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ORDINANCE NO. O-06-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON TO AMEND VARIOUS PROVISIONS OF CHAPTERS 18.04, 18.06, AND 18.48 OF TITLE 18 OF THE COLTON MUNICIPAL CODE PERTAINING TO EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING WITHIN RESIDENTIAL, MIXED-USE AND INDUSTRIAL ZONES, AND REASONABLE ACCOMMODATION IN HOUSING FOR PERSONS WITH DISABILITIES TO ENSURE CONSISTENCY WITH STATE LAW (FILE INDEX NO. DAP-001-147).

WHEREAS, on February 4, 2014, the City Council of the City of Colton ("City Council") adopted the 2013-2021 Housing Element update; and

WHEREAS, the Housing Element includes Implementation Programs 13, 17 and 18 to amend City regulations pertaining to emergency shelters, supportive and transitional housing, reasonable accommodation procedures, and City definitions in order to ensure consistency with state housing law; and

WHEREAS, on April 8, 2014, the Planning Commission of the City of Colton ("Planning Commission") conducted a duly noticed public hearing and recommended that the City Council adopt Zone Text Amendment No. DAP-001-149 to amend Chapters, 18.04, 18.06, and 18.48 of Title 18 of the Colton Municipal Code (the "Municipal Code") pertaining to emergency shelters, supportive and transitional housing within residential, mixed-use and industrial zones, reasonable accommodation procedures and City definitions to ensure consistency with state law and the Colton Housing Element; and

WHEREAS, on April 8, 2014 the Planning Commission adopted a Resolution recommending City Council approval of Zone Text Amendment No. 001-147; and

WHEREAS, the City Council has determined that the Zone Text Amendment is consistent with the City of Colton General Plan ("General Plan") as indicated below; and

WHEREAS, the City Council has determined that the proposed Text Amendment is in the best interest of the City, and that it would be in the public interest to approve the zone Text Amendment; and

WHEREAS, pursuant to CEQA Guidelines Section 15168(e), Zone Text Amendment No. 001-147 is within the scope of the program evaluated in Certified Program Environmental Impact Report, SCH No. 2012031037, which was prepared and certified for the Colton General Plan Update. The Certified Program EIR adequately describes the proposed amendments to Title 18 of the Municipal Code to ensure consistency with the adopted Housing Element; and

1 WHEREAS, on May 6, 2014, the City Council held a duly noticed public hearing at
2 which persons wishing to testify in connection with the Zone Text Amendment were heard and
3 the Zone Text Amendment was comprehensively reviewed; and

4 WHEREAS, all other legal prerequisites to the adoption of this Ordinance have
5 occurred.

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

8 **SECTION 1.** The City Council hereby adopts the recitals and findings set forth above
9 and in the agenda report prepared in connection with this Ordinance.

10 **SECTION 2.** General Plan Consistency. Based on the entire record before the City
11 Council and all written and oral evidence presented, including the staff report and the findings
12 made in this Ordinance, the City Council hereby finds and determines that the proposed Zone
13 Text Amendment is consistent with the goals and policies of the City of Colton General Plan and
14 is reasonably related to the public welfare of the citizens of the City and surrounding regions.
15 Specifically, the provisions of this Zone Text Amendment pertain to emergency shelters,
16 supportive and transitional housing within residential, mixed-use and industrial zones, and
17 reasonable accommodation for persons with disabilities to ensure consistency with state law and
18 furthering the City's goals and policies as set forth in the City of Colton General Plan Housing
19 Element.

20 **SECTION 3.** Chapter 18.04 of Title 18 of the Colton Municipal Code pertaining to
21 Definitions, is hereby amended modifying and adding as follows (New Text is shown in
22 **Underline and bold** and deleted text is shown in ~~strike through~~):

23 **Chapter 18.04 Definitions.**

24 **18.04.206 Family.**

25 "Family" means ~~an individual or two or more Persons related by blood, marriage or~~
26 ~~adoption, or a group of not more than five Persons, excluding servants, who need not be related~~
27 ~~by blood, marriage or adoption, living together as a single housekeeping unit. one or more~~
28 ~~persons living together as a single housekeeping unit in a dwelling unit. See "Single~~
~~housekeeping unit"~~

18.04.409 Single Housekeeping Unit.

"Single Housekeeping Unit" means the functional equivalent of a traditional family,
whose members are an interactive group of persons jointly occupying a single dwelling
unit, including the joint use of and responsibility for common areas, and sharing household
activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.)
and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire
premises of the dwelling unit, under a single written lease with joint use and responsibility

1 for the premises, and the makeup of the household occupying the unit is determined by the
2 residents of the unit rather than the landlord or property manager.

3 **18.04.435 Supportive Housing.**

4 “Supportive Housing” means housing with no limit on length of stay, that is occupied by
5 the target population, and that is linked to onsite or offsite services that assist the supportive
6 housing resident in retaining the housing, improving his or her health status, and maximizing his
7 or her ability to live and, when possible, work in the community, as defined by California Health
8 and Safety Code §50675.14 has the same meaning as that term is defined in Section 65582(f)
of the Government Code. Supportive housing is a residential use of property that is subject
only to the same standards and procedures as apply to other residential uses of the same
type in the same zone.

9 **18.04.439 Transitional Housing.**

10 “Transitional housing” is defined as buildings configured as rental housing
11 developments, but operated under program requirements that call for the termination of
12 assistance and recirculation of the assisted unit to another eligible program recipient at some
13 predetermined future point in time, which shall be no less than six months, as defined by
14 California Health and Safety Code §50675.2. Has the same meaning as that term is defined in
Section 65582(h) of the Government Code and Section 50675.2 of the Health and Safety
Code. Transitional housing is a residential use of property that is subject only to the same
standards and procedures as apply to other residential uses of the same type in the same
zone.

15
16 **SECTION 4.** Section 18.06.060 E. of Chapter 18.06 of Title 18 of the Colton Municipal
17 Code pertaining to Uses Permitted in each Zone, is hereby amended deleting Supportive Housing
18 and Transitional Housing from the table (New Text is shown in Underline and bold and deleted
text is shown in ~~strikethrough~~):

E. Residential Districts Table	V-L	R-1	R-2	R3/R4
Supportive Housing	N	N	N	P
Transitional Housing	N	N	N	P

24
25 **SECTION 5.** Section 18.48.160 of Chapter 18.48 of Title 18 of the Colton Municipal
26 Code pertaining to Emergency Shelters is hereby amended to read as follows (New Text is
shown in Underline and bold and deleted text is shown in ~~strikethrough~~):

27 **18.48.160 – Emergency Shelters**

1 A. Emergency Shelters shall be subject to the following provisions.

- 2 1. Maximum Beds. The maximum number of beds/persons is twenty-five (25);
3 2. Parking. Parking shall meet the requirements of Chapter 18.36 of this Code;
4 3. Waiting/Intake Area. The shelter may have a waiting and intake area no larger
5 4. ~~On Site Manager. The shelter must have at least one on site manager at all times~~
6 ~~during hours of operation;~~

7 ~~5.4. Distance Requirements. The distance between emergency shelters shall be a~~
8 ~~minimum of three hundred feet. No emergency shelter shall be located within~~
9 ~~three hundred feet of any public park and/or school;~~

10 ~~6.5. Management Security Plan. A written management plan including provisions~~
11 ~~for the following: The emergency shelter shall provide a security plan that~~
12 ~~ensures the safety of the residents, visitors and employees. The plan shall be~~
13 ~~reviewed by the Director and shall include, but is not limited to, the following:~~

- 14 a. Color, security surveillance system with recording capability;
15 b. On-site manager and security guard(s);
16 c. Adequate external lighting shall be provided for security purposes. The
17 lighting shall be stationary, directed away from adjacent properties and
18 meet the requirements of Section 15.10 of this Code;
19 d. Staff training;
20 e. Neighborhood outreach;
21 f. Screening of residents to ensure compatibility with services provided at
22 the facility'
23 g. Training, counseling, and treatment outreach programs for residents.

24 ~~7.6. Length of Stay. Emergency shelter shall only be provided for a time period~~
25 ~~Length of stay shall not exceed six months within any 12-month period for any~~
26 ~~individual resident;~~

27 ~~8. Laundry Facility. The shelter shall provide laundry facilities or services adequate~~
28 ~~for the number of residents;~~

~~9. Outdoor Activities. Any emergency shelter adjacent to a residential use shall~~
~~limit outdoor activities to the following hours: 8:00 a.m. to 9:00 p.m. Monday~~
~~through Sunday;~~

~~10. Pay Phone. There shall not be any outdoor public telephones on the site nor along~~
~~the public right of way in front of the facility;~~

~~11. Signage. Maximum eight (8) square feet is permitted at entry areas of emergency~~
~~shelter and shall be removed when emergency shelter is closed.~~

~~12. Toilets. No outdoor toilets are allowed on the site unless during construction or a~~
~~special event;~~

~~13. Shelter Provider. The agency or organization operating the emergency shelter~~
~~shall comply with the following requirements:~~

1 a. ~~Staff and services shall be provided to assist residents to obtain permanent~~
2 ~~shelter and income;~~

3 b. ~~A written management plan including, as applicable, provision for staff~~
4 ~~training, neighborhood outreach, security, screening of residents to ensure~~
5 ~~compatibility with services provided at the facility, and for training,~~
6 ~~counseling, and treatment outreach programs for residents.~~

7 B. ~~Year round emergency shelters subject to the following provisions: Year round~~
8 ~~emergency shelters shall comply with the same provisions of emergency shelters, Section~~
9 ~~18.48.160.A, with the exceptions of length of stay for residents which is not limited to~~
10 ~~any number of days.~~

11 **SECTION 6.** Chapter 18.48 of Title 18 of the Colton Municipal Code pertaining to
12 Reasonable Accommodations Section is hereby added:

13 **Chapter 18.48 SPECIAL PROVISIONS**

14 **18.48.180 Reasonable Accommodations.**

15 **SECTION 7.** Section 18.48.180 of Chapter 18.48 of Title 18 of the Colton Municipal
16 Code pertaining to Reasonable Accommodations is hereby amended and added:

17 **18.48.180 - Reasonable Accommodations**

18 **1. Purpose. It is the policy of the City of Colton to comply with the Federal Fair**
19 **Housing Amendments Act of 1988 and the California Fair Employment and Housing Act to**
20 **provide reasonable accommodation in the application of its zoning or building laws,**
21 **policies or procedures for persons with disabilities seeking fair access to housing. The**
22 **purpose of this section is to establish the process for making a request for reasonable**
23 **accommodation. For purposes of this section, the term "disabled" or "disability" shall**
24 **have the same meaning as that term is defined in the Federal Fair Housing Amendments**
25 **Act of 1988 and the California Fair Employment and Housing Act.**

26 **2. Application.**

27 **(a) Any person who requests reasonable accommodation, because of a disability,**
28 **in the application of a zoning or building law, policy or procedure, which may act as a**
barrier to fair housing opportunities, may do so by filing a completed application with the
Director of Development Services ("Director"). The Director shall promulgate application
forms for this purpose.

(b) If the project for which the request is being made also requires some other
approval, permit or entitlement, the applicant shall file the request together with the

1 application for such approval, permit or entitlement.

2 **3. Required information.**

3 The applicant shall provide the following information:

4 (a) Applicant's name, address, and telephone number;

5 (b) Address of the property for which the request is being made;

6 (c) The current actual use of the property;

7 (d) A description of the accommodation requested including reference to the
8 Code provision, policy or procedure from which modification is being requested;

9 (e) The basis for the claim that the applicant is considered disabled under the
10 Federal Fair Housing Amendments Act of 1988 or the California Fair Employment
11 Housing Act; and

12 (f) A detailed explanation of why the accommodation is reasonable and why
13 the accommodation is necessary to afford the applicant an equal opportunity to use
14 and enjoy a specific dwelling in the city.

15 **4. Notice of request for accommodation.**

16 Written notice of a request for reasonable accommodation shall be given as follows:

17 (a) In the event that there is no approval sought other than the request for
18 reasonable accommodation, the notice shall be mailed to the owners of record of all
19 properties which are immediately adjacent to the property which is the subject of the
20 request.

21 (b) In the event that the request is being made in conjunction with some other
22 approval, permit or entitlement, the notice shall be transmitted along with the notice
23 of the other proceeding.

24 **5. Procedure.**

25 (a) The Director shall review each application for reasonable accommodation and,
26 within five days of receipt thereof, determine whether the application is complete. If the
27 application is determined to be incomplete, the Director shall promptly give the applicant
28 written notice of the additional information necessary to complete the application.

(b) Within 30 days of receipt of an application that has been determined to be
complete, the Director shall complete a review of the application and, pursuant to the
standards provided in this section, either approve, approve subject to conditions or deny
the request. However, in the event that the applicant also seeks an approval, permit or
other entitlement that is reviewed by the planning commission, then the planning
commission shall review the application for reasonable accommodation.

1 (c) The Director shall give the applicant written notice of the Director's decision.
2 Notice of the Director's decision shall also be given in the same manner as provided in
3 Section 4 above.

4 (d) Within ten days of the date the notice is mailed, any person may appeal the
5 Director's decision in the manner provided in Sections 18.58.030(F)(2) and 18.58.030(F)(3)
6 of this Code.

7 (e) If no appeal is received within 10 days, the decision shall become final.

8 **6. Grounds for accommodation.**

9 In making a determination about the reasonableness of a requested accommodation,
10 the following factors shall be considered:

11 (a) Whether the accommodation is reasonable considering the nature of the
12 applicant's disability, the surrounding land uses, and the rule, standard, policy, or
13 practice from which relief is sought;

14 (b) Whether the accommodation is necessary to afford the applicant equal
15 opportunity to enjoy and use a specific dwelling in the city;

16 (c) Whether the accommodation will have only incidental economic or
17 monetary benefits to the applicant, and whether the primary purpose of the
18 accommodation is to assist with real estate speculation or excess profit taking;

19 (d) Whether the accommodation will create a substantial adverse impact on
20 surrounding land uses, or a public nuisance, that cannot be reasonably mitigated;

21 (e) Whether the accommodation is reasonably feasible considering the physical
22 attributes of the property and structures;

23 (f) Whether there are alternative accommodations which may provide an
24 equivalent level of benefit to the applicant, while minimizing adverse impacts on
25 surrounding land uses and lessening the financial and/or administrative burden on the
26 city;

27 (g) Whether the requested accommodation would impose an undue financial or
28 administrative burden on the city; and

(h) Whether the requested accommodation would constitute a fundamental
alteration of the zoning or building laws, policies or procedures of the city.

7. Expiration of grants of reasonable accommodation.

Any modification granted for an individual with a disability shall be a personal
accommodation for the individual applicant and shall not run with the land, unless the
Director determines that it would be impractical to require the property to be returned to
its previous condition once the disabled person no longer occupies the property. Prior to

1 the issuance of a building permit or any other applicable permit for such modification, the
2 permittee shall execute a notarized statement that permits the city to inspect the affected
3 property at least annually to verify compliance with this section and with any applicable
4 conditions of approval. Prior to any transfer of interest in the property, the permittee shall
5 notify the transferee of the existence of the accommodation, the personal status of the
6 accommodation and the requirements that the tranferee must apply for a new
7 accommodation as necessary. Except as otherwise provided by the Director, as set forth
8 herein, once such transfer takes effect the accommodation shall have no further validity.

9 **Fee.**

10 **Fees pursuant to adopted fee schedule.**

11 **SECTION 7.** If any sentence, clause or phrase of this Ordinance is for any reason held to
12 be unconstitutional or otherwise invalid, such decisions shall not affect the validity of the
13 remaining provisions of this Ordinance.

14 **SECTION 8.** Pursuant to CEQA Guidelines Section 15168(e), the Zone Text
15 Amendment No. 001-147 is within the scope of the program evaluated in Certified Program
16 Environmental Impact Report, SCH No. 2012031037, which was prepared and certified for the
17 Colton General Plan Update. The Certified Program EIR adequately describes the proposed
18 amendments to Title 18 of the Municipal Code to ensure consistency with the adopted Housing
19 Element.

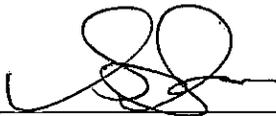
20 **SECTION 9.** This Ordinance shall become effective thirty (30) days after its adoption in
21 accordance with the provisions of California law.

22 **SECTION 10.** Certification/Publication. The City Clerk shall certify to the passage of
23 this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days
24 after adoption in a newspaper of general circulation published and circulated in the City of
25 Colton.

26 **PASSED, APPROVED AND ADOPTED** this 22nd day of May, 2014.

27 
28 SARAH S. ZAMORA
Mayor

ATTEST:

29 
30 _____
31 SABDI SANCHEZ
32 Chief Deputy City Clerk

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, SABDI SANCHEZ, Chief Deputy City Clerk of the City of Colton, California, do
6 hereby certify under penalty of perjury that the foregoing is a full, true and correct copy
7 of ORDINANCE NO. O-06-14, and was duly passed, approved, and adopted by the City
8 Council of the City of Colton at its Adjourned Regular Meeting held on the 22nd day of
9 May, 2014, by the following vote to wit:

10
11 AYES: COUNCILMEMBER Toro, Gonzales, Navarro, Oliva,
Bennett, Suchil and Mayor Zamora
12
13 NOES: COUNCILMEMBER None
14
15 ABSTAIN: COUNCILMEMBER None
16
17 ABSENT: COUNCILMEMBER None

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
19 seal of the City of Colton, California, this ____ day of _____, _____.

20
21 _____
22 SABDI SANCHEZ
23 Chief Deputy City Clerk
City of Colton, California

24 (SEAL)
25
26
27
28