CITY OF COLTON
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/
COLTON PUBLIC FINANCING AUTHORITY AND
COLTON HOUSING AUTHORITY
SPECIAL MEETING MINUTES

October 10, 2013

The Special Meeting of the Colton City Council was held on the above-given date and was called to order at 5:37 p.m., in the Council Chambers of City Hall, with Mayor Sarah S. Zamora presiding. Roll Call was announced by City Clerk Eileen C. Gomez as follows:

CITY COUNCIL ROLL CALL

Council Members Present
Sarah S. Zamora, Mayor
David J. Toro, Mayor Pro Tem
Frank A. Gonzales
Frank J. Navarro
Susan M. Oliva
Deirdre H. Bennett
Isaac T. Suchil

Staff Present
Stephen P. Compton, Interim City Manager
Eileen C. Gomez, City Clerk
William "Jim" Priest, City Attorney
Mark Tomich, Development Services Director
Mario Suarez, Senior Planner
John Douglas, J.H. Douglas & Associates

BUSINESS ITEMS

1) Consider Adopting an Urgency Ordinance of the City Council of the City of Colton, to Implement the Housing Element, URGENCY ORDINANCE NO. O-05-13.

Development Services Director Mark Tomich explained the need for the urgency ordinance and gave a brief background on the information provided in the staff report. Mr. Tomich proceeded with a PowerPoint presentation and stated that the purpose of this meeting was to ensure consistency with the adopted General Plan Update Land Use and Housing Element goals, policies, programs and objectives and to address the Regional Housing Needs Allocation (RHNA) issues.

Senior Planner Mario Suarez continued with the PowerPoint and both Mr. Tomich and Mr. Suarez answered questions from the Council.

At 6:17 p.m., Mayor Zamora adjourned the regular meeting for a brief recess and at 6:37 p.m., the meeting reconvened with all members present as heretofore.

Mr. Suarez continued with the PowerPoint presentation, providing an explanation of the key points as stated in the staff report. The following is the language stated in Urgency Ordinance No. O-05-13:

URGENCY ORDINANCE NO. O-05-13

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING THE ZONING ORDINANCE (CMC TITLE 18) AND OFFICIAL ZONING

MAP TO ENSURE CONSISTENCY WITH THE ADOPTED GENERAL PLAN UPDATE LAND USE AND HOUSING ELEMENT GOALS, POLICIES, PROGRAMS AND OBJECTIVES (DAP-001- 095), AND SETTING FORTH THE FACTUAL BASIS FOR SAME AS AN URGENCY ORDINANCE.

THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, HEREBY FINDS AND DETERMINES AS FOLLOWS:

A. Section 36937 of the California Government Code authorizes the City Council to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths (4/5) vote of the City Council.

B. The City of Colton is required by State law to accommodate the development of lower-income housing units as its assigned share of the region's housing needs for persons within this income range for the 4th Housing Element cycle.

C. In order to meet this State mandate, the City must complete the rezoning of sufficient property to accommodate its share of low-income housing prior to October 15, 2013.

D. The possible ramifications under State law for failing to make adequate sites available to accommodate the City's allocated share of the regional needs for the 4th Housing Element cycle prior to October 15, 2013 are significant and include (1) a carryover of unaccommodated need pursuant to Government Code Sec. 65584.09, which would substantially increase the number of high density units that the City must rezone for; and (2) a possible finding that the City's Housing Element is out of compliance, which could result in litigation, exposure to attorneys' fees and judicial intervention in the City's land use authority, all of which could impact the public peace,

E. For the reasons stated above and to preserve the public peace, health and safety, this Ordinance is being adopted as an urgency ordinance pursuant to Government Code Section 36937.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby incorporates the Recitals set forth above as findings supporting this Ordinance to be adopted as an urgency measure.

SECTION 2. The City hereby adopts the attached Zoning Map and Zoning Text Amendment to be consistent with Resolution No. R-61-13 adopted by City Council on August 20, 2013, approving a General Plan Update for the Land Use, Mobility and Housing Elements. The proposed Zoning Map and Zoning Text Amendment are part of the implementation consistency program of the General Plan Update deleting, renaming and adding new zoning districts and categories in the City of Colton, County of San Bernardino.

SECTION 3. An Environmental Impact Report (EIR) was previously certified, SCH #2012031037, on August 20, 2013 by resolution number R-60-13 that addresses all of the environmental impacts of the General Plan Update which is being implemented in this

proposed Zoning Map and Zoning Text Amendment. Because the proposed Zoning Map and Zoning Text Amendment merely implement and do not alter the scope of the General Plan Update in any way, it does not create any new direct or indirect environmental impact beyond what was already addressed in the EIR. Therefore, the City Council finds that no further environmental analysis is required for this action.

SECTION 4. The proposed Zoning Map and Zoning Text Amendment will help promote, achieve, and implement the General Plan Update Goals, Objectives, Policies and Programs related to low income and fair housing listed below. Therefore, the City Council finds that the proposed Zoning Text Amendment and Zoning Map are consistent with the Colton General Plan.

General Plan Land Use Element:

- Goal LU-1: Achieve a balance of land use types that create diverse opportunities for housing, employment, commerce, recreation, and civic engagement;
- Policy LU-1.3:- Ensure that the zoning map, Zoning Code, Specific Plans, and other applicable development-related ordinances are brought into conformance with the Land Use Element as soon as practical following adopted or amendment;
- Goal LU-10: Create new mixed-use, walkable districts that are great places to live and exciting destination;
- Policy LU-10.2: Adopt a new Neighborhood Mixed-Use zone;
- Goal LU-12: Provide for open space and recreation areas that meet the needs of Colton residents;
- Goal LU-13: Protect open space lands, necessary for flood control and habitat preservation purposes, and to provide buffers from identified earthquake faults and other public safety hazards;
- Goal LU-14: Ensure adequate land area is available to support desired levels of City-provided public facilities; and
- Goal LU-16: Create an attractive, diverse mixed-use district along La Cadena Drive;

General Plan Housing Element:

- Goal H-2 – Enhance the existing viable housing stock as a source of low- and moderate- income housing for Colton residents and as an integral part of the community character;
- Goal H-3 - Create opportunities for the development of new housing that responds to all economic segments of the community;
- Policy H-3.1 – Allow for densities up to 30 units per acre as set forth in the West Valley Specific Plan and areas with the Residential Overlay designation;
- Policy H-3.2 – Use density bonuses and other incentives to facilitate the development of new higher-density housing that is affordable to lower income households;
- Policy H-3.4 – Address the housing needs of special populations and extremely low-income households through emergency shelters, transitional housing, supportive housing, and single-room occupancy units;
- Program 11: Mixed Use Development, Objective - Amend the Zoning Code (Title 18) to establish mixed-use development zone and development standards to implement the General Plan mixed-use designations;

- Goal H-4 - Provide suitable sites for housing development which can accommodate a range of housing by type, size, location, price, and tenure;
- Policy H-4.1 – Implement land use policies that allow for a range of residential densities and products, including low-density single family uses, moderate-density townhomes and higher-density apartments, condominiums, and units in mixed-use developments;
- Program 12: Provision of Adequate Sites;
- Goal H-5 - Mitigate any potential governmental constraints to housing production and affordability;
- Program 14: Update the Colton Zoning Code and Development Standards;
- Program 15: Update the Colton Zoning Code and Zoning Map;
- Program 16: Zoning Regulations and Initiatives for Extremely Low-Income and Special Needs Housing;
- Program 17: Permit Processing;
- Program 18: Parking Standards;
- Program 20: Fair Housing; and
- Program 21: Reasonable Accommodation;

SECTION 5. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds the Zone Change (both Zoning Map and Zoning Text Amendment) is consistent with the General Plan of the City of Colton because it reflects the recommended zoning districts and categories consistent with General Plan Update adopted by the City Council on August 20, 2013.

SECTION 6. The text of the Zoning Ordinance of the City of Colton (CMC Title 18) is hereby amended to establish new and amended zoning districts and development regulations as described in Exhibit A, attached hereto.

SECTION 7. The Zoning Map of the City of Colton is hereby amended to add, change or modify the zoning designations for the properties identified in Exhibit B, attached hereto.

SECTION 8. The Zoning Map of the City of Colton is hereby amended to add, change, or modify zoning designations in the attached Official Zoning Map identified in Exhibit C, attached hereto.

SECTION 9. If any section, subsection, subdivision, paragraph sentence, clause or phrase of this Urgency Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Urgency Ordinance or any part hereof. The City Council of the City of Colton hereby declares that it would have passed each section, subsection, subdivision, paragraph sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences clauses or phrases be declared invalid.

SECTION 10. Pursuant to Government Code Section 36937, this Ordinance is designed to protect the health, safety and welfare of the citizens of the City of Colton and shall take effect immediately upon the date it is passed by a four fifths (4/5) vote of the City Council. The City Council hereby finds that there is an urgent need to adopt these regulations in order to eliminate the current and immediate threats set forth above.

SECTION 11. The City Clerk shall certify to the passage and adoption of this Urgency Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Motion and second by CM Suchil/CM Oliva, to approve Urgency Ordinance No. O-05-13, as stated above and as provided in the staff report. Unanimous vote.

ADJOURNMENT

At 6:48 p.m., Mayor Zamora adjourned the Special meeting.

Eileen C. Gomez, CMC
City Clerk