



# Planning Commission Staff Report

CITY OF COLTON  
Development Services Department

**MEETING DATE:** June 10, 2025

**FILE INDEX NUMBER:** DAP24-0038

**REQUEST:** **Request for Specific Plan & Municipal Code Amendments:**  
A recommendation to the City Council concerning amendments to Chapter 18.46 of the Colton Municipal Code and amendments to the Colton Hub City Centre Specific Plan (CHCCSP) (Specific Plan Amendment No. 2) to comply with the 6th Cycle Housing Element Update (2021-2029) and proposed text amendments to 18.46.303 and 18.46.050 and within the CHCCSP for amortization procedural requirements for nonconforming uses.

**APPLICANT:** City of Colton – Development Services Department – Planning Division

**PROPERTY OWNER:** Citywide

**ACTIONS:**

**APPLICATION FILED:** 06-25-2024

**COMMUNITY MEETING:** 4/9/2025

**STUDY SESSION WITH PLANNING COMMISSION:** 4/22/2025

**PLANNING COMMISSION:** 6/10/2025; Recommendation: Approval; Decision: \_\_\_\_\_

**ENVIRONMENTAL DETERMINATION:** 1.CHCCSP Amendments - Addendum. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164 and 15162, an addendum to a previously certified EIR may be prepared in cases where changes or additions occur with no new significant environmental impacts, and 2. Amortization Municipal and CHCCSP Amendments – Exemption. Pursuant to CEQA Guidelines Section 15061(b)(3) since the project establishes procedural requirements for the establishment of amortization periods and does not result in changes to the environment.

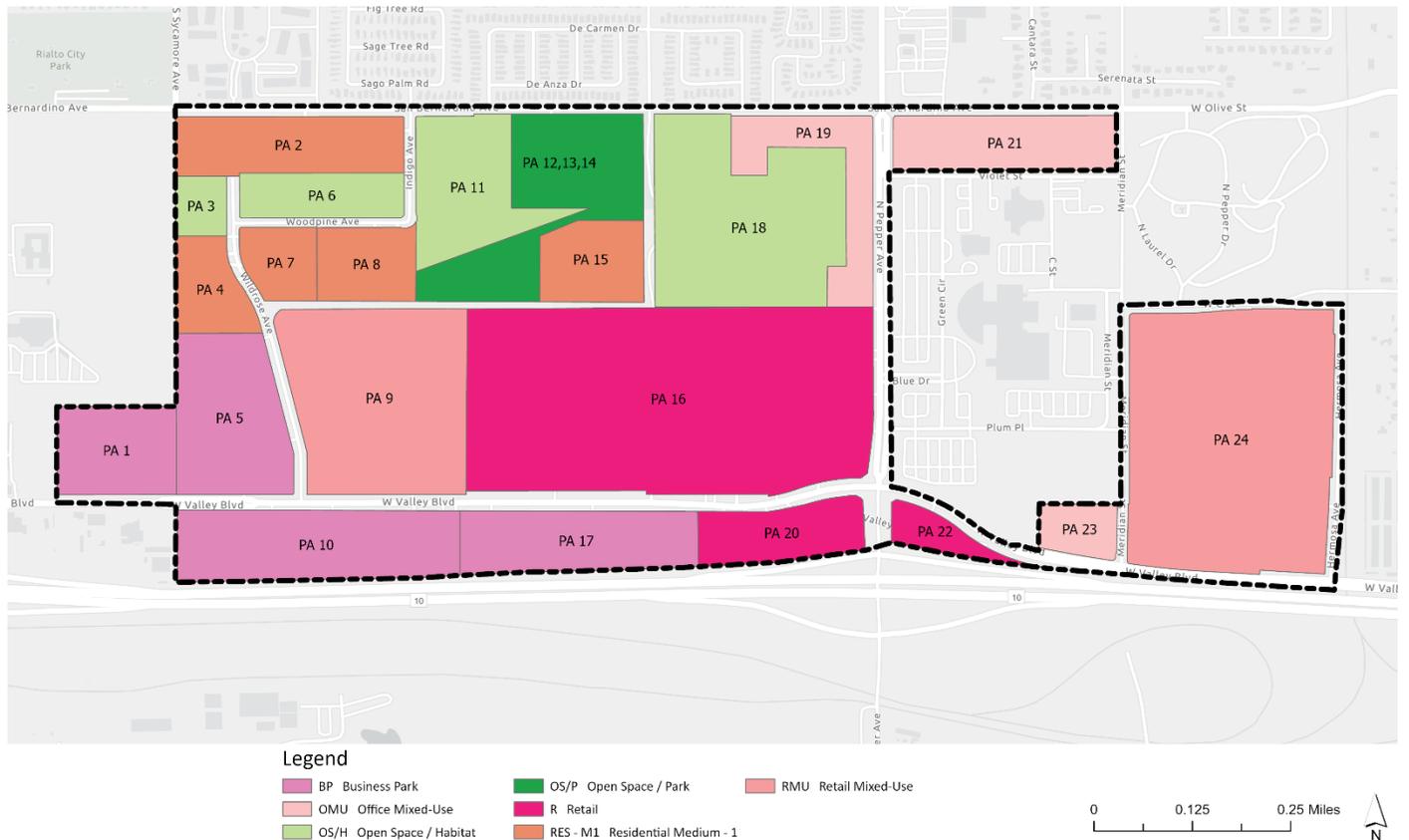
**PROPERTY INFORMATION:**

1. Location: Located within the Colton Hub City Centre Specific Plan (CHCCSP) Area. The CHCCSP Area consists of a 373-acre area bounded by San Bernardino Avenue to the north, the City of Rialto to the west, the Interstate-10 (I-10) freeway to the south, and Hermosa Avenue and the Union Pacific Railroad to the east.
2. Lot Size(s): Various (see table below)
3. Existing Land Use: Various (see table below)
4. General Plan Land Use: Colton Hub City Centre Specific Plan
5. Historic District: N/A
6. Zoning: Colton Hub City Centre Specific Plan

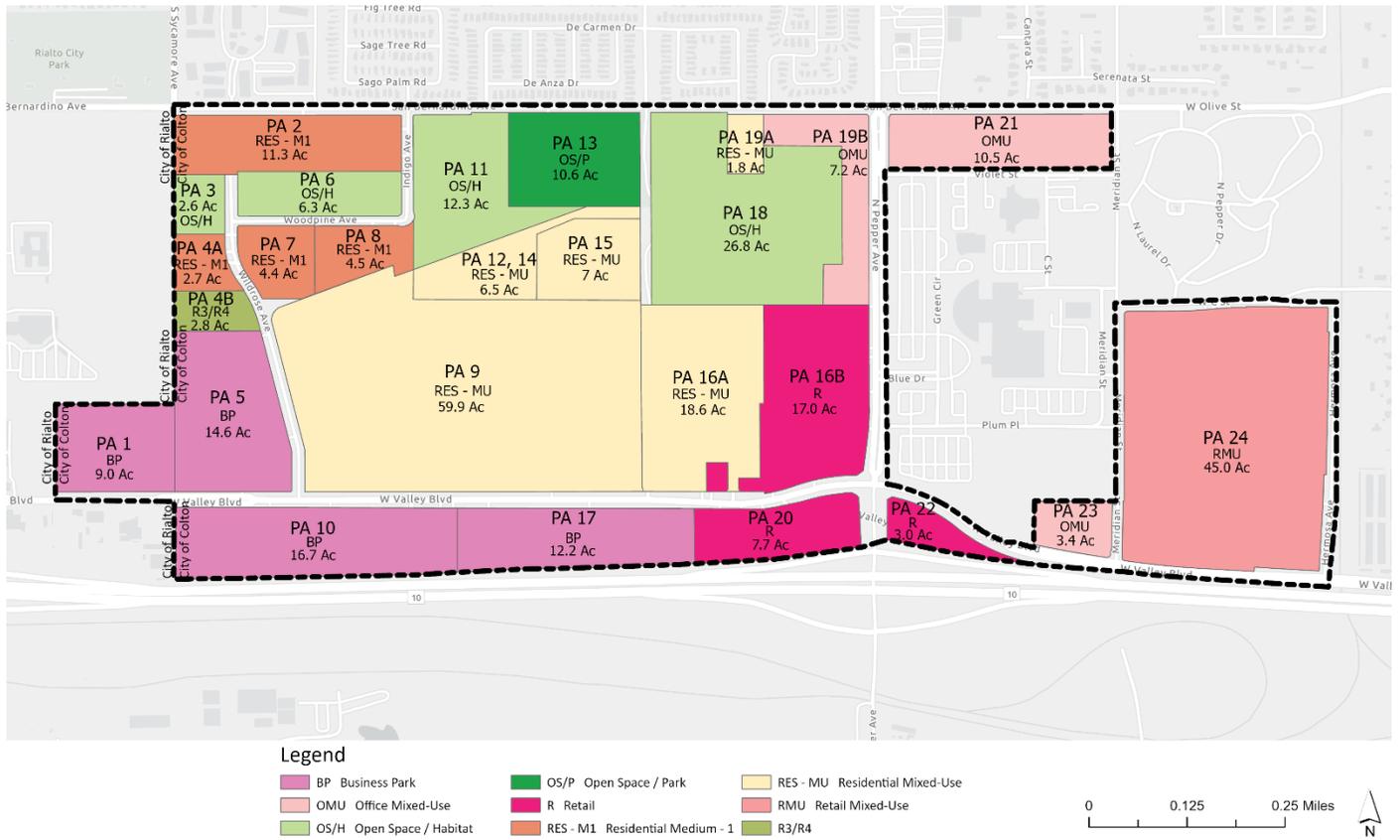
7. Project Sites: Various (see table below)

APN	CHCCSP Planning Area	Existing CHCCSP Land Use	Existing Use	Acres
25406130	PA 9/12/14/15/16	Retail Mixed-Use Retail Res Medium – 1 Open Space Park	Non-Vacant, Golf Course	51.4
25407162	PA 16	Retail	Vacant	1.1
25407163	PA 16	Retail	Vacant	1.1
25407165	PA 16	Retail	Vacant	1
25407164	PA 16	Retail	Vacant	1
25407161	PA 16	Retail	Vacant	4.9
25405114	PA 7/8/9	Res Medium – 1 Retail Mixed-Use	Vacant	20.6
25407158	PA 19	Office Mixed Use	Non-Vacant	1.8
25405169	PA 4	Res Medium – 1	Vacant	2.76
25407149	PA 16	Retail	Non-Vacant	1.1
25407147	PA 16	Retail	Non-Vacant	0.3
25407127	PA 16	Retail	Non-Vacant	4.1
25407150	PA 16	Retail	Non-Vacant	0.3
25407143	PA 16	Retail	Non-Vacant	0.5
25407144	PA 16	Retail	Non-Vacant	0.8
25407125	PA 16	Retail	Non-Vacant	0.3
25405113	PA 9	Retail Mixed-Use	Non-Vacant	0.8
<b>Total Revised Project Acreage</b>				<b>93.86</b>

8. Existing Land Use Map:



**9. Proposed Land Use Plan:**



**BACKGROUND AND PROPOSAL:**

**Colton Hub City Centre Specific Plan.** The CHCCSP was adopted on November 21, 2014. The document replaced the existing West Valley Specific Plan, which was adopted June 1996. The CHCCSP was amended in November 2016 to include the RES-1 zone.

**Proposed Amortization Ordinance and Specific Plan Amendment.** The current Colton Municipal Code allows for the continuation of nonconforming uses of land within certain parameters. The proposed text amendments to 18.46.303 and 18.46.050 do not require the amortization and eventual elimination of nonconforming uses. Colton’s historical development pattern includes the development of manufacturing, industrial and warehouse uses within, or in close proximity to, conforming and nonconforming residential developments, and as manufacturing, industrial and warehouse uses have modernized and intensified over the years, including the proliferation of e-commerce businesses, they have also created land use and environmental conflicts with existing residential land uses, including the creation of noise, traffic, dust, vibration and odor impacts originating from nonconforming manufacturing, industrial and warehouse uses. The intent of this ordinance is to establish procedures for the eventual amortization of nonconforming uses, with a focus on amortization nonconforming uses that create deleterious impacts on residential uses in Colton.

**Housing Element.** The State of California requires jurisdictions to update their Housing Element every eight years. Housing Element State of California Government Code Section 65580-65589.11 outlines the necessary requirements and components to be included in the Housing Element to ensure compliance with State law. Jurisdictions are required to submit their Housing Element to the California Department of Housing and Community Development (HCD) for review and for determination of whether the Housing Element achieves

substantial compliance with State law. Once HCD has determined that a Housing Element meets the necessary requirements, it issues a letter of substantial compliance. Throughout preparation of a Housing Element, HCD provides guidance and technical assistance to jurisdictions to assist them in achieving compliance with applicable State laws.

HCD and the California Department of Finance are responsible for assessing the new housing needs of different regions across the State. The City of Colton is located within the Southern California Association of Governments (SCAG) region, which has a cumulative Regional Housing Needs Determination of 1,341,827 new units. SCAG has distributed these units to each jurisdiction within the region in a process known as the Regional Housing Needs Allocation (RHNA). Colton's RHNA for the 2021-2029 planning period was determined by SCAG to be 5,434 housing units, including 1,318 units for very-low-income households, 668 units for low-income households, 906 units for moderate-income households, and 2,542 units for above-moderate-income households.

The City of Colton began updating its 6th Cycle Housing Element in early 2021. A total of five meetings and workshops were held for the Housing Element between February 2021 and January 2022, and two additional public meetings were held in October 2023. The Housing Element was adopted by the City Council on January 4, 2022 (Resolution R-04-23).

The Housing Element went through several rounds of review by HCD throughout 2021 to 2023. The most recent letter from HCD was received on December 11, 2023. This letter states that once the rezoning efforts as outlined in Program 10 (Mixed-Use Development) and Program 11 (Rezoning Sites), and Program 18 (By-Right Approval of Projects with 20 Percent Affordable Units on "Reused" RHNA Sites) are completed and submitted, the Housing Element would comply with State law. The CHCCSP amendment implements pieces of Programs 10 and 11 to rezone sites in the CHCCSP area used to meet the City's RHNA. This would bring the City's Housing Element into full compliance with State law. In order to be fully compliant, the City needs to complete the rezoning in Programs 10 and 11. There are no "reuse" sites within the CHCCSP.

**Community Meeting and PC Study Session CHCCSP.** On April 9, 2025, the first community meeting was held with about 600 public notices including property owners/residents/tenants. In addition, staff sent out notices to home builders interested in developing the CHCCSP. Eight residents attended and received handouts about the project, heard a presentation by staff and asked questions during Question and Answer. Mayor Pro Tempore was present at this meeting as well as three City staff members.

The community meeting was held in the California University of Science and Medicine (CUSM) facilities. A copy of the Presentation and other materials are available as part of Attachment 1, which includes materials taken to the meeting. The following notes include areas that were discussed and/or questions asked about the plan or general development of the CHCCSP:

- Question of the status of the habitat area also known as the Habitat Conservation area of the Endangered Species Act for the Federally Endangered Delhi Sands Flower-Loving Fly (future development, removal of the designation, other general information).
- Comment received about beautifying the curb appeal/landscape buffers of the areas fenced around the Delhi Sands Flower-Loving Fly.
- Question/Comment received concerning issues with mosquitos coming from protected conservation area where the Delhi Sands Flower-Loving Fly is located.
- Question/comment about future cross traffic through Wildrose Avenue in northern direction through San Bernardino Avenue.

- Question about review of environmental information from developers third party consultants instead of City generated environmental reports/studies.
- Question received about whether Section 8 Homes will be generated with new development.
- Question about the maximum height of buildings and general development standards.
- Comment from one of the participants with a nursing background stating that their family lives in the new homes from San Bernardino Avenue and west of Indigo Avenue. If the City planned for medical staff to move there it is working in his opinion.
- Comment about looking forward to new residential community and applauded the City in moving in this direction in creating beautiful neighborhoods to recreate, live and work.

A Planning Commission Study Session was held on April 22, 2025, which included a presentation of the draft amendments of the CHCCSP followed up with a discussion and question and answer period. All but one commissioners were in attendance. The following questions were asked and discussed regarding the specific plan and general development of the CHCCSP.

- Question regarding whether rooftop landscaping counts towards the common open space requirement.
- Question regarding what the expected buildout is for the 17 parcels in the HCCSP, and the likelihood of a master planned community application.
- Question regarding whether the objective design standards in the HCCSP are commonly applied in other jurisdictions.
- Question regarding project phasing and if there would be one developer or if all 17 sites would develop individually.
- Question regarding how the HCCSP will impact schools and how school impact fees will be applied.
- Question regarding the determination and need for fire protection services in the HCCSP area and how impact fees will be applied.
- Question regarding the project's impacts on traffic.
- Comment from an individual supporting the potential housing options planned for in the HCCSP, to support employees of Arrowhead Regional Medical Center.

### **Proposal**

The proposed project includes an amendment to the CHCCSP in conformance with the 6th Cycle Housing Element Update (2021-2029) and changes within the CHCCSP and Municipal Code pertaining to amortization of nonconforming uses.

Overall, the changes proposed to comply with the 6<sup>th</sup> Cycle Housing Element will result in the rezoning of 17 parcels totaling approximately 93.86 acres within Planning Areas (PAs) 7, 8, 9, 12, 14, 15, 16, and 19 of the CHCCSP. The rezoning includes a projected 2,226 units as identified in the Housing Element (53% of the RHNA).

The sites identified would be rezoned to RES-MU (Residential Mixed-Use), which is a new zoning district. The new RES-MU zone would allow a minimum density of 20 dwelling units per acre (du/ac) and a maximum density of 40 du/ac. The zone would allow mixed-use projects as well as standalone residential and standalone commercial. To comply with State law, for mixed-use projects that have a residential component, the zone would require at least 50% of the total floor area to be occupied by a residential use.

The revisions to Chapter 4 of the CHCCSP introduce the new zone and set development standards including lot requirements, density standards, setbacks, lot coverage, height, parking, and ground floor transparency requirements. The development standards allow flexibility for a variety of housing types and uses. Many of the uses in the existing zone would be retained and multifamily residential uses would be added.

In addition, the amendment to the CHCCSP includes Objective Design Standards (ODS) that apply to the new RES-MU zone. Through Senate Bill (SB) 35 and SB 330 State legislation requires projects to be reviewed against objective standards for eligible multifamily projects. The Objective Design Standards in the CHCCSP are intended to make development projects more predictable and easier to interpret for all users (i.e. decision makers, staff, applicants, and members of the public) and to ensure applicants know beforehand what requirements apply to a proposed development and if their project meets those requirements before submittal.

The ODS in the CHCCSP provide standards that can be measured and verified to ensure the proposed project satisfies the design intent and vision set forth in the Specific Plan. The ODS provides standards that regulates the following:

- Building Orientation and Layout
- Site Access and Parking
- Utilities and Trash Enclosures
- Building Form
- Building Height, Massing, and Articulation
- Open Space
- Roof Forms, Entries, and Windows
- Garages

**The second part** of the CHCCSP amendments and Municipal Code amendments include:

**A. Specific Plan Zoning Text Amendments:**

1. The revised project would result in the rezoning of 17 parcels totaling approximately 93.86 acres within Planning Areas (PAs) 7, 8, 9, 12, 14, 15, 16, and 19 of the CHCCSP.
2. The rezoning includes a projected 2,226 units as identified in the Housing Element (53% of the RHNA).
3. The sites identified would be rezoned to RES-MU (Residential Mixed-Use), which is a new zoning district.
4. The new RES-MU zone would allow a minimum density of 20 dwelling units per acre (du/ac) and a maximum density of 40 du/ac.
5. The zone would allow mixed-use projects as well as standalone residential and standalone commercial.
6. To comply with state law, for mixed-use projects that have a residential component, the zone would require at least 50% of the total floor area to be occupied by residential use.
7. The revisions to Chapter 4 of the CHCCSP introduce the new zone and set development standards including lot requirements, density standards, setbacks, lot coverage, height, parking, and ground floor transparency requirements.
8. The development standards allow flexibility for a variety of housing types and uses. Many of the uses in the existing zone would be retained and multifamily residential uses would be added.

9. The amendment to the CHCCSP includes Objective Design Standards (ODS) that apply to the new RES-MU zone. Senate Bill (SB) 35 and SB 330 require projects to be reviewed against objective standards for eligible multifamily projects.
10. The ODS in the CHCCSP provide standards that can be measured and verified to ensure the proposed project satisfies the design intent and vision set forth in the Specific Plan. The ODS provides standards that regulate the following: Building Orientation and Layout; Site Access and Parking; Utilities and Trash Enclosures; Building Form; Building Height, Massing, and Articulation; Open Space; Roof Forms, Entries, and Windows; and Garages.
11. Adding new Section 7.4.9 (Amortization of Nonconforming Uses) and renumbering certain sections.

**B. Municipal Coder Amendment:**

1. Adding sections to Chapter 18.46 (Nonconforming Structures and Uses) of the Colton Municipal Coder related to procedures for the Amortization of Nonconforming Uses.

**ANALYSIS:**

CHCCSP Rezoning Project. The proposed project would allow for compliance with the 6th Cycle Housing Element Update (2021-2029). Specifically, the CHCCSP amendment will implement pieces of Programs 10 and 11 to rezone sites in the CHCCSP area used to meet the City’s RHNA. This is necessary to bring the City’s Housing Element into full compliance with State Law. The project will also ensure the City is complying with State law regarding ODS.

Municipal Code and CHCCSP Amortization Amendments. In general, “amortization” refers to a planned process by which non-conforming uses are phased out over a specified period. This allows the property owner to recover their investment in the non-conforming use before it’s required to comply with new zoning regulations or terminate their use entirely. It is well established that a city can eliminate the vested rights of legal nonconforming uses pursuant to its police powers, without compensation after a “reasonable amortization period.” (United Business Com. v. City of San Diego, 91 Cal.App.3d 156, 179 (1979); See also Los Angeles v. Gage, 127 Cal.App.2d 442, 453, 460 (1954) - use of a reasonable amortization scheme does not constitute a taking of property, as it “provides an equitable means of reconciliation of conflicting interests in satisfaction of due process requirements”). Court cases have determined that reasonable amortization periods are designed to assure that an owner has received the beneficial use of their investment in the use. As a result, termination does not constitute a “taking” of property in violation of the Fifth Amendment of the Constitution. Courts have held that the critical factor in determining appropriateness is the reasonableness of the amortization period - meaning that if the amortization period is reasonable, termination is constitutional and represents an equitable means of reconciling the public interest in uniform zoning with the private burden of lost investment.

The intent of this ordinance is to establish procedures for the eventual amortization of nonconforming uses, with a focus on amortization of nonconforming uses that create deleterious impacts on residential uses in Colton. It does not establish any amortization term for any particular nonconforming use and is not authorized for use on nonconforming residential uses. Instead, it describes the steps the City will need to take to establish an amortization term for the eventual termination of the nonconforming use. These steps include:

1. Providing the owner with notice of hearing to determine the amortization term;
2. Holding a hearing before the Planning Commission to review evidence presented and determine the reasonable amortization term and make a recommendation to the City Council;

3. Holding a hearing before the City Council to consider the Planning Commission’s recommendation and determine the appropriate term for amortization;
4. Providing the owner with notice of the approved term and requiring the recordation of a covenant to inform future purchasers of the property;
5. Providing the owner of notice of impending expiration of the amortization to request termination of the nonconforming use.

It should be noted that upon receiving notice of impending amortization, the owner will still have the opportunity to request a short of extension of time (not to exceed two years) to terminate their use.

### **ENVIRONMENTAL DETERMINATION**

Environmental Analysis for CHCCSP Rezoning Project. An Environmental Impact Report (EIR) prepared for the CHCCSP was certified in 2014 (State Clearinghouse No. 2008041067). One addendum to the 2014 EIR was prepared in March 2018 to address the NEC 10 Pepper Project. A subsequent addendum to the 2014 EIR was prepared in April 2023 related to the Business Park at 2245 West Valley Boulevard (DAP-001-778) Project.

An Addendum to the Colton Hub City Centre Specific Plan EIR (proposed project) was prepared under the City’s authority in compliance with the California Environmental Quality Act (CEQA). Based on the analysis presented in the Addendum, the proposed project would not result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified 2014 EIR, nor are there any other circumstances that require the preparation of a subsequent EIR.

Pursuant to the CEQA Guidelines, an Addendum to the 2014 EIR was prepared because the proposed modifications to the CHCCSP do not result in any of the circumstances requiring a Subsequent or Supplemental EIR. Although the proposed modifications would result in development that differs in use than what was assumed in the 2014 EIR, those modifications do not trigger the need for preparation of a Subsequent or Supplemental EIR under the criteria listed in CEQA Guidelines Sections 15162 and 15163, respectively. The Addendum to the 2014 EIR demonstrates that no substantial changes would result from the revised project modifications nor have the existing conditions in the project vicinity substantially changed such that major revisions to the 2014 EIR would be required. The project would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. Specifically, the proposed development, as compared to the 2014 EIR, do not result in new or substantially greater significant impacts because the scale and nature of the proposed development is sufficiently similar to that analyzed in the 2014 EIR such that the impacts of the proposed development are within the levels and types of environmental impacts disclosed in the 2014 EIR.

In addition, no substantial changes in circumstances under Section 15162(a)(2) have occurred since the certification of the 2014 EIR for the adopted approved project that would result in new significant impacts or substantially increase the severity of significant impacts previously identified, since the background environmental conditions have not significantly changed since that time. The City of Colton has received no information indicating there has been a substantial change in any circumstances that would result in a new or substantially greater significant impact.

Furthermore, no new information, which was not known and could not have been known at the time of the 2014 EIR preparation, has been revealed that shows new or substantially greater significant impacts would result (CEQA Guidelines Section 15162[a][3]). There are no new or different mitigation measures or alternatives that would substantially reduce one or more significant impacts of the adopted approved project but that are not adopted. The proposed modifications do not identify or require adoption of any further

mitigation measures or alternatives beyond those provided in the 2014 EIR for the adopted approved project (CEQA Guidelines Section 15162[a][3]).

Environmental Analysis for Amortization Project. Pursuant to CEQA Guidelines Section 15061(b)(3), the Amortization Project is considered exempt from CEQA since the project establishes procedural requirements for the establishment of amortization periods and does not result in changes to the environment.

Correspondence Received on projects. As of June 2, 2025, the majority of the comments received from both Community Meeting and Planning Commission Study Session are in support of the proposed rezoning within CHCCSP. One of the major property owners within the CHCCSP area submitted a Development Application for an industrial/commercial project on September 26, 2024, for a 652,060 square foot logistics warehouse project plus 130,941 square feet of retail space on approximately 72.4 acres within the CHCCSP existing Retail and Retail Mixed Use land use designations. The Development Application is presently incomplete.

On May 20, 2025, Staff also met with Arrowhead Regional Hospital principal staff members on the proposed amendments. They are in support of the proposed residential/commercial uses. However, the hospital representatives expressed their disappointment about the industrial/commercial proposal mentioned above.

On May 30, 2025, the City received a few questions from the California Department of Housing and Community Development (HCD) after reviewing documents from the amendment. Our response to the questions are below:

1. We'll add language for that in Ch 7 of the HCCSP, which covers administration. **Can you let us know if the following is adequate:** *“Housing developments in which at least 20 percent of the units are affordable to lower income households and that are located on sites identified as rezone RHNA sites in the City’s housing element shall be allowed by right. Pursuant to California Government Code Section 65583.2(i), by rights mean that no conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code shall be required.”*
2. Correct that the excerpts just cover the sites in the HCCSP. The rezones will be done in two separate projects, so the City will send over a separate set of amendments that cover the other sites. The project requires an EIR that is currently being drafted.
3. I’ve attached the list of the sites that this portion of the rezoning covers. Let me know if you need any more information on these sites. (Excel spreadsheet of the sites location and various data requested by the state)
4. None of the sites in the HCCSP are reused sites, since they are being rezoned to allow residential. Implementation of Program 18 would be a part of a different project so I’ll defer to Mario and Heidi on if that has been completed yet and what the timeline of that would be. Do you have any language you could share with us on what that amendment might look like?

No other comments were received as of the date and time that this report was written.

**RECOMMENDATION:**

**STAFF RECOMMENDATION.** Staff recommends that the Planning Commission recommend approval of the proposed Colton Hub City Centre Specific Plan amendments through adoption of the attached Resolution titled.

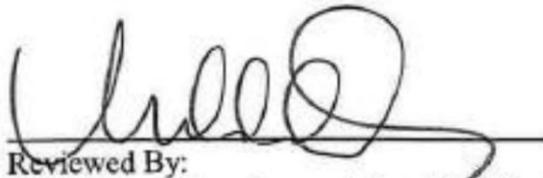
**RESOLUTION NO. R-12-25. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 18, SECTION 18.34.040 (COLTON'S HUB CITY CENTRE SPECIFIC PLAN – AMENDMENT NO. 2) AMENDING TABLE OF CONTENTS AND VARIOUS PROVISIONS OF SECTIONS 3, 4, 6, AND 7 PERTAINING TO LAND USE, DEVELOPMENT STANDARDS & ADMINISTRATION OF TITLE 18 OF THE COLTON MUNICIPAL CODE TO COMPLY WITH THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE (2021-2029) AND ACCOMPANYING ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE COLTON HUB CITY CENTRE SPECIFIC PLAN PROJECT (STATE CLEARINGHOUSE NO. 2008041067) AND CEQA EXEMPTION SECTION 15061(B)(3) AS IT PERTAINS TO AMORTIZATION PROCEDURAL REQUIREMENTS (FILE INDEX NO. DAP24-0038)**



Prepared by:  
Michael Baker International  
*Contact: Alicia Gonzalez, Project Manager*



Prepared by:  
Mario Suarez, AICP, Planning Manager



Reviewed By:  
Heidi Duron, Development Services Director

**Attachments:**

1. Materials from April 9, 2025, Community Meeting and April 22, 2025 Planning Commission Study Session Website  
Link: <https://www.coltonca.gov/992/Housing-Element-Update>

Complete Final EIR Addendum Available at the following Link: <https://www.coltonca.gov/992/Housing-Element-Update> (Same as link above)

2. Planning Commission Resolution No. R-12-25 and Exhibits:
  - a. "A-1"(CEQA Addendum Introduction and Project Information Excerpts);
  - b. "A-2" (CHCCSP Amendments); and
  - c. "B" (Amortization Ordinance)

Materials from April 9, 2025, Community Meeting and  
April 22, 2025 Planning Commission Study Session Website Link:  
<https://www.coltonca.gov/992/Housing-Element-Update>

**ATTACHMENT 1**

Planning Commission Resolution No. R-12-25 and Exhibits  
“A-1”(CEQA Addendum – Introduction and Project Information  
Excerpts)  
“A-2” (CHCCSP Amendments) and  
“B” (City Council Ordinance - Amortization)

## ATTACHMENT 2

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**RESOLUTION NO. R-12-25**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 18, SECTION 18.34.040 (COLTON’S HUB CITY CENTRE SPECIFIC PLAN – AMENDMENT NO. 2) AMENDING TABLE OF CONTENTS AND VARIOUS PROVISIONS OF SECTIONS 3, 4, 6, AND 7 PERTAINING TO LAND USE, DEVELOPMENT STANDARDS & ADMINISTRATION OF TITLE 18 OF THE COLTON MUNICIPAL CODE TO COMPLY WITH THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE (2021-2029) AND ACCOMPANYING ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE COLTON HUB CITY CENTRE SPECIFIC PLAN PROJECT (STATE CLEARINGHOUSE NO. 2008041067) AND CEQA EXCEMPTION SECTION 15061(B)(3) AS IT PERTAINS TO AMORTIZATION PROCEDURAL REQUIREMENTS (FILE INDEX NO. DAP24-0038)**

**WHEREAS**, on November 21, 2014, the City Council of the City of Colton (“City Council”) adopted the Colton’s HUB City Centre Specific Plan (An Amendment of the West Valley Specific Plan); and

**WHEREAS**, the CHCCSP includes Community Planning & Design Goals, Land Use Plan & Components, Development Regulations, Community Design Guidelines & Objective Design Standards, Administration of the Specific Plan for the orderly development of the CHCCSP project area with a mix of land uses; and

**WHEREAS**, on June 10, 2025, the Planning Commission of the City of Colton (“Planning Commission”) conducted a duly noticed public hearing and recommend that the City Council adopted Specific Plan Amendment No. 2 (Case Index No. DAP24-0038) to amend Table of Contents, Sections 3, 4, 6 and 7 pertaining to Land Use & Components, Development Regulations, Community Design Guidelines & Objective Design Standards, and Administrative and voted \_\_\_\_\_; and



1 significant environmental effect or a substantial increase in the severity of previously identified  
2 significant effects. Specifically, the proposed development, as compared to the 2014 EIR, do  
3 not result in new or substantially greater significant impacts because the scale and nature of the  
4 proposed development is sufficiently similar to that analyzed in the 2014 EIR such that the  
5 impacts of the proposed development are within the levels and types of environmental impacts  
6 disclosed in the 2014 EIR; and, as related to the proposed addition of the amortization  
7 procedure, pursuant to CEQA Guidelines Section 15061(b)(3) since the project establishes  
8 procedural requirements for the establishment of amortization periods and does not result in  
9 changes to the environment.

10 **SECTION 3. General Plan.** The Planning Commission hereby finds that the adoption of  
11 the Ordinance is consistent with the General Plan as a matter of law under Government Code  
12 section 66314(c).

13 **SECTION 4. Recommendation.** Given the foregoing, and based on the entire record  
14 before the Planning Commission, the Planning Commission hereby recommends that the City  
15 Council adopt the ordinance attached hereto as Exhibits “A-2” and “B.”

16 **SECTION 5. Effective Date.** This Resolution takes effect immediately upon adoption.

17 **SECTION 6. Certification; Records.** The secretary shall attest as to the adoption of this  
18 Resolution and cause the same to be maintained in the permanent records of the City.  
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20 PASSED, APPROVED AND ADOPTED this 10<sup>th</sup> day of June, 2025.  
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25 Planning Commission Chairperson  
26 Richard Prieto

27 ATTEST:

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Planning Commission Secretary  
Heidi Duron, Development Services Director

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Colton at a meeting held on June 10, 2025, by the following vote of the Planning Commission:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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Planning Commission Secretary  
Heidi Duron, Development Services Director

Exhibit A-1 – Excerpts from EIR Addendum

Introduction and Project Information

Complete Addendum available at the following link:

<https://www.coltonca.gov/992/Housing-Element-Update>

**Exhibit – “A-1”**

Excerpt A-1 of PC Reso No. R-12-25



# COLTON HUB CITY CENTRE SPECIFIC PLAN AMENDMENT

Excerpts of FINAL ENVIRONMENTAL  
IMPACT REPORT ADDENDUM  
Introduction and  
Project Information

PREPARED FOR:  
**CITY OF COLTON**  
**PLANNING DIVISION**  
659 N. LA CADENA DRIVE  
COLTON, CA 92324

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**FINAL**  
**ENVIRONMENTAL IMPACT REPORT ADDENDUM**

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Colton Hub City Centre Specific  
Plan Amendment



Lead Agency:

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## 1.0 INTRODUCTION

This Addendum has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended, to make minor technical changes and additions to the Environmental Impact Report for the Colton Hub City Centre Specific Plan Project (referenced herein as the “approved project”) prepared by The Altum Group (2014 EIR; State Clearinghouse No. 2008041067), certified in 2014.

One addendum to the 2014 EIR was prepared in March 2018 to address the NEC 10 Pepper Project. The NEC 10 Pepper Project proposed the construction of three restaurant/retail use buildings and outdoor dining areas totaling 14,435 square feet, along with associated on- and adjacent offsite improvements such as parking and landscape setbacks a 3-acre site within Planning Area 22.

A second addendum to the 2014 EIR was prepared in April 2023 related to the Business Park at 2245 West Valley Boulevard (DAP-001-778) Project. The Business Park at 2245 West Valley Boulevard (DAP-001-778) Project proposed the redevelopment of nine net acres of land located within Planning Area 1, at Assessor Parcel Number (APN) 0254-041-04. Proposed redevelopment covered under the Addendum included four new buildings that would collectively provide approximately 175,031 square feet of warehouse space and approximately 14,174 square feet of office space and the subdivision of land from one lot to four lots (Tentative Parcel Map No. 20726).

This Addendum focuses on the current project proposal (referenced herein as the “revised project”), which includes an amendment to the Colton Hub City Centre Specific Plan (CHCCSP) in conformance with the 6<sup>th</sup> Cycle Housing Element Update (2021-2029). Specifically, the CHCCSP amendment will implement pieces of Programs 10, 11, and 18 to rezone sites in the CHCCSP area used to meet the City’s Regional Housing Needs Allocation (RHNA). This is necessary to bring the City’s Housing Element into full compliance with State Law; refer to [Section 1.5, Project Description](#).

Based on the analysis herein, the revised project would not result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified 2014 EIR, nor are there any other circumstances that require the preparation of a subsequent EIR.

### 1.1 PURPOSE OF AN ADDENDUM

CEQA, a Statewide environmental law contained in Public Resource Code (PRC) Sections 21000–21177, applies to most public agency decisions which carry out, authorize, or approve actions that have the potential to adversely affect the environment. The CEQA Guidelines allow for updating and using a previously certified EIR for projects that have changed or are different from the previous project or conditions analyzed in the certified EIR. In cases where changes or additions occur with no new significant environmental impacts, an addendum to a previously certified EIR may be prepared, consistent with CEQA Guidelines Section 15164. This Addendum has been prepared in accordance with Section 21166 of CEQA and Sections 15162 and 15164 of the CEQA Guidelines.

Section 15164(a) of the CEQA Guidelines states that “the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Pursuant to Section 15162(a) of the CEQA Guidelines, a Subsequent EIR or Negative Declaration is only required when:

1. *Substantial changes are proposed in the project which will require major revision of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revision of the previous EIR due to the involvement of new significant environmental increase in the severity of previously identified significant effects; or*
3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:*



- (a) *The project will have one or more significant effects not discussed in the previous EIR;*
- (b) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- (c) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (d) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. (CEQA Guidelines Section 15162[a])*

The following describes the requirements of an Addendum, as defined by CEQA Guidelines Section 15164:

1. *The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
2. *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
3. *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
4. *The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
5. *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

If none of these circumstances are present, and only minor technical changes or additions are necessary to update the previously certified EIR, an Addendum may be prepared, consistent with CEQA Guidelines Section 15164.

This Addendum to the 2014 EIR has been prepared because the proposed modifications do not result in any of the circumstances requiring a Subsequent or Supplemental EIR. Although the proposed modifications would result in development that differs in use than what was assumed in the 2014 EIR, those modifications do not trigger the need for preparation of a Subsequent or Supplemental EIR under the criteria listed in CEQA Guidelines Sections 15162 and 15163, respectively. Section 2.0, Project Information, and Section 3.0, Environmental Analysis, of this Addendum demonstrate that no substantial changes would result from the revised project modifications nor have the existing conditions in the project vicinity substantially changed such that major revisions to the 2014 EIR would be required. The project would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. Specifically, the proposed development, as compared to the 2014 EIR, do not result in new or substantially greater significant impacts because the scale and nature of the proposed development is sufficiently similar to that analyzed in the 2014 EIR such that the impacts of the proposed development are within the levels and types of environmental impacts disclosed in the 2014 EIR.

In addition, no substantial changes in circumstances under Section 15162(a)(2) have occurred since the certification of the 2014 EIR for the adopted approved project that would result in new significant impacts or substantially increase the severity of significant impacts previously identified, since the background environmental conditions have not significantly changed since that time. The City of Colton has received no information indicating there has been a substantial change in any circumstances that would result in a new or substantially greater significant impact.



Furthermore, no new information, which was not known and could not have been known at the time of the 2014 EIR preparation, has been revealed that shows new or substantially greater significant impacts would result (CEQA Guidelines Section 15162[a][3]). There are no new or different mitigation measures or alternatives that would substantially reduce one or more significant impacts of the adopted approved project but that are not adopted. The proposed modifications do not identify or require adoption of any further mitigation measures or alternatives beyond those provided in the 2014 EIR for the adopted approved project (CEQA Guidelines Section 15162[a][3]).

This Addendum relies on the 2014 EIR and the related administrative record, in addition to the additional documentation included to support the Addendum. The Addendum is to be included or attached to the 2014 EIR and is not to be considered as an independent or separate document. As this Addendum does not identify new or substantially greater significant impacts, circulation for public review and comment is not required under CEQA Guidelines Section 15164(c).

## 1.2 PROJECT LOCATION

The City is located in the southwest portion of the County of San Bernardino, within the Inland Empire region of the County; refer to Exhibit 1, Regional Vicinity. As shown in Exhibit 2, Project Vicinity, the revised project area is located within the boundaries of the Colton Hub City Centre Specific Plan (CHCCSP) Area. The CHCCSP Area consists of a 373-acre area bounded by San Bernardino Avenue to the north, the City of Rialto to the west, the Interstate-10 (I-10) freeway to the south, and Hermosa Avenue and the Union Pacific Railroad to the east. Regional access to the CHCCSP Area is provided by the I-10 freeway.

Specifically, the revised project includes 17 parcels totaling approximately 93.86 acres within Planning Areas (PA) 7, 8, 9, 12, 14, 15, 16, and 19 of the CHCCSP; refer to Table 1-1, Revised Project Sites.

**TABLE 1-1: REVISED PROJECT SITES**

APN	CHCCSP Planning Area	Existing CHCCSP Land Use	Existing Use	Acreage
25406130	PA 9/12/14/15/16	Retail Mixed-Use Retail Res Medium – 1 Open Space Park	Non-Vacant, Golf Course	51.4
25407162	PA 16	Retail	Vacant	1.1
25407163	PA 16	Retail	Vacant	1.1
25407165	PA 16	Retail	Vacant	1
25407164	PA 16	Retail	Vacant	1
25407161	PA 16	Retail	Vacant	4.9
25405114	PA 7/8/9	Res Medium – 1 Retail Mixed-Use	Vacant	20.6
25407158	PA 19	Office Mixed Use	Non-Vacant	1.8
25405169	PA 4	Res Medium – 1	Vacant	2.76
25407149	PA 16	Retail	Non-Vacant	1.1
25407147	PA 16	Retail	Non-Vacant	0.3
25407127	PA 16	Retail	Non-Vacant	4.1
25407150	PA 16	Retail	Non-Vacant	0.3
25407143	PA 16	Retail	Non-Vacant	0.5
25407144	PA 16	Retail	Non-Vacant	0.8
25407125	PA 16	Retail	Non-Vacant	0.3
25405113	PA 9	Retail Mixed-Use	Non-Vacant	0.8
<b>Total Revised Project Acreage</b>				<b>93.86</b>



### 1.2.1 ENVIRONMENTAL SETTING

The CHCCSP area is generally flat and ranges from 1,025 to 1,145 feet above mean sea level (msl). The terrain consists of a flat valley floor gently sloping downward from the San Bernadino and San Gabriel Mountains to the north. Mountain views are considered scenic vistas and can be seen from almost every direction. Vegetation in the project area is generally a mixture of native vegetation and ruderal vegetation.

Overall, the CHCCSP area features a variety of land uses, including residential, commercial, industrial, public use, and open space for recreation and habitat conservation.

As shown in [Table 1-1](#), the 17 parcels evaluated for the revised project include a variety of vacant and nonvacant uses and are currently designated Colton Hub City Center Specific Plan (CHCCSP). Specifically, the CHCCSP currently designates PA 7 and 8 as Residential Medium M1 (RES – M1), PA 9 as Retail Mixed Use (RMU), PA 12 and PA 14 as Open Space/Park (OS/P), PA 15 as RES – M1, PA 16 as Retail (R), and PA 19 as Office Mixed Use (OMU); refer to [Exhibit 3, Existing Land Use Plan](#).

Surrounding land uses include the I-10 freeway to the south and San Bernardino Avenue to the north. North of San Bernardino Avenue is a series of single-family residential neighborhoods and an apartment complex at the northwestern corner of the intersection and to the west. A retail center with a supermarket is located at the northeast corner of Pepper Avenue and San Bernardino Avenue with residential neighborhoods to the east.

## 1.3 PROJECT BACKGROUND

### 1.3.1 CERTIFIED 2014 EIR

The CHCCSP EIR (State Clearinghouse No. 2008041067) was prepared to evaluate the potential environmental impacts associated with the implementation of the CHCCSP. The Draft EIR was circulated for public review in May 2014. The Final EIR was certified on October 7, 2014, by the City of Colton City Council with the adoption of Resolution No. R-100-14.

The analysis presented in the CHCCSP EIR found that impacts to Air Quality and Public Services (Parks) would be significant and unavoidable on both a project and cumulative level. Specifically, the CHCCSP EIR analysis determined that in the long-term, project implementation would generate emissions of reactive organic gases (ROG), nitrous oxide (NOx), and carbon dioxide (CO<sub>2</sub>) that exceed the established thresholds. Therefore, in accordance with the South Coast Air Quality Management District's (SCAQMD) criteria, future projects in the CHCCSP project area would contribute to significant and unavoidable project related construction and operational impacts as well as cumulative impacts. Accordingly, the CHCCSP would not be in conformance with the Air Quality Management Plan (AQMP). Concerning significant impacts to Public Services, the CHCCSP EIR found that project implementation would result in the replacement of an existing 10-acre park with a residential neighborhood. The CHCCSP compensated for the loss of parkland with a new 3.8-acre park and a 0.6-acre linear feature called a "land bridge," totaling 4.4 acres of new parkland. This resulted in a 5.6-acre deficit resulting in significant and cumulative impacts.

Mitigation measures were implemented to reduce levels of significance to less than significant in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Traffic and Circulation, and Utilities and Service Systems.

One addendum to the 2014 EIR was prepared in March 2018 to address the NEC 10 Pepper Project. The NEC 10 Pepper Project proposed the construction of three restaurant/retail use buildings and outdoor dining areas totaling 14,435 square feet, along with associated on- and adjacent offsite improvements such as parking and landscape setbacks a 3-acre site within Planning Area 22.

A second addendum to the 2014 EIR was prepared in April 2023 related to the Business Park at 2245 West Valley Boulevard (DAP-001-778) Project. The Business Park at 2245 West Valley Boulevard (DAP-001-778) Project proposed the redevelopment of nine net acres of land located within Planning Area 1, at APN 0254-041-04. Proposed redevelopment covered under the Addendum included four new buildings that would collectively provide



approximately 175,031 square feet of warehouse space and approximately 14,174 square feet of office space and the subdivision of land from one lot to four lots (Tentative Parcel Map No. 20726).

### 1.3.2 STATE HOUSING ELEMENT REQUIREMENTS

The State of California requires jurisdictions to update their Housing Element every eight years. Housing Element State of California Government Code Section 65580-65589.11 outlines the necessary requirements and components to be included in the Housing Element to ensure compliance with State law.

Jurisdictions are required to submit their Housing Element to the California Department of Housing and Community Development (HCD) for review and for determination of whether the Housing Element achieves substantial compliance with State law. Once HCD has determined that a Housing Element meets the necessary requirements, it issues a letter of substantial compliance. Throughout preparation of a Housing Element, HCD provides guidance and technical assistance to jurisdictions to assist them in achieving compliance with applicable State laws.

HCD and the California Department of Finance are responsible for assessing the new housing needs of different regions across the State. The City of Colton is located within the Southern California Association of Governments (SCAG) region, which has a cumulative Regional Housing Needs Determination of 1,341,827 new units. SCAG has distributed these units to each jurisdiction within the region in a process known as the Regional Housing Needs Allocation (RHNA). Colton's RHNA for the 2021-2029 planning period was determined by SCAG to be 5,434 housing units, including 1,318 units for very-low-income households, 668 units for low-income households, 906 units for moderate-income households, and 2,542 units for above-moderate-income households.

### 1.3.3 CITY OF COLTON 6TH CYCLE HOUSING ELEMENT UPDATE

The City of Colton began updating its 6th Cycle Housing Element in early 2021. A total of five meetings and workshops were held for the housing Element between February 2021 and January 2022, and two additional public meetings were held in October 2023. The Housing Element was adopted by the City Council on January 4, 2022 (Resolution R-04-23).

The Housing Element went through several rounds of review by the HCD throughout 2021 to 2023. The most recent letter from HCD was received on December 11, 2023. This letter states that once the rezoning efforts as outlined in Program 10 (Mixed-Use Development) and Program 11 (Rezoning Sites), and Program 18 (By-Right Approval of Projects with 20 Percent Affordable Units on "Reused" RHNA Sites) and completed and submitted, the Housing Element would comply with state law. The CHCCSP amendment implements pieces of Programs 10, 11, and 18 to rezone sites in the CHCCSP area used to meet the City's RHNA. This would bring the City's Housing Element into full compliance with State law.

## 1.4 DOCUMENTS INCORPORATED BY REFERENCE

The following documents were utilized during preparation of this Addendum and are incorporated into this document by reference. The documents are available for review at the City of Colton's website (<https://www.ci.colton.ca.us/782/Planning-Division>) and at the City's Planning Department located at 659 N. La Cadena Drive Colton, CA 92324.

- *Colton Hub City Centre Specific Plan*. The Colton Hub City Centre Specific Plan, as analyzed in the 2014 EIR, was developed to create a detailed land use, circulation plan, and design for the Specific Plan Area. The goals of the CHCCSP were to create a new employment center for the City, strengthen the City's economic base, implement the goals and policies of the City of Colton's General Plan, and to create a community where people are encouraged to walk or bicycle between homes, shopping, restaurants, entertainment and businesses.
- *Colton's Hub City Centre Specific Plan Environmental Impact Report*. The *Colton's Hub City Centre Specific Plan Environmental Impact Report* (Specific Plan EIR) prepared and approved in 2014 analyzed the implementation of a major amendment to the West Valley Specific Plan entitled *Colton's Hub City Centre Specific Plan*. The Specific Plan EIR identifies potential significant environmental impacts of the



amendment, alternatives with fewer adverse impacts, and potential ways to reduce or avoid environmental damage, thereby addressing significant environmental impacts and mitigation options. The Specific Plan EIR evaluates the proposed Specific Plan Area's effect on the physical environment as it is now, and the impact on the environment that would exist under the proposed Specific Plan Area, including secondary and cumulative effects.

- *City of Colton General Plan.* The *City of Colton General Plan* (General Plan) was adopted by the City Council in 1987 and several of its elements have been updated since 1987. The General Plan is the City's comprehensive, long-range planning and policy document that not only guides growth and change within Colton but also preserves and protects the unique qualities that the community values most. The General Plan goals and policies serve as a guide for future development and desired conditions in support of the City's overall vision.

The General Plan is organized by elements. Each element includes an introduction to describe the element and its organization. Goals and policies are organized by topical areas specific to each element. The General Plan contains the following elements:

- Air Quality;
  - Cultural Resources;
  - Housing (last amended January 2022);
  - Land Use;
  - Mobility (last amended 2016);
  - Noise;
  - Open Space and Conservation; and
  - Safety.
- *City of Colton General Plan Update Environmental Impact Report.* The *City of Colton General Plan Update Environmental Impact Report* (General Plan EIR) prepared and approved in 2013 analyzed updates to the General Plan Land Use, Housing, and Mobility Elements. The General Plan EIR identifies potential significant environmental impacts of General Plan Update proposals, alternatives with fewer adverse impacts, and potential ways to reduce or avoid environmental damage, thereby addressing significant environmental impacts and mitigation options. The General Plan EIR evaluates the proposed General Plan Update's effect on the physical environment as it is now, and the impact on the environment that would exist under the proposed General Plan Update, including secondary and cumulative effects.
- *Colton Municipal Code.* The *Colton Municipal Code* (Municipal Code) consists of all the regulatory and penal ordinances and administrative ordinances of the City of Colton. The Municipal Code is one of the City's primary tools to implement control of land uses, in accordance with General Plan goals and policies. The Colton Zoning Code, included as Municipal Code Title 18, *Zoning*, provides the legislative framework to implement and enhance the General Plan by classifying and regulating the uses of land and structures within the City. Additionally, Municipal Code Title 15, *Buildings and Construction*, specifies rules and regulations for construction, alteration, and building for uses of human habitation.

## 1.5 PROJECT DESCRIPTION

The revised project includes an amendment to the CHCCSP in conformance with the 6th Cycle Housing Element Update (2021-2029). Specifically, the CHCCSP amendment will implement pieces of Programs 10, 11, and 18 to rezone sites in the CHCCSP area used to meet the City's Regional Housing Needs Allocation (RHNA). This is necessary to bring the City's Housing Element into full compliance with State Law. Overall, the revised project would result in the rezoning of 17 parcels totaling approximately 93.86 acres within PAs 7, 8, 9, 12, 14, 15, 16, and 19 of the CHCCSP. Exhibit 4, Proposed Land Use Plan, shows the proposed zoning of the sites identified to achieve the City's RHNA requirement.

The sites identified would be rezoned to RMU (Residential Mixed-Use) to allow a minimum density of 20 dwelling units per acre (du/ac) and a maximum density of 40 du/ac and to allow 100% residential use and require at least 50%



of the total floor area to be occupied by a residential use. The rezone would accommodate the City’s minimum RHNA of 2,226 future residential units, as identified in the sites inventory and in Table 1-2, 6<sup>th</sup> Cycle Housing Element Assumptions.

**TABLE 1-2: 6TH CYCLE HOUSING ELEMENT ASSUMPTIONS**

APN	Acreage	CHCCSP Planning Area	Proposed CHCCSP Land Use	Proposed Min Density	Proposed Max Density	Income Category	Projected RHNA Units
25406130	51.4	PA 9/12/14/15	Res-MU	20	40	Moderate	1,234
25407162	1.1	PA 16A	Res-MU	20	40	Lower	26
25407163	1.1	PA 16A	Res-MU	20	40	Lower	26
25407165	1	PA 16A	Res-MU	20	40	Lower	24
25407164	1	PA 16A	Res-MU	20	40	Lower	24
25407161	4.9	PA 16A	Res-MU	20	40	Lower	118
25405114	20.6	PA 9	Res-MU	20	40	Moderate	494
25407158	1.8	PA 19A	Res-MU	20	40	Lower	43
25405169	2.76	PA 4B	R3/R4	20	30	Lower	50
25407149	1.1	PA 16A	Res-MU	20	40	Lower	25
25407147	0.3	PA 16A	Res-MU	20	40	Moderate	6
25407127	4.1	PA 16A	Res-MU	20	40	Lower	97
25407150	0.3	PA 16A	Res-MU	20	40	Moderate	6
25407143	0.5	PA 16A	Res-MU	20	40	Lower	11
25407144	0.8	PA 16A	Res-MU	20	40	Lower	18
25407125	0.3	PA 16A	Res-MU	20	40	Moderate	6
25405113	0.8	PA 9	Res-MU	20	40	Lower	18
<b>Total Projected RHNA Units (Minimum)</b>							<b>2,226</b>

For the purposes of this addendum, a maximum buildout of 3,000 total residential dwelling units is evaluated for the revised project; refer to Table 1-3, Revised Project Buildout. This represents a net increase of 2,640 units as compared to the approved project.<sup>1</sup>

The revised project would reduce non-residential areas within the CHCCSP by approximately 634,234 square feet, for a total buildout of 1,797,503 square feet of non-residential uses.

**TABLE 1-3: REVISED PROJECT BUILDOUT**

	Existing CHCCSP Buildout	Revised Project Buildout	Change
Non-Residential Square Feet	2,431,737	1,797,503	-634,234
Residential Units	360	3,000	+2,640

In addition, the revised project amends the CHCCSP to account for recent (post-adoption of the 2014 CHCCSP) and planned development in the Specific Plan area, including development from anchor uses like the Arrowhead Regional Medical Center and medical campus.

Specific areas of the CHCCSP that have been amended include the following:

- Table 3.1 – Land Use Summary has been revised to include the new mixed-use zone
- Table 3.2 – Planning Area Summary has been revised to include the new residential mixed-use zone, designation, target density (32 du/acre), target dwelling units, and density range (20 – 40 du/ac)
- Figure 3-1 – Land Use Plan has been revised to show the new zone
- Residential Mixed Use has been added to the Land Use Summary as an allowed use (Section 3.1).

<sup>1</sup> For information purposes, the 6th Cycle Housing Element assumed a maximum residential buildout of 3,719 units.



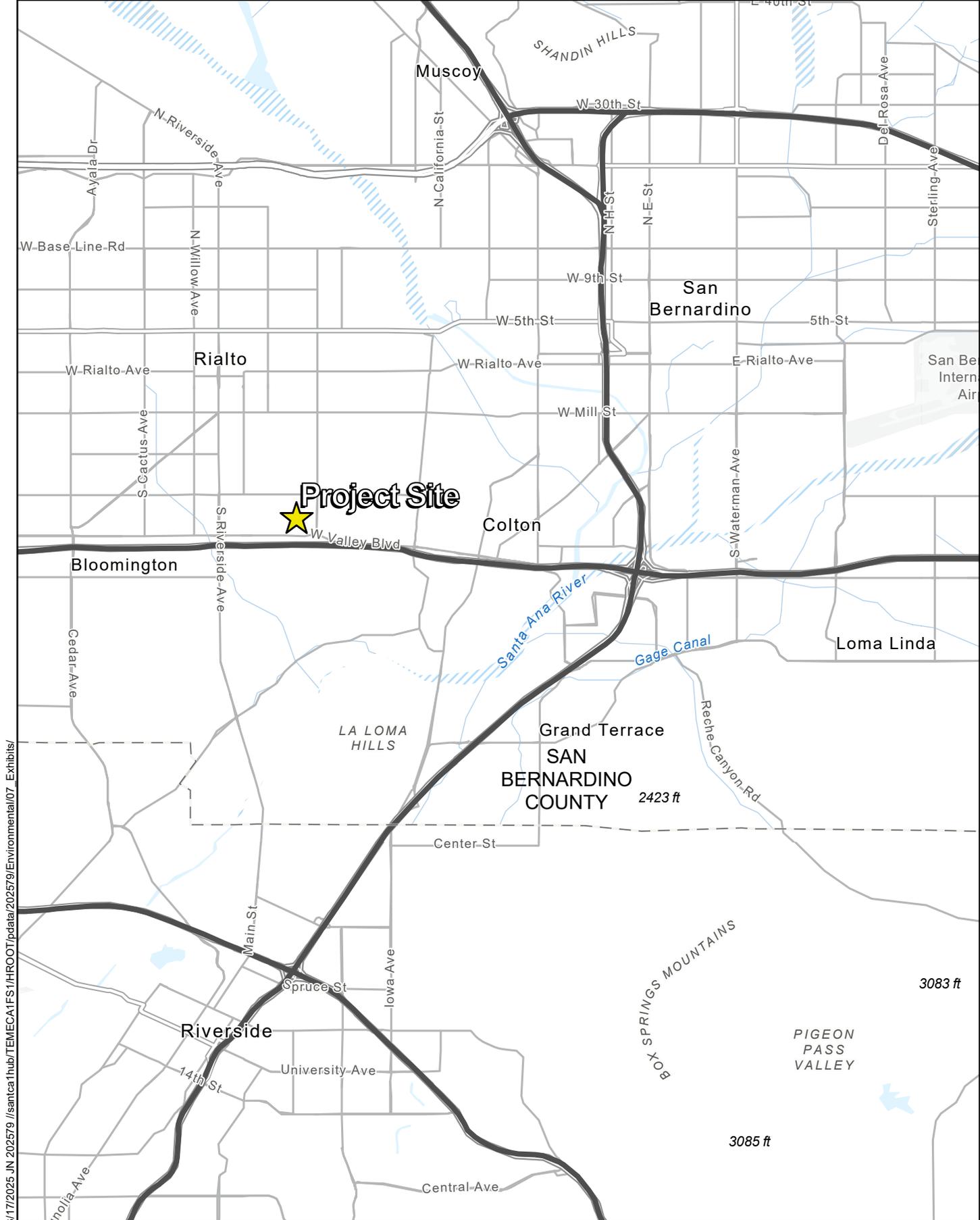
- A new set of development regulations will be created and added to Section 4.0, *Development Regulations*. These regulations will outline the allowed uses and set development standards that allow high density housing. Permitted uses will include single-family, multi-family housing, residential care facilities, transitional and supportive housing, accessory dwelling units (ADUs), and assisted living facilities. Standards will include the minimum density of 20 du/acre, maximum density of 40 du/ac, and accommodate Government Code Section 65583.2(h) as outlined in Program 11 in the Housing Element. Specifically, Section 4 of the CHCCSP has been amended to include Objective Design Standards for the RES-MU zone in order to regulate building orientation and layout, site access and parking, building form, and height, massing, and articulation.
- Objective Development Standards (ODS) will be created and added to the Specific Plan. This amends and complements the existing Section 6.7, *Residential Guidelines*. Specifically, CHCCSP Section 6.8, *Site Planning*, has been revised to include requirements for building orientation and layout, site access and parking, and utilities and trash enclosures for the new RES-MU zone. In addition, CHCCSP Section 6.9, *Building Design*, has been amended to include Development Regulations for building form, height, massing, and articulation, open space, roof forms, entries, windows, and garages.

The project would also amend the General Plan Land Use Element to address minor consistency edits, including updating the buildout assumptions for the CHCCSP consistent with the Revised Project Buildout in [Table 1-3](#) and revising Figure LU-6, *Land Use Plan*, to correct the legend from “West Valley Specific Plan” to “Colton Hub City Centre Specific Plan.”

## 1.6 DISCRETIONARY ACTIONS

The City of Colton is the Lead Agency under CEQA and has discretionary authority over the revised project. The project would be subject to various City approvals, including, but not limited to:

- California Environmental Quality Act review;
- Specific Plan Amendment; and
- General Plan Land Use Amendment.

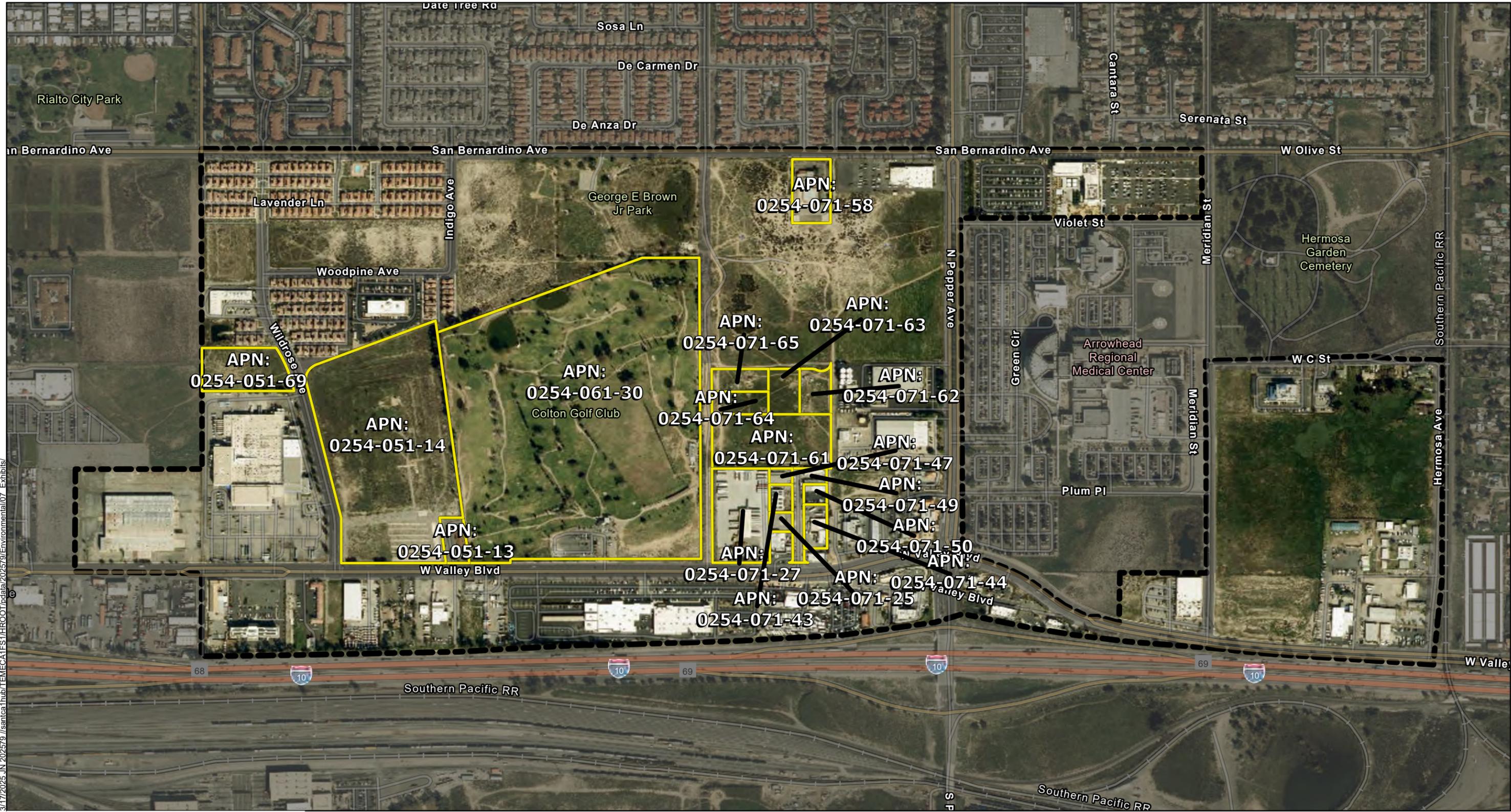


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**Legend**

- Specific Plan Boundary
- Project Site

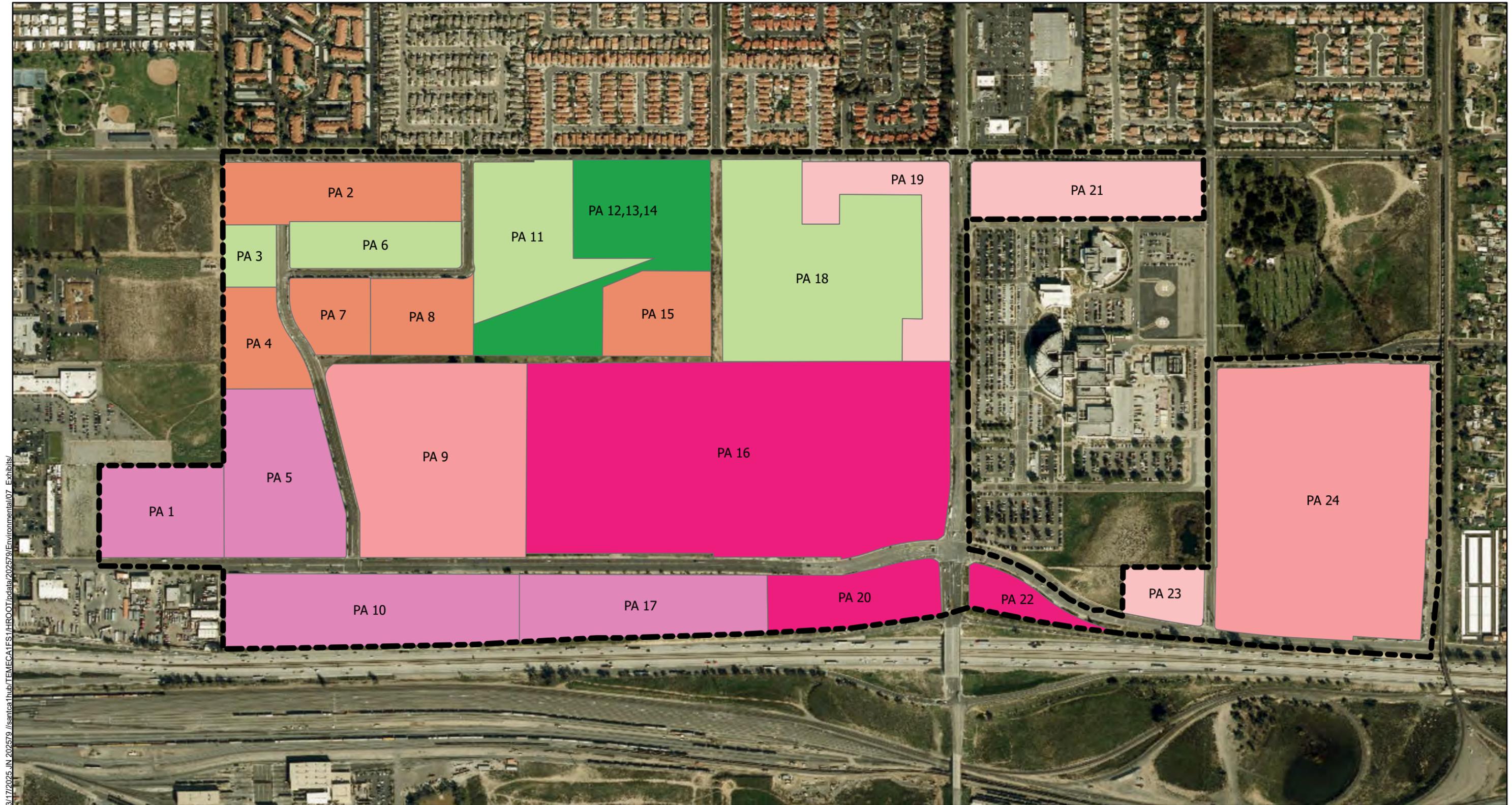
Michael Baker INTERNATIONAL

0 500 1,000 US Feet

Source: ESRI, City of Colton, San Bernardino County, California Department of Transportation (Caltrans)



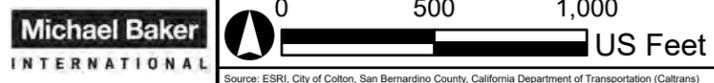
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### Legend

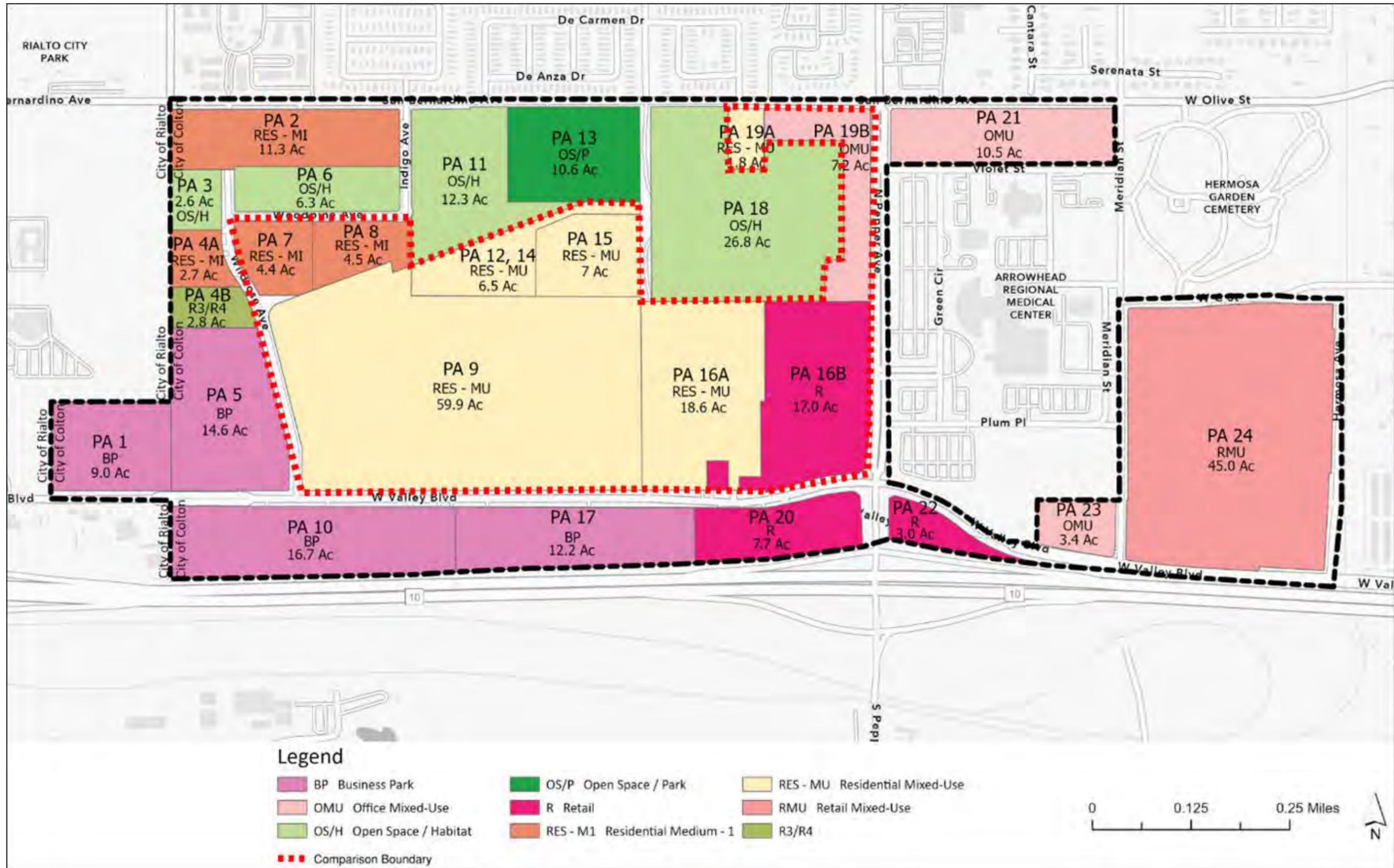
- |  |   |   |  |
|--|---|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d8bfd8; border: 1px solid black;"></span> BP Business Park     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> OS/H Open Space / Habitat | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff00ff; border: 1px solid black;"></span> R Retail                        | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffb6c1; border: 1px solid black;"></span> RMU Retail Mixed-Use |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff8c00; border: 1px solid black;"></span> OMU Office Mixed-Use | <span style="display: inline-block; width: 15px; height: 10px; background-color: #008000; border: 1px solid black;"></span> OS/P Open Space / Park    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffa500; border: 1px solid black;"></span> RES - M1 Residential Medium - 1 |  |



Source: ESRI, City of Colton, San Bernardino County, California Department of Transportation (Caltrans)



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## 2.0 PROJECT INFORMATION

<b>1.</b>	<b>Project Title:</b> Colton Hub City Centre Specific Plan Amendment
<b>2.</b>	<b>Lead Agency Name and Address:</b> City of Colton 659 N La Cadena Drive Colton, CA 92324
<b>3.</b>	<b>Contact Person and Phone Number:</b> Mario Suarez Planning Manager, AICP, CNU-A 909-370-5079
<b>4.</b>	<b>Project Location:</b> The project area is located within the boundaries of the Colton Hub City Centre Specific Plan (CHCCSP) Area. The CHCCSP Area consists of a 373-acre area bounded by San Bernardino Avenue to the north, the City of Rialto to the west, the Interstate-10 (I-10) freeway to the south, and Hermosa Avenue and the Union Pacific Railroad to the east.
<b>5.</b>	<b>Project Sponsor’s Name and Address:</b> Mario Suarez City of Colton 659 N La Cadena Drive Colton, CA 92324
<b>6.</b>	<b>General Plan Designation:</b> Colton Hub City Centre Specific Plan
<b>7.</b>	<b>Zoning:</b> Colton Hub City Centre Specific Plan
<b>8.</b>	<b>Description of the Project:</b> Refer to Section 1.5, <i>Project Description</i> .
<b>9.</b>	<b>Surrounding Land Uses and Setting:</b> Surrounding land uses include the I-10 freeway to the south and San Bernardino Avenue to the north. North of San Bernardino Avenue is a series of single-family residential neighborhoods and an apartment complex at the northwestern corner of the intersection and to the west. A retail center with a supermarket is located at the northeast corner of Pepper Avenue and San Bernardino Avenue with residential neighborhoods to the east; refer to Section 1.2.1, <i>Environmental Setting</i> .
<b>10.</b>	<b>Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement).</b> As identified in the 2014 EIR, other public agencies whose approval may be required include: <ul style="list-style-type: none"> <li>• U.S. Fish and Wildlife Service;</li> <li>• California Department of Fish and Wildlife;</li> <li>• California State Water Resources Control Board;</li> <li>• California Department of Toxic Substances Control;</li> <li>• California Department of Transportation;</li> <li>• State Department of Housing and Community Development;</li> <li>• Santa Ana Regional Water Quality Control Board;</li> <li>• City of Colton Water and Wastewater Department;</li> <li>• West Valley Water District;</li> <li>• South Coast Air Quality Management District; and</li> <li>• City of Colton Electric Department.</li> </ul>

“A-2” (CHCCSP Amendments) and

Exhibit – “A-2”

**Exhibit-A-2**

**ORDINANCE NO. O-XX-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA AMENDING TITLE 18, SECTION 18.34.040 (COLTON'S HUB CITY CENTRE SPECIFIC PLAN – AMENDMENT NO. 2) AMENDING TABLE OF CONTENTS AND VARIOUS PROVISIONS OF SECTIONS 3, 4, 6, AND 7 PERTAINING TO LAND USE, DEVELOPMENT STANDARDS & ADMINISTRATION OF TITLE 18 OF THE COLTON MUNICIPAL CODE TO COMPLY WITH THE 6<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE (2021-2029) AND ACCOMPANYING ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE COLTON HUB CITY CENTRE SPECIFIC PLAN PROJECT (STATE CLEARINGHOUSE NO. 2008041067) (FILE INDEX NO. DAP24-0038)**

**WHEREAS**, the City Council of the City of Colton desires to amend certain provisions of the Colton HUB City Centre Specific Plan (CHCCSP) and Zoning Code to ensure consistency with state law; and

**WHEREAS**, on November 21, 2014, the City Council of the City of Colton ("City Council") adopted the Colton's HUB City Centre Specific Plan (An Amendment of the West Valley Specific Plan); and

**WHEREAS**, the CHCCSP includes Community Planning & Design Goals, Land Use Plan & Components, Development Regulations, Community Design Guidelines & Objective Design Standards, Administration of the Specific Plan for the orderly development of the CHCCSP project area with a mix of land uses; and



1 changes would result from the revised project modifications nor have the existing conditions in  
2 the project vicinity substantially changed such that major revisions to the 2014 EIR would be  
3 required. The project would not result in a new significant environmental effect or a substantial  
4 increase in the severity of previously identified significant effects. Specifically, the proposed  
5 development, as compared to the 2014 EIR, do not result in new or substantially greater  
6 significant impacts because the scale and nature of the proposed development is sufficiently  
7 similar to that analyzed in the 2014 EIR such that the impacts of the proposed development are  
8 within the levels and types of environmental impacts disclosed in the 2014 EIR; and, as related  
9 to the proposed addition of the amortization procedure, pursuant to CEQA Guidelines Section  
10 15061(b)(3) since the project establishes procedural requirements for the establishment of  
11 amortization periods and does not result in changes to the environment.

12 **SECTION 3. General Plan.** The City Council hereby finds that the adoption of the  
13 Ordinance is consistent with the General Plan Land Use Policy LU-1.1, LU-1.2 and LU-1.8  
14 Housing Element Program 10 (Mixed-Use Development), and 11 (Rezoning Sites) as a matter  
15 of law under Government Code section 66314(c) as further defined below:

16 **Policy LU-1.1: Ensure that all new development conforms to all applicable**  
17 **provisions of the General Plan and Zoning Code;** in that, the proposed  
18 changes are consistent with adopted 2021-2029 6<sup>th</sup> Cycle Housing  
19 Element Programs and as recommended for changes within Programs 10  
20 (Update Zoning Standards) and 11 (Rezoning Sites).

21 **Policy LU-1.2: Evaluate existing Specific Plans to ensure continued appropriateness**  
22 **in relation to the goals and policies of the General Plan and the City's**  
23 **long-term vision, and to reflect planned land use. After evaluation,**  
24 **maintain, amend, or repeal Specific Plans, as appropriate;** in that, the  
25 proposed CHCCSP Map and Text Amendments are consistent with  
26 Policies within the City's 2013 adopted Land Use Element and 2021-

2029 6<sup>th</sup> Cycle Housing Element as noted within this resolution.

**Policy LU-1.8 Interpret the Land Use Plan in a manner that provides for compatibility between adjacent land uses, and that allows the City to achieve land use, design, and economic development objectives;** in that, the proposed amendments to the Administrative Section of the CHCCSP address approval process that requires project compliance with Objective Design Standards (ODS) for projects reviewed ministerially and land use compliance with ODS and compatibility findings for projects requiring review by the Planning Commission.

**Program 10. Update Zoning Standards;** in that, the proposed amendment to the Colton HUB City Centre Specific Plan (CHCCSP) includes updating development standards, adding Objective Design Standards, and increasing allowable residential densities consistent with the City’s 2021-2029 6<sup>th</sup> Cycle Housing Element.

**Program 11. Rezoning Sites;** in that, overall, the revised CHCCSP project, the changes pertaining to the 6<sup>th</sup> Cycle Housing Element “Programing,” would result in the rezoning of 17 parcels totaling approximately 93.86 acres within Planning Areas (PAs) 7, 8, 9, 12, 14, 15, 16, and 19 of the CHCCSP. The rezoning includes a projected 2,226 units as identified in the Housing Element (53% of the RHNA).

**SECTION 4. Specific Plan Code and Map Amendment.** Title 18, Section 18.34.040 (Colton’s HUB City Centre Specific Plan – Amendment No. 2) amending table of contents and various provisions of sections 3, 4, 6, and 7 pertaining to land use, development standards & administration of Title 18 of the Colton Municipal Code is hereby amended to read as provided in Exhibit “A-2,” attached hereto and incorporated herein by reference.

**SECTION 5. Effective Date.** This Ordinance takes effect 30 days after its adoption.



1 environmental effect or a substantial increase in the severity of previously identified significant  
2 effects. Specifically, the proposed development, as compared to the 2014 EIR, do not result in  
3 new or substantially greater significant impacts because the scale and nature of the proposed  
4 development is sufficiently similar to that analyzed in the 2014 EIR such that the impacts of the  
5 proposed development are within the levels and types of environmental impacts disclosed in the  
6 2014 EIR.

7 **SECTION 11. EFFECTIVE DATE.** This ordinance shall go into effect and be  
8 in full force and operation from and after thirty (30) days after its final passage and  
9 adoption.

10 **SECTION 12. PUBLICATION.** The City Clerk shall certify to the adoption of  
11 this ordinance. Not later than fifteen (15) days following the passage of this ordinance,  
12 the ordinance, or a summary thereof, along with the names of the City Council members  
13 voting for and against the ordinance, shall be published in a newspaper of general  
14 circulation in the City of Colton.

15 **SECTION 13. FILING.** The City Clerk shall submit a copy of this ordinance  
16 to the Department of Housing and Community Development within 60 days after  
17 adoption. The City Clerk shall also submit a Notice of Exemption within three days  
18 after adoption.

19 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of  
20 Colton, California, at a regular meeting of the City Council held on the \_\_\_ day of  
21 \_\_\_\_\_, 2025 by the following vote:

22 **AYES:**  
23 **NOES:**  
24 **ABSENT:**  
25 **ABSTAIN:**

26 \_\_\_\_\_  
27 FRANK J. NAVARRO, Mayor

28 **ATTEST:**

\_\_\_\_\_  
ISAAC T. SUCHIL, City Clerk

“B” (City Council Ordinance - Amortization)

## Exhibit – “B”

**Exhibit-B**

**ORDINANCE NO. O-XX-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA ADDING SECTION 18.46.080 TO THE COLTON MUNICIPAL CODE RELATING TO AMORTIZATION PROCEDURES FOR CERTAIN NONCONFORMING USES**

**WHEREAS**, the City of Colton (“City”) is a California municipal corporation organized pursuant to the California Constitution; and

**WHEREAS**, pursuant to Article XI, Section 7 of the California Constitution, the City may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

**WHEREAS**, Colton Municipal Code, Section 18.46.030 (Nonconforming Uses of Land) and 18.46.050 (Nonconforming Uses of Structures) authorize the continuation of nonconforming uses within certain parameters; and

**WHEREAS**, Sections 18.46.030 and 18.46.050 do not require the amortization and eventual elimination of nonconforming uses; and

**WHEREAS**, Colton’s historical development pattern includes the development of manufacturing, industrial and warehouse uses within, or in close proximity to, conforming and nonconforming residential developments’ and

**WHEREAS**, as manufacturing, industrial and warehouse uses have modernized and intensified over the years, including the proliferation of e-commerce businesses, they have also created land use and environmental conflicts with existing residential land uses, including the creation of noise, traffic, dust, vibration and odor impacts originating from nonconforming manufacturing, industrial and warehouse uses; and

**WHEREAS**, these impacts are described and detailed in a September 2022 Paper authored by the California Attorney General’s Office entitled “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act” which describes the serious health impacts created by the proliferation of warehouse and manufacturing uses near residential land uses and recommends minimum siting criteria for these uses; and

**WHEREAS**, in 2024, the Governor signed AB 98 which now imposes certain requirements on cities and counties AB 98 mandates several environmental and community health protections including the imposition of regulations concerning the construction and operation of new or expanded warehouses that are 250,000 square feet or larger; and requires:

- Installation of energy-saving features such as solar panels and electric vehicle charging stations; and

- 1 • Transition to zero-emission forklifts by 2030; and
- 2 • Establishment of buffer zones between warehouses and sensitive areas such as homes,
- 3 schools and parks; and
- 4 • Establishment of truck routes that avoid residential areas

5 **WHEREAS**, the requirements of AB 98 do not apply to existing nonconforming  
6 warehouse and manufacturing uses and it is necessary for cities and counties to consider  
7 amortization as a tool to modernize and/or transition these uses, especially in areas that are  
8 contain residential and sensitive uses; and

8 **WHEREAS**, it is well established that a city can eliminate the vested rights of legal  
9 nonconforming uses pursuant to its police powers, without compensation after a “reasonable  
10 amortization period.” (United Business Com. v. City of San Diego, 91 Cal.App.3d 156, 179  
11 (1979); See also Los Angeles v. Gage, 127 Cal.App.2d 442, 453, 460 (1954) - use of a reasonable  
12 amortization scheme does not constitute a taking of property, as it “provides an equitable means  
13 of reconciliation of conflicting interests in satisfaction of due process requirements”); and

12 **WHEREAS**, such amortization periods are designed to assure that an owner has received  
13 the beneficial use of their investment in the use.; and

14 **WHEREAS**, courts have held that the critical factor in determining appropriateness is the  
15 reasonableness of the amortization period - meaning that if the amortization period is reasonable,  
16 termination is constitutional and represents an equitable means of reconciling the public interest  
17 in uniform zoning with the private burden of lost investment; and

17 **WHEREAS**, the intent of this ordinance is to establish procedures for the eventual  
18 amortization of nonconforming uses, with a focus on amortization nonconforming uses that create  
19 deleterious impacts on residential uses in Colton; and

20 **NOW, THEREFORE**, the City Council of the City of Colton, California, does ordain as  
21 follows:

21 **SECTION 1.** Incorporation of Recitals. The City Council hereby finds that all of the  
22 foregoing recitals and the staff report presented herewith are true and correct and are hereby  
23 incorporated and adopted as findings of the City Council as if fully set forth herein.

24 **SECTION 2.** General Plan Consistency Findings. The City Council of the City of  
25 Colton finds that adoption of this provisions of this ordinance are consistent with the City of  
26 Colton General Plan and Chapter 18 of the Colton Municipal Code since it promotes the public  
27 health, safety and welfare and implements the following general plan policies and programs:

27 Land Use Element:

1 Goal LU-6: Minimize or eliminate land use conflicts where residences are in close  
2 proximity to rail lines, freeways, and industrial businesses.

3 Policy LU-6.2: Discourage the establishment of incompatible uses in proximity to each  
4 other.

5 Policy LU-6.6: Require that industrial businesses adjacent to residential neighborhoods  
6 adopt and implement truck routing plans that avoid use of local streets to the greatest  
7 extent practical.

8 Policy LU-4.5: Promote adaptive reuse of existing buildings as an alternative to new  
9 construction.

10 Policy LU-11.5: Work with developers to encourage heavy industrial uses and uses  
11 incompatible with residential or commercial development to locate along the Agua Mansa  
12 Road corridor (defined as that area along the Santa Ana River south to South Riverside  
13 Avenue, with West Agua Mansa Road on the west).

#### 14 Mobility Element

15 Policy M-5.6: Ensure that the designated truck routes conform to the following  
16 performance criteria below and amortization and termination/removal of nonconforming  
17 industrial uses implements performance criteria by eliminating nonconforming uses that  
18 generate truck traffic within residential neighborhoods and implementing the performance  
19 criteria contained below.

- 20 • Truck routes must avoid intrusions into residential neighborhoods to limit noise,  
21 vibration, and air quality impacts.
- 22 • To the extent feasible, truck routes will not be provided on local streets and on streets  
23 with mostly residential frontage.
- 24 • Truck routes must be located on roadways that provide direct and convenient access  
25 between Major Arterials and freeways (I-10 and I-215) and industrial and commercial  
26 businesses.
- 27 • Truck routes must be located on roadways with the design and construction capacity  
28 to accommodate truck traffic.

29 **SECTION 3.** Addition of Section 18.46.080 to the Colton Municipal Code. Section  
30 18.46.080 of the Colton Municipal Code is hereby added to read as follows:

#### 31 **“18.46.080 – Termination of Nonconforming Uses.**

32 A. The City Council of the City of Colton may order a nonconforming use to be  
33 terminated within a reasonable amount of time, upon recommendation of the planning  
34 commission. The planning commission shall conduct a public hearing after ten (10) days' written  
35 notice to the owner of the nonconforming use and property owner, if different than the owner of  
36 the use.

1 B. If the nonconforming user has not made a substantial investment in furtherance of  
2 the use, or if the investment can be substantially utilized or recovered through a currently  
3 permitted use, the order recommended by the Planning Commission may require complete  
4 termination of the nonconforming use within a minimum of one (1) year after the date of the  
5 order.

6 C. If the nonconforming user has made a substantial investment in furtherance of the  
7 use, or if the investment cannot be substantially utilized or recovered through a currently  
8 permitted use, the order recommended by the Planning Commission may require the complete  
9 termination of the nonconforming use within a longer reasonable amount of time. Nonconforming  
10 uses that are determined to be an imminent threat to the public health or safety may be terminated  
11 immediately, pursuant to Chapter 8.04 of the Municipal Code.

12 D. In making its recommendation to terminate a nonconforming use and in  
13 recommending a reasonable amount of time in which to terminate, the planning commission shall  
14 consider the following:

- 15 1. The original construction date, amount of investment or original cost of the use or  
16 structure and remaining useful life;
- 17 2. The present actual or depreciated value of the use or structure;
- 18 3. The remaining term of the lease, if any;
- 19 4. Adaptability of the land and improvements to a currently permitted use;
- 20 5. The cost of moving and reestablishing the use elsewhere;
- 21 6. Whether the use is significantly nonconforming, including whether it is sited  
22 within nonconforming improvements;
- 23 7. Compatibility with the existing land use patterns and densities of the surrounding  
24 neighborhood;
- 25 8. The proximity of the nonconforming use to residentially used property;
- 26 9. The threat to the public health, safety, and welfare posed by the continuance of the  
27 nonconforming use or structure; and
- 28 10. Any other relevant factors.

The term "nonconforming use" when used in this section shall include nonconforming  
uses, nonconforming structures, and nonconforming lots, consistent with the intent of this title.

E. This amortization section does not apply to any lawful nonconforming residential  
uses. Failure to comply with the city council's order to terminate a nonconforming use shall  
constitute a violation of this chapter and is a public nuisance subject to abatement in accordance  
with Chapter 1.36 of this code or court order.

F. The Planning Commission upon recommendation made by the Development  
Director in conjunction with other City Departments, may establish, and periodically update, a list  
or data resource that identifies categories of nonconforming uses or structures with specific  
metrics and operational characteristics, to develop a ranking system for use in the consideration of  
prioritizing the termination of nonconforming uses or structures through amortization. In addition,  
the Development Director may enact and shall publish any additional administrative policies and  
procedures to effectuate the purposes of this Chapter, including but not limited to, administrative

1 policies and procedures to govern the conduct of hearings for the establishment of amortization  
2 periods in order to implement the provisions of this Chapter.

3 G. Upon receipt of the recommendation from the Planning Commission, the City  
4 Council shall hold a noticed public hearing to consider the recommended amortization period.  
5 Notice of the hearing shall be provided to the owner or operator of the nonconforming use or  
6 structure and the property owner at least 10 days prior to the hearing. Additional notice may also  
7 be provided to surrounding property owners and/or tenants, at the discretion of the Development  
8 Director.

9 H. The City Council shall consider the recommendations submitted by the Planning  
10 Commission, and any testimony or evidence provided during the hearing, in order to determine  
11 the amortization schedule for elimination of the nonconforming use or structure.

12 I. The City Council shall establish a maximum amortization period during which the  
13 nonconforming use or structure shall be permitted to continue after considering the factors  
14 contained in subsection (D) of this section. following in relation to the use or structure. The  
15 determination of the City Council shall made in writing and shall be final.

16 1. A copy of the City Council's determination shall be delivered by certified  
17 mail to the owner or operator of the nonconforming use or structure and to the property  
18 owner(s).

19 2. Failure to comply with the City Council's determination to discontinue a  
20 nonconforming use or structure shall be deemed a public nuisance in accordance with  
21 California Government Code, Section 38771. The City is hereby authorized to abate the  
22 nuisance in accordance with this Code or may pursue any alternative remedy to abate the  
23 use authorized by this Code or state law.

24 J. Notice of amortization and termination of use. The Development Director shall  
25 give notice by certified mail of the date upon which an amortization period will end to each  
26 owner of record whose property, or use of property, is not in conformance with the regulations of  
27 this Chapter, in those instances where an amortization period has be determined pursuant to this  
28 Chapter.

Such notice shall be sent within fourteen (14) days of the determination by the City  
Council. If the amortization period ends before or less than six (6) months after providing such  
notice, the notice shall be given that the amortization period in each instance shall be not less than  
six (6) months from the date the notice is sent. The notice shall set forth all pertinent provisions of  
this Chapter, including the declared purposes thereof and the approved amortization term, as well  
as the resolution adopted by the City Council evidencing such amortization term. Failure to send  
notice by mail to any such owner where the address of such owner is not a matter of public record  
shall not invalidate any proceedings under this Chapter. The Development Director shall be  
authorized record a Notice of Amortization Term & Termination of Use with the County  
Recorder, as provided for in California Government Code Section 27201(a).

K. Notice of termination and order to comply at conclusion of amortization period.  
Notice of Termination of a nonconforming use and order to comply shall be served by the

1 Development Director at the end of the amortization period upon the owner of record whose  
2 property contains such nonconforming use. In those instances, where the Development Director is  
3 unable with reasonable effort to serve such notice to the property owner, such notice and order  
4 shall be served within thirty (30) days of the end of the amortization period by delivering same to  
5 an occupant of the structure containing the nonconforming use.

6 L. Request for a continuance of nonconformities beyond period of amortization  
7 period. A request for a continuance of nonconformities beyond the period of amortization may be  
8 granted as follows:

9 1. Grounds for Continuance. A nonconforming use or structure may be maintained  
10 for a reasonable time beyond its period of amortization as specified in this Article if the Planning  
11 Director makes the following determinations:

12 (A) Special Circumstances. That special circumstances apply to any such use or  
13 structure that do not apply generally to others affected hereby; and

14 (B) Compatibility with Public Welfare. That such a continuance for a  
15 prescribed period of additional time is in the public interest and will be reasonably  
16 compatible with, and not detrimental to, the use of adjacent properties.

17 2. Application Process for Continuance. Any application for a continuance of a  
18 nonconforming use or structure must be filed with the Planning Division no later than thirty (30)  
19 days following the service of a Notice of Termination and Order to comply, or within thirty (30)  
20 days following the continued termination date. An application for a continuance may be filed by  
21 the owner of the property, a person with a power of attorney from the owner of the property, or a  
22 lessee, if the terms of the lease permit the existing use. Fees shall be required in accordance with  
23 a resolution of the City Council.

24 3. Determination by Development Director. Upon filing of a complete application,  
25 the Development Director shall investigate the matter, give proper notice to the applicant, hold an  
26 administrative hearing and make a decision thereon based on the criteria set out in this Section  
27 and supported by written findings of fact within seventy-five (75) days from the date the  
28 application is filed, or within such extended period of time as may be mutually agreed upon by  
the applicant and the Development Director. The Development Director may impose such  
conditions, including additional time extensions not to exceed two (2) additional years, as may be  
deemed necessary for the compatibility of such nonconformity with adjacent properties.

M. Voluntary Compliance Agreement. The City Council is hereby authorized to enter  
into a Voluntary Amortization Compliance Agreement with a business owner or property owner  
in order to establish terms for compliance with the provisions of this Chapter or any other  
measures necessary to address impacts on public health, safety, or welfare stemming from  
nonconforming buildings or uses.”

**SECTION 4. Compliance with California Environmental Quality Act (CEQA).** Based  
on the entire record before the City Council, and all written and oral evidence presented to the  
City Council, the City Council hereby finds that this ordinance is exempt from the requirements  
of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines since it establishes procedural

1 requirements for the establishment of amortization periods and does not result in changes to the  
2 environment.

3 **SECTION 5. Severability.** If any section, subsection, subdivision, sentence, clause,  
4 phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the  
5 decision of any court of competent jurisdiction, such decision shall not affect the validity of the  
6 remaining portions of this Ordinance. The City Council hereby declares that it would have  
7 adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or  
8 portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions,  
9 sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

10 **SECTION 6. Effective Date.** This ordinance shall become effective thirty (30) days after  
11 its adoption.

12 **SECTION 7. Publication.** The City Clerk shall certify the passage of this Ordinance and  
13 shall cause the same to be entered in the book of original ordinances of said City; shall make a  
14 minute passage and adoption thereof in the records of the meeting at which time the same is  
15 passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof,  
16 cause the same to be published as required by law, in a local newspaper of general circulation and  
17 which is hereby designated for that purpose.

18 //

19 **PASSED, APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2025.

20 \_\_\_\_\_  
21 Frank Navarro, Mayor

22 ATTEST:

23 \_\_\_\_\_  
24 Isaac Suchil, City Clerk

25 APPROVED AS TO FORM:

26 \_\_\_\_\_  
27 Best Best & Krieger LLP  
28 City Attorney