.



Building located near the street and storefronts with windows and displays activating the street frontage and engaging pedestrians.

Standards should be refined to the foster the type of character desired within various areas of the City. In transit- and pedestrian-oriented areas, the objective should be to have buildings enclose a street and provide an interesting, engaging front, making walking and shopping pleasurable. In less intense and industrial areas, by contrast, development is more auto-oriented and there is more potential for incompatibility between uses, so landscaping and screening may be important. The City should provide each zone with individually tailored requirements. It is important to note, however, that the organization of the code should be uniform, as discussed earlier, so that users can easily ascertain the requirements for a particular zone.



Zoning can promote compact development in activity centers and support pedestrian- and transit-oriented developments.

RESIDENTIAL DENSITY STANDARDS NOT CONSISTENT WITH THE GENERAL PLAN

The new General Plan establishes allowable housing density by Transect Zones. In many areas, this is an increase in allowable residential density which has not yet been incorporated into the Code. With the increase in allowable density, development standards should be evaluated to ensure they are compatible with the new density allowances.



Design standards can ensure new development is compatible with adjacent uses.

Increase density allowances should be complemented by zoning controls to protect adjacent existing single-family neighborhoods. In particular, older single-family neighborhoods require special attention in order to preserve their prevailing character and manage transitions over time. Design standards should be incorporated into the zoning code to ensure that new, denser housing types are compatible with single-family uses and do not create nuisances through increased traffic, visual congestion, or interference with sunlight access,

among others. The City could require stepped-back upper floors to maintain solar access and privacy on adjacent lots.

LACK OF INCENTIVES FOR JOB GENERATING USES

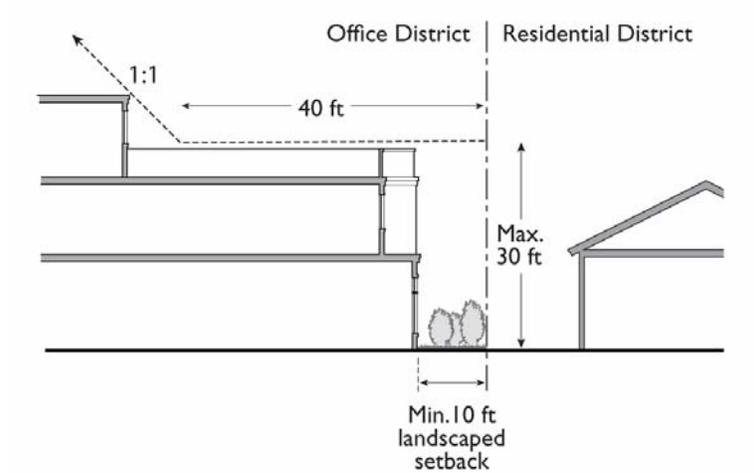
Maintaining a healthy economy and creating quality jobs for residents is of primary importance to Pomona. The Zoning Code should work toward improving overall economic competitiveness, increasing employment opportunities for residents, and maintaining and improving community livability while not stifling economic recovery and prosperity.

In order to support economic growth as envisioned in the General Plan, Pomona should take steps to attract businesses and industry that provide jobs and fiscal benefits for the City. Use classifications should include definitions of targeted industries, such as businesses and industry with a high ratio of employees to floor space. The Code could then permit these uses with wider freedom in location, design, and development standards.



Zoning can support economic development goals.

When revising use regulations, the City should be sure to reevaluate and expand its regulation of uses that create potential incompatibilities with surrounding properties. Standards should be provided for uses that create potential nuisances where appropriate. Drive-through restaurants, live entertainment, auto repair, and other similar uses should have explicit performance standards to ensure that their operation



Performance standards and locational criteria can address compatibility concerns.

does not intrude upon the use and enjoyment of adjacent property. The City could also permit uses that do not raise substantial nuisance or safety issues as long as they are coupled with physical development standards to ensure smooth integration into the community fabric.

All of these modifications to the existing use classification system and development standards can work to reduce the need for discretionary review of desired new development. With clarified requirements and a more comprehensive scheme of use classification, approvals can encounter fewer delays, with heightened assurances of appropriate development and compatibility with adjacent properties.

Review Process

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth. Generally, prospective developers value three central qualities in any administrative code: certainty in the requirements and structure of the review process, built-in flexibility to adjust development standards to the needs of individual projects, and opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Pomona can incorporate these qualities into its Zoning Code will help improve its ability to compete for development. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

RELIANCE ON DISCRETIONARY REVIEW

The flexibility of a Zoning Code is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the Code requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before the Planning Commission prior to issuance of a use permit or other discretionary zoning approval.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit, with review by the Planning Commission, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria.

The Zoning Code Update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

The number of uses that require discretionary review can be reduced by including carefully crafted standards and restrictions that are specific to specific uses throughout the City or in particular zoning districts into the Zoning Code. As a result, the community and decision-makers may be confident their vision is being implemented and may reduce its watch over individual projects, allowing more projects to be approved administratively.

There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

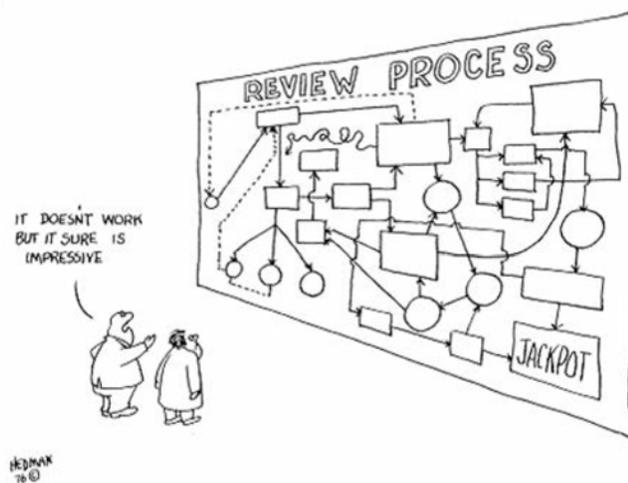
- Compliance with development and design standards that could be added to the Code based on the General Plan's goals for design quality;
- Compliance with new standards and requirements that reflect "standard conditions" that are typically imposed when such uses have been conditionally approved by the Director or Planning Commission; and
- Compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impact.

The incorporation of "limited uses" makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria.

UNCLEAR REVIEW AND APPROVAL PROCEDURES

The new Code should set forth clear administrative procedures to be followed for all types of zoning decisions. The level and extent of administrative process required for different types of decisions will vary. However, for even the simplest administrative procedures, the Code should, at a minimum, establish unambiguous authority for approval.

The approval process can be streamlined simply by consolidating and clarifying procedures and permit approval criteria. Decision-making protocols should be clearly defined so that it is clear how approvals are processed, and the intent of these regulations should be included to help determine if a proposal meets the purpose of the regulation. All pertinent public hearing information (e.g., what information should be included in the notices, how notices are to be given [e.g., mailing, posting, publishing, use of the Internet], to whom notices should be sent, how hearings are to be conducted) should be located in one succinct chapter so that Code users will only need to look in one place to locate the applicable information.



The new code can provide clear administrative procedures for development review and approval.

LACK OF RELIEF FROM STANDARDS

The updated Code could provide more options for relief from standards where they impose undue hardship or limit attainment of General Plan policies, particularly for infill development. This could be done in the form of additional provisions for approval of waivers and exceptions, including Staff level approval of a so-called *de minimus* waiver from dimensional standards. Another form of relief is a process for approving modifications and waivers to accommodate uses that have been granted special protection under federal and State law, such as religious uses, housing accommodations for persons with disabilities, and telecommunication facilities. The purpose of all these provisions, including appeals, is to provide a

means of granting relief to reduce the potential for litigation and to increase fairness to both property owners and aggrieved members of the public.

The City should create additional opportunities for gaining relief from codified locational, developmental, and operational standards in cases where modifications are consistent with General Plan objectives and warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. Options could include a minor modification that allows for specified dimensional modifications (e.g. less than a 10 percent reduction in setbacks and fence heights) that would have a negligible impact and are non-controversial in nature.

Subdivision Regulations

Since the City first adopted regulations and standards for the subdivision of real property in 1959, it has incrementally amended the requirements on several occasions. Although these changes were presumably intended to maintain compliance with State law, further revisions are necessary to update some provisions that do not conform to the Subdivision Map Act. In addition, because the regulations have not been comprehensively revised for many years, there are a variety of additional changes that could be made to make the Subdivision Code easier to use and understand and to implement the updated General Plan including:

- Reorganization and consolidation of the content and other format changes to make it easier to identify applicable provisions;
- Incorporation and/or augmentation of Government Code provisions to minimize need to consult multiple sources; and
- Updating design standards to conform to the new General Plan.

SEPARATE ZONING AND SUBDIVISION CODES

It is unclear where in the Municipal Code, Pomona’s subdivision regulations are located. Chapter 78 of the Pomona Municipal Code is titled “Subdivisions and Zoning”. However, this Chapter 78 contains references to Chapter 29 (Subdivisions) of the 1959 edition of the Code of the City of Pomona and the City’s zoning ordinance, Ordinance Number 1466, as amended. Further, there are a number of ordinances related to subdivisions that have not been incorporated into the subdivision regulations or the Municipal Code. This current structure of is confusing and unwieldy. There is no clear distinction of what constitutes the City’s zoning and subdivision standards, and there is no one location where they can easily be found and accessed. All provisions related to zoning and subdivisions should be consolidated and moved to Chapter 78, Subdivisions and Zoning, of the Municipal Code. The subdivision regulations should be updated to reflect changes in State law.

SUBDIVISION DESIGN STANDARDS ARE NOT TAILORED TO INFILL DEVELOPMENT

The General Plan focuses on strategic infill development and land re-use as only five percent of the land area of the City remains vacant. Large areas of vacant land are particularly scarce in residential areas. Site design is a challenge on these infill lots due to the limit of size and configuration and need to provide parking and vehicle access, adequate access to light and air, and outdoor space and privacy.

Multi-family residential development and subdivision design standards should work together to address infill residential development. In particular, specific standards could be developed to allow small-lot subdivisions and address the unique development characteristics of specific development types, such as



The Zoning and Subdivision Ordinances update can support infill development with appropriate standards.

townhomes and bungalow courts. In order to approve a Tentative Map and Conditional Use Permit for a small lot subdivision, the Review Authority could be required to make a finding that the development is compatible with the neighborhood and that dwellings are proportionate to the lot size.

Compliance with State and Federal Law

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of California cities.

This section discusses some of State and Federal laws that should be addressed as part of the update of the Zoning and Subdivision Codes.

AFFORDABLE HOUSING

The State Density Bonus Law (Cal. Gov't. Code 65915) allows for density bonuses and additional incentives for affordable housing. Other laws include provisions that bar discretionary review of certain attached or multifamily housing projects (Gov. Code 65589.4), require local agencies to make specific written findings in order to deny an affordable housing development (Gov. Code 65589.5(d)), and limit the ability of local agencies to prohibit the repair or rebuilding of multifamily dwellings involuntarily destroyed or damaged (Gov. Code 65852.25). Additionally, Cal. Gov't Code §§ 65852.3-.5 requires local agencies to allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lot zoned for single-family dwellings and limits the additional requirements for manufactured homes that may be imposed for manufactured homes to roof overhang, roofing material, and siding material.

COTTAGE FOOD OPERATIONS

Pursuant to Cal. Gov't Code § 51035, a city or county may not prohibit cottage food operation (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: Classify the use as a permitted use in any residential zone, grant a nondiscretionary permit for the use, or require a permit for the use.

EMERGENCY SHELTERS; TRANSITIONAL AND SUPPORTIVE USES

Cal. Gov't Code §§ 65582, 65583, and 65589.5 require each local government to: 1) amend its Code to identify zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit to include sufficient capacity to accommodate the need for emergency shelter identified in the housing element, and 2) treat transitional and supportive housing as a residential use of the property subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Cal. Gov't Code § 65582 contains definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.

FAMILY DAY CARE HOMES

Pursuant to Cal. Health & Safety Code §§ 1597.30 et seq., small family day care homes in a single-family home is a residential use and is not subject to a fee or business license. Large family day care homes may not be prohibited in single-family zones, but a city or county shall do one of the following: Classify the use

as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use.

HOUSING FOR PERSONS WITH DISABILITIES

Various provisions in both federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of federal statute to prohibit any unlawful discrimination against persons with disabilities. The State Supreme Court has prohibited local agencies from limiting the number of persons unrelated by blood, marriage, or adoption who can reside in a single-family home.

Pursuant to Cal. Health & Safety Code § 1566.3, a residential care facility that serves 6 or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning ordinances. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

MASSAGE ESTABLISHMENTS

Cities and Counties can adopt and enforce local zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses with California Massage Therapy Council-certified practitioners. (B&P 460(b) limited by Government Code 51034). Prior to the passage of AB 1147, cities were precluded from imposing local permitting requirements on state-certified practitioners and establishments unless the requirements uniformly apply "to other professional or personal service businesses" in the City.

PROCESSING AND REVIEW PROCEDURES

State law specifies a number of processing requirements and review procedures related to land use regulation. These include procedures and requirements for development agreements (Cal. Gov't Code §§ 65864 et seq.), general plan consistency (Cal. Gov't Code § 65860), permit review timelines (Cal. Gov't Code §§65920 et seq.), rezoning land upon annexation (Cal. Gov't Code §65859), notice of public hearings (Cal. Gov't Code §§65090 et seq.), variances (Cal. Gov't Code §§ 65900 et seq.), and zoning amendment procedures Cal. Gov't Code §§ 65853 et seq.).

RELIGIOUS USES

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise.

SECOND UNITS

Cal. Gov't Code 65852.2 requires local agencies treat all second units that comply with specific standards as ministerial approvals. Cal. Gov't Code 65852.2 is applicable to all residentially zoned lots with an existing single-family dwelling unit. Additionally, absent topographic or safety considerations, local agencies must allow parking in setback areas or tandem parking.



Federal law prohibits regulations that impose a substantial burden on religious exercise.

SIGN REGULATIONS

One of the most common legal concerns about the validity of sign regulations is the First Amendment's guarantee of "freedom of expression". In general, municipalities can exercise their police power to regulate signs – which constitute speech – in their jurisdictions. But, in order to survive judicial review, sign regulations must be content neutral. A content-neutral regulation will apply to a sign regardless of the content of the message displayed. The most common form of content-neutral regulation is so-called "time, place or manner" regulation which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed on a sign. In contrast, a sign regulation that bases the regulatory treatment of the sign on the content of the message displayed – or the identity of the entity displaying the sign – is "content-based."

Over the years, the courts have upheld a variety of sign ordinances as valid time, place, or manner restrictions. To be upheld as constitutionally valid, such regulations must be content-neutral, serve a significant government interest, and leave open ample alternative avenues for expression.

Reed v. Town of Gilbert

In June 2015, the Supreme Court broadly expanded upon what it means to discriminate on the basis of content in *Reed v. Town of Gilbert* (US Supreme Court No. 135 S.Ct. 2218, 2015).

Gilbert, Arizona had a sign ordinance that prohibited the display of outdoor signs without a permit, but exempted 23 categories of signs. The various categories of exempt signs were based on the type of information they convey and each category of sign were subject to different restrictions. The Supreme Court, in a 9-0 decision, held that these distinctions, were content-based regulations of speech that could not survive strict scrutiny, and were thus unconstitutional.

The majority opinion did note, however, that the decision will not prevent governments from enacting effective sign laws. “The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g. warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny.”



Sign regulations can address when, where, and how a message can be displayed. They cannot regulate the content of a message.

SOLAR ENERGY SYSTEMS

Cal. Gov't Code §65850.5 requires that solar energy systems be approved administratively with requirements limited to health and safety requirements per local, State, and federal law and those necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the building official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. Every city and county is required to have an ordinance expediting permitting for small residential rooftop solar energy systems.

TELECOMMUNICATIONS

The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. Cal. Gov't Code § 65850.6 requires a city or county to ministerially approve an application for a co-location facility on or immediately adjacent to an existing wireless telecommunications co-location facility. It also prohibits a city or county from imposing certain conditions of approval on permits for construction or reconstruction of wireless telecommunications facility. Most recently, Cal. Gov't Code § 65964.1 provides that a wireless telecommunications facility will be deemed approved if the city or county fails to approve the application in a reasonable time (based on FCC decisions), the applicant provided all required public notices, and the applicant provided notice to the city or county that the reasonable time period lapsed.

WATER CONSERVATION AND LANDSCAPING

Cal. Gov't Code § 53087.7 prohibits cities or counties from enacting any regulation that substantially increases the cost of installing, effectively prohibits, or significantly impedes the installation drought tolerant landscaping, synthetic grass, or artificial turf on residential property. The Water Conservation in Landscaping Act of 2006 (Cal. Gov't Code §65597) requires local agencies to adopt the updated Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (WELO) or a local landscape ordinance that is at least as effective in conserving water.



State law requires water efficient landscaping.

Appendix A:

Code User Interview Summary

Introduction

BACKGROUND

The City of Pomona is currently engaged in an update of the zoning and subdivision regulations. The purpose of the Zoning and Subdivision Code update is to comprehensively revise the regulations to shape future growth and help realize the community’s vision for the future as a safe, diverse, vibrant, livable, and prosperous community with a vibrant downtown, active corridors, and healthy neighborhoods. Zoning and subdivision standards are where “the rubber meets the road” – the place where all the goals and visions of the General Plan are translated into specific numbers and standards. Zoning and subdivision codes are important as they establish the detailed rules for what can be built, and the application review processes required. The overall objective is to produce a user-friendly set of regulations that provide clear direction about Pomona’s expectations.

PURPOSE OF “CODE USER” INTERVIEWS

In order to learn about the issues associated with updating the Zoning and Subdivision Codes, interviews were conducted with a cross-section of “code users”– people who have used the Zoning and Subdivision Codes in Pomona or have a specific interest in regulations to implement the new General Plan. The code users interviewed included landowners, developers, architects, real estate professionals, and designers.

The City’s consultants conducted three hour-long interview sessions on June 7, 2016 and one phone interview on June 14, 2016. A total of 12 code users in groups of one to six people were interviewed. The interviews were conducted by Martha Miller and Matt Ottoson of RRM Design Group, the City’s consultants working on the project. The interviewees were asked a series of questions regarding overarching concerns as well as specific topics. People attending were also given the opportunity to discuss issues of significance to them that were not otherwise discussed in response to specific questions.

Code User Comments

A strong consensus among code users emerged about what the major issues are as they relate to the Zoning and Subdivision Codes update. While the code users may ultimately differ on the exact recommended changes, there was clear agreement that the zoning and subdivision codes need to be revised to make them more understandable, and to support achievement of the City's major policy goals. Those interviewed pointed out numerous ways in which current Code provisions actually work against achieving the community's vision for the future. Generally, code users thought the City's regulations were effective in achieving quality development. Following is a list of the major themes heard during the interviews. A comprehensive list of the comments received, organized by topic, is attached.

- 1. Make the standards, particularly density allowances, easier to use and understand.**
- 2. Clarify the City's development review process and make it less onerous.**
- 3. Minimize projects that are required to obtain a Conditional Use Permit.**
- 4. Update development and design standards and ensure they are clearly understandable and appropriate for a given land use.**
- 5. Identify the type of development the City wants to attract and provide incentives to make those projects become reality.**
- 6. Allow for a wide array of residential product types, particularly near the university or public transit.**
- 7. Update parking requirements to reflect actual demand and provide flexibility in parking space and aisle design.**
- 8. Address open space requirements in order to ensure usable open space areas are provided.**
- 9. Allow the Planning Director greater authority to approve minor exceptions to projects.**

GENERAL COMMENTS

- Looking for more certainty to aid in development decisions. Ambiguity in interpretations of current codes and regulations not helpful.
- Process and expectations should be clear as well as what is/is not allowed.
- Graphics of utmost importance for Zoning Update – help interpret standards in easy manner to applicants.
- The City is getting the type of development they want to see occur.
- Setting a high bar for development raises land values in the City.
- Redundancy in code should be reduced. Do not duplicate State or other requirements. One example is that CalGreen is now essentially LEED Silver; there is no need for green building requirements.
- Time is money. The City should be clear in what is allowed and what is required.

- When conducting due diligence, City response of 4 to 5 months to figure out density allowance is too long to make business decision.
- Ideally, would prefer to have a specific level of certainty but also some flexibility in development projects. Clearer answers from staff also would be helpful.
- Remove negative language. One example regarding multi-family development: “the potential undesirable impact of medium density multiple-family residential development”.
- Rio Rancho project step in the right direction for City development.
- Planned 71 Corridor improvements could be helpful for City growth moving forward.
- In working in the City of Santa Ana, big education process for planning and public works department on small lot regulations. Seems to be current disconnect between Planning and Public Works and may be helpful to discuss updates with both departments as Zoning and Subdivision Ordinance project progresses.

ZONING DISTRICT AND AREA-SPECIFIC COMMENTS

- More zone specific standards are needed within the Zoning Ordinance.
- Cannot create an active pedestrian environment without real retail momentum in the City. Without retail momentum, do not need to place retail on the ground floor of every mixed-use building. Other ground level uses should be allowed.
- Put retail at street corner nodes or at better defined desired retail use locations. Do not require retail on all ground floors.
- The cost per square foot of smaller industrial buildings is now about equal to larger industrial buildings but it is still easier to build larger buildings.
- East side of Pomona riskier for industrial developers due to location and land use adjacencies.
- Would like to see more restaurants of quality in Downtown – this is a continual concern of businesses looking to locate in Pomona.
- The S Overlay is onerous. Density is allowed but subject to Conditional Use Permit – 5 to 6 months to process is too long to get a decision on something that is allowed.

LAND USE REGULATIONS

- Having a balance between industrial, housing, office uses is good in any City.
- Land use compatibility in City need to be addressed, such as not allowing autobody shops adjacent to residential zones.
- Transitional zones between land uses would be beneficial.
- Live/work uses at street level would be good with parking located in back of a project to maintain pedestrian street environment.
- For student or temporary housing near university, flexibility in types of housing allowed seems ideal.

- Need flexibility in code in order to qualify different portions of buildings for different uses and thus required parking ratios.
- The City should allow flexibility for types of industrial tenants. Developer uses CC&Rs to self-restrict uses that can go into buildings, city doesn't need to.

Industrial Development

- Acknowledging lack of available industrial zoned land within Southern California, the Zoning Code Update needs to make it easier to build smaller industrial projects on remaining sites within the City.
- For industrial buildings, prefer flexibility in operating hours, parking requirements, parking area landscaping requirements going forward.
- Distribution facilities easier to build and make more money. There has to be another reason to specifically target manufacturing-light industrial.
- Apply industrial project requirements to the project as a whole rather than each building within the project.
- Articulation on industrial buildings make a building look better but can impact use of the building. Some industrial uses, particularly distribution, use jacking and jags in the building are not conducive to this. It may be a way to discourage distribution.
- No graphics or illustrations are needed for industrial projects.
- Design guidelines can be helpful. They require more thought to be put into project design.
- Design guidelines should only be for residential development, not industrial.
- Landscaping, parking, setbacks for industrial projects are currently good. In general, the Planning Department was great to work with and willing to work with us throughout the project.
- Consider allowing landscaping to be concentrated at the front of industrial projects, as landscaping in truck loading/yard areas create maintenance and safety issues.
- Industrial lighting requirements: One-foot candle average is too lean but one-foot candle everywhere tends to over light the site. Lighting standards should make it so that lighting requirements are not so absolute.
- Developer continues to enjoy working with the City on industrial related projects.
- 7th Street Development is developing an industrial project in Irwindale and have integrated a number of unique features at the request of the community including wider sidewalks, smaller street with no street parking, no street lights, 35-foot setback, tree orientation and variation with integrated walls, and cobblestone lined storm drain simulating riparian environment.
- City seems to want smaller industrial buildings but it doesn't appear that the City would deny larger buildings if those were proposed.

DESIGN AND DEVELOPMENT STANDARDS

- The City should identify types of future developments desired and provide incentives to developers to achieve those desired development types.
- Defined flexibility for projects to utilize is beneficial in ensuring projects become reality.
- Provide greater design flexibility to allow for more creative product type and design in lot sizes, property setbacks, unit square footage minimums, building separations, and height and story limitations (i.e. – R3 zone)
- Occupancy limits are less than what we typically limit our multi-family rental units to (two per room plus one is Health Code).
- Development standards need to be clearer, particularly in relation to allowable density.
- Utilize a point system to incentivize better projects within the City. The higher a project scores, the more units it can have.
- Small front setbacks do not allow for trees to be planted and hardens street environment.
- Developments involving small lots have typically resulted in wall or garage at street, creating no street scene environment. Design and development standards should adequately address to minimize potential impacts.
- Minimum dimensions for different types of development should be integrated.
- In Los Angeles, the small lot subdivision prevailing setbacks provision allowed for as little as 6 inches but has received significant amount of neighborhood opposition so is now being revised.
- Consider integrating fire department requirements, where appropriate.
- Update should include a FAR component.
- Maintain existing neighborhood context by providing specific requirements/standards.
- Incorporate volumetric setbacks, or percentage setback requirements.
- Integrate defensible space/design (like CEPTED) strategies into Zoning Code update.
- Include standards that do not allow garage doors to face onto streets.
- How maximum density is interpreted by the City typically leads to the proposal of two story buildings with tuck under parking.
- Common area photometric (lighting) standards seemed overly bright.

OPEN SPACE

- In general, public open space requirements for projects is a liability for land owner/property manager.
- Ongoing open space issues – Coalescing open spaces in one area might be more productive than separating into individual projects; creates numerous unusable spaces within the City.
- Common open space requirements need to be evaluated.
- Ensure updated standards encourage usable open spaces.

- Make sure open space requirements are not too onerous. Sometimes open space is provided but it doesn't count as "usable" open space because of regulations.
- Roof decks should count as private open space. This would be appropriate for certain development types; may not be appropriate for families.
- Costa Mesa and Irvine Great Park projects have integrated roof decks that have been successful but they are generally targeted at a specific demographic. Residential uses should allow various product types targeting different demographics.

FENCING/GATES

- Pilaster with wrought iron fencing is expensive and should not be required for industrial projects. Pilasters extremely expensive.
- Gates for residential properties are still needed in the City due to ongoing safety issues.
- Gates and fencing done in a way that are architecturally compatible with a project can look good and should continue to be allowed.
- Yards at front of multi-unit property are wasted spaces because gates are required to be located adjacent to house closest to the street and the yard area isn't usually usable by the home owners.
- Six-foot fence height on interior of industrial projects is okay.
- Fencing required on property line for industrial projects is overly restrictive and expensive. Why does the City require cinderblock and not allow wrought iron? Wrought iron fencing should be allowed as an option for industrial projects.
- Chain link fencing better than wrought iron in instances where required to put in two fences next to each other. Why not just keep existing chain link fencing and not require applicant to put in a double fence?
- Masonry wall requirement caused problems with Southern California Edison. If fence was wrought iron, would have been easier to deal with Southern California Edison and project would have had less issues.
- Masonry wall separating industrial from residential uses is good – industrial projects should be sensitive to adjacent land uses.
- Industrial fencing – okay with 8 feet requirement on exterior, however need flexibility to allow greater height due to different site characteristics.
- Prefer menu of items to choose from for projects.
- Planning Director should have additional discretionary power for fencing if CEQA determines it needs to go higher than Code allows.

LAND DIVISIONS

- Pomona does have lot merger ordinance – could be useful.
- The City currently has flexibility when determining lot layout which is appreciated.

PARKING REGULATIONS

- All projects within City we have worked on are over-parked. The City requires too much parking.
- Parking ratios in City are pretty high.
- 1.8 parking spaces per unit as average seems appropriate to City.
- Most cities in the area average 2.25 spaces per unit.
- Lower parking ratios always better because it equals more units.
- Parking requirement flexibility in areas adjacent to transit would be beneficial.
- Reduce parking requirements for projects adjacent to Cal Poly campus or transit line.
- If City wants people to use public transit, need to reduce parking requirements for projects adjacent to transit lines.
- Flexibility in parking design is helpful when designing a project.
- Has had success working out parking requirements for specific projects with the City on a case-by-case basis due to current Code ambiguity.
- An example of how other cities use flexibility: Main Street project in Alhambra required big parking spaces and drive aisles. City wanted more density so negotiated to use Los Angeles parking space and drive aisle standards for width versus depth instead.
- City typically pursues manufacturing uses, instead of distribution uses, due to the parking requirements.
- Manufacturing uses require more parking than Distribution. Typically utilized Manufacturing as secondary use to Distribution in order to get lower parking requirements.
- Bicycle parking requirements are inconsistently applied to projects within the City and should be more consistent.

ZONING ADMINISTRATION AND PROCESS

- Looking for certainty and defined process time; greater detail is better.
- Consistency of City staff and review process is key.
- Need to look at determining what is the general timeline for a project decision. When planners are uncertain, the project timeline is generally longer.
- Less CEQA review and/or streamlined environmental review would be ideal.
- Level of certainty, predictability is helpful for developers when making decisions.
- City of Pomona no different than surrounding cities, such as Irwindale, in terms of development review process.
- Should limit the required documents needed for planning submittal.
- Reduce initial submittal requirements.

- Projects get bogged down in Planning, need Economic Development to step in to get projects going again.
- Planning Director allowed exceptions are currently vague and should be clarified.
- Staff should be able to make determination from the Zoning Code rather than having to get answers from Community Development Director.
- Suggest allowing buildings under certain square footage size to only go through staff level review and also minimize CEQA.
- Discretionary process to look at a projects architecture would be okay.
- Architectural review is overkill and way too detailed – Planning doesn't need light fixture or reveal detail information.
- Staff Design Review extensive and too many requirements, in order to get through design review, the project was almost at 50% Construction Documents. That is too onerous at the design review stage.
- Pomona should consider utilizing 3rd party architect like in Covina. City uses architect(s) to translate language to planners to make code understandable and thus make more projects happen.
- Planning Director should have authority to apply discretion in certain minor project instances.
- Pre-review is not good here at City of Pomona, as it is not done quickly enough and I just submit the project instead.
- Consider adding pre-development review that can be completed in 30 days. Typical due diligence period for projects is 45 days.
- Consider making more projects a Zoning Administrator approval, rather than CUP
- CUP is overused at the City. Why is a CUP required for an allowed use in the M-1 zone?
- Entitlement process for Industrial projects on east side of City needs to be more predictable.
- CUP requirements for more than ten residential units should be looked at.
- In-lieu fees ideal for projects, however collected fees need to actually be used by the City.

EXAMPLE REFERENCES

- Cornfields Arroyo Seco Specific Plan is a great example of a plan that provides good density, open space, and affordable housing incentives.
- Utilize LA ReCode – good information to reference.
- Reference Santa Ana Harbor Specific Plan good standards/guidelines or the Santa Ana Transit Code Plan (adjacent to Station) as it has good standards/guidelines.
- Mesa, AZ – good example of residential district variety.
- Development standards approach by City of Bellflower is important.

COMMENTS ON ITEMS NOT INCLUDED AS PART OF THE ZONING AND SUBDIVISION CODE UPDATE

(These comments are included for City consideration in other efforts)

- LA County Fire Department office for Pomona is highly unpredictable and allows the City no latitude to change projects for the better.
- City should ensure nexus and link established between a project and off-site improvement requirements and require the projects 'fair share' towards needed improvements.

Downtown Specific Plan

- Planning Commission concerned with amount of open space for our project. Because it was an affordable housing project, it allowed us to utilize open space as an incentive.
- The plan is complex and difficult to administer. It took months from project submittal to get comments back.
- Project submitted to the City within Downtown Plan area stated 0-foot setback requirement but staff required 5 feet. Standards should be the requirements for a project and not up to the liking of staff.
- Rules/requirements should clearly state what is actually desired for development projects.

Corridor Specific Plan

- Corridor Specific Plan is new and has created some uncertainty for development.
- Numerous aspects of Corridor Specific Plan that could be improved.
- Ensure regulations within Corridor Specific Plan are appropriate for all projects, as some existing regulations don't make sense for all project(s).
- Implementation of the Corridor Specific Plan is ambiguous – leaves it open to staff discretion and/or determination.
- Landscaping/Open Space requirements and ratios are highly prescriptive and more subjective language regarding design intent may achieve more creative product type and design projects.
- The prescriptive building form requirements are helpful but there are a lot of issues in making a given building a reality due to individual site constraints. The requirements work on paper but not on actual sites. There is little flexibility to address actual site conditions.
- Stepbacks of upper stories are not practical. While agree with principal (to have articulation), the specific requirements are not practical.
- Specific requirement of a 40-foot massing break on a large building does not reflect good design. When you have 200 feet of building then a massing break of 40 feet is required, generally not conducive to creating usable spaces. Too small of an area for a pocket park. Not saying 400-foot-long buildings should be allowed but rather, flexibility in how designs can be applied is beneficial.
- The Plan allows for high density numbers but once you integrate setbacks and other onerous requirements, high density allowances are significantly reduced.

- From a real estate perspective, conducting due diligence in Pomona is tough to determine density for parcels within the Corridor Specific Plan. This hampers investment opportunities. It's difficult to get definitive answers on basic allowances from the Planning Department. The plan is so complex, it's hard to give definitive answers.
- Skeptical if the Corridor Specific Plan will actually be successful within Pomona.
- Needed to hire professionals to assist in determining public and private open space requirements for project because City could not give answers on what the plan required.
- City has in-lieu fees available for open space but applicant had to hire professionals to figure it out and then inform City.
- Project on Grand Avenue is within Corridor Specific Plan which attaches density to collector streets. List of collector streets/other streets and their density allowances would aid developer due diligence and site selection process.

List of Interviewees

Marty Smith – Towill, Inc.

Sean Rawson – The Waterford Group

Mark Oberholzer – KTG Architecture and Planning

Jennifer Klein – Klein Investments

Jay Ross – AmCal Housing

Ron Nestor – William Hezmalhalch Architects

John Wright – Wright Property Management

Jeffrey Bethel - Lee & Associates

Craig Furniss – 7th Street Development

Spencer Bogner – VP Multi-Family Development

Timur Tecimer – Overton Moore Properties

Michael Johnson – Overton Moore Properties