



CITY OF CANYON LAKE

City Hall

31516 Railroad Canyon Road
Canyon Lake, CA 92587

Website: www.cityofcanyonlake.org

Mayor Larry Greene

Mayor Pro Tem Jordan Ehrenkrantz

Council Members:

Randy Bonner

Kasey Castillo

Jeremy Smith

City Manager Chris Mann

City Attorney Steven Graham

Deputy City Clerk Ana V. Sauseda

AGENDA

Special Meeting of the Canyon Lake City Council

Monday, June 17, 2019

Open Session 6:30 P.M.

COUNCIL CHAMBER

OPEN SESSION - 6:30 P.M.

OPEN SESSION CALLED TO ORDER

FLAG SALUTE

ROLL CALL Councilmember Bonner, Councilmember Castillo, Mayor Pro Tem Ehrenkrantz, Councilmember Smith, Mayor Greene

APPROVAL OF CITY COUNCIL AGENDA

PUBLIC COMMENT

Limit 3 Minutes

Any person wishing to address the City Council on any matter on this agenda, is asked to complete a "Speaker Request Form" available on the back counter. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. The City Council has adopted a time limitation of three (3) minutes per person. If you are commenting on the agenda item, your comments will be heard at the time that particular item is scheduled on the agenda. No comments on any item not on this agenda will be taken at this special meeting.

CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine matters, status reports or documents covering previous City Council action. The items listed on the Consent Calendar may be enacted in one motion. With the concurrence of the City Council, a Council Member may request that an item be removed for further discussion. Staff recommends approval of all items.

- (1) Resolution – Adoption of Resolution No. 2019-22 to Approve the Reasonable Accommodation Policy

PULLED CONSENT CALENDAR ITEMS:

BUSINESS ITEMS

- (2) Agreement – Discussion and Possible Action on Cooperative Agreement with the County of Riverside for Fire Protection Services

ANNOUNCEMENTS

The next regular meeting will be **Wednesday, August 7, 2019 at 5:30 for Closed Session & 6:30 p.m. for Open Session**

ADJOURNMENT

VISION STATEMENT

The vision of the City of Canyon Lake is to be a City that provides a quality of life that makes Canyon Lake the premier place to live in Southern California.

ATTENTION RESIDENTS:

Supporting documents, including staff reports, are available for review at City Hall in the City Clerk’s Office or on the City’s website at www.cityofcanyonlake.org once the agenda has been publicly posted. Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk’s Office during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting. It is the intention of the City of Canyon Lake to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or participant at this meeting, you will need special assistance beyond what is normally provided, the City of Canyon Lake will attempt to accommodate you in every reasonable manner. Please contact Ana V. Sauseda, Deputy City Clerk, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

June 17, 2019 Special City Council Meeting

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } **SS. AFFIDAVIT OF POSTING**
CITY OF CANYON LAKE }

I, Ana V. Sauseda, being duly sworn, depose and say that I am the duly appointed and qualified Deputy City Clerk of the City of Canyon Lake and that on June 14, 2019 before the hour of 5:00 p.m., I caused the above notice to be posted as required by Resolution 2015-36 of the City Council of the City of Canyon Lake.

**Ana V. Sauseda
Deputy City Clerk**

**City of Canyon Lake
City Council
Staff Report**

TO: Honorable Mayor and Members of the City Council

FROM: Chris Mann, City Manager

BY: Jim Morrissey, City Planner

DATE: June 17, 2019 CM

SUBJECT: Adoption of Resolution No. 2019-22, Approving the Reasonable Accommodation Policy

Recommendation

That the City Council adopt Resolution No. 2019-22, approving the Reasonable Accommodation Policy related to the preliminary draft Housing Element. This is not a public hearing item.

Background

The City Council held a Study Session on May 15, 2019, to discuss the on-going update to the City of Canyon Lake General Plan Housing Element to meet the requirements of the 5th Cycle, Years 2013 to 2021. At the Study Session Staff indicated it would provide the City Council items related to the Housing Element at its next regularly scheduled meeting. This item is related to those actions, along with the proposed Zoning Ordinance that would amend various portions of the Zoning Code.

The purpose of the Resolution is to provide the following:

1. Establishes a reasonable accommodation procedure to meet accessibility needs and ensure equal access to housing;
2. Describes the process for requesting a reasonable accommodation retrofit and the specific need (e.g. ramp request);
3. Requests a description as to the extent to which existing requirements constrain or facilitate the application of an existing or proposed reasonable accommodation procedure/modification.

This item was listed as Program #8 in the existing Housing Element which was provided at the June 5, 2019 Regular City Council Meeting.

Fiscal Impact

None

Attachments

1. Resolution No. 2019-22

ATTACHMENT 1

RESOLUTION NO. 2019-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE
ADOPTING A REASONABLE ACCOMMODATION POLICY**

WHEREAS, the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (collectively, the “Fair Housing Laws”) require cities makes to make reasonable accommodations, which are modifications or exceptions to rules, policies, practices, or services, when such accommodations may be necessary to provide persons with disabilities an equal opportunity to use or enjoy a dwelling; and

WHEREAS, the California Department of Housing and Community Development (HCD) requires General Plan housing elements to evaluate the City’s reasonable accommodation procedure in order to:

1. Identify and analyze whether the city has an established reasonable accommodation procedure;
2. Describe the process for requesting a reasonable accommodation retrofit (e.g. ramp request);
3. Describe the extent to which existing requirements constrain or facilitate the application of an existing or proposed reasonable accommodation procedure; and

WHEREAS, a request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice; and

WHEREAS, the *2008-2014 Housing Element* includes Program 8 which states the City’s intent to adopt a reasonable accommodation procedure; and

WHEREAS, the adoption of a reasonable accommodation procedure is a means of addressing the special needs of the disabled population; and

WHEREAS, the City Council, in accordance with the Fair Housing Laws and the City’s General Plan, desires to adopt a policy to make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of the City’s programs, services, and activities,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANYON LAKE
RESOLVES AND ORDERS AS FOLLOWS:**

SECTION 1. The City Council hereby adopts a Policy for Providing Individuals with Disabilities Reasonable Accommodation, which policy is attached hereto as Exhibit “A” and is incorporated herein by reference.

SECTION 2. The City Council finds that adoption of this Resolution is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter

3 because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

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

SECTION 4. This Resolution shall take effect immediately.

PASSED, APPROVED, AND ADOPTED this 17th day of June, 2019.

Jordan Ehrenkranz, Mayor Pro Tem

Attest:

Ana V. Sauseda, Deputy City Clerk

EXHIBIT “A”

CITY OF CANYON LAKE

POLICY FOR PROVIDING INDIVIDUALS WITH DISABILITIES REASONABLE ACCOMMODATION

Section 1. Policy

It is the policy of the City of Canyon Lake, pursuant to the Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (“Fair Housing Laws”), to provide people with disabilities reasonable accommodation in rules, policies, programs and practices and procedures that may be necessary to ensure equal access to housing.

Section 2. Purpose

The purpose of this Policy is to establish a process by which people with disabilities or their representatives may request a reasonable accommodation to the land use and zoning rules, policies, practices and procedures that regulate the siting, funding, development or use of housing as they are administered by the City of Canyon Lake, and Canyon Lake Property Owners Association (POA) as provided in Section 4.

Section 3. Definitions

As used in this Resolution, an individual with a disability is defined as any of the following: (i) a person who has a physical or mental impairment that limits one or more major life activities; or (ii) a person who is regarded as having such impairment; or a person with a record of such impairment; or (iii) a person with a “disability” as otherwise defined in the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act.

Section 4. Notice to the Public of Availability of Accommodation Process

- A. At all counters where application is made to the City of Canyon Lake for a permit, license or other authorization for the siting, funding, development or use of housing, a notice shall be prominently displayed advising applicants that they may request a reasonable accommodation of existing rules, policies, practices and procedures.
- B. The Fair Housing Accommodation Request form shall be available at the Building Department and Planning Department.
- C. Coordination with POA. Requests for reasonable accommodation that require the approval of the Canyon Lake Property Owners Association (POA) shall be referred to Planning & Compliance Department of the POA. The CC&R’s provide that improvements may be installed, placed or moved on a lot, or altered or modified, with the written approval of the Architectural Control Committee.

Exhibit A – Reasonable Accommodation Policy

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Section 5. Procedures

- A. In order to make specific housing available to an individual with a disability, the individual or his/her representative may request a reasonable accommodation in the rules, policies, practices and procedures regulating the siting, funding, development or use of housing by completing a Fair Housing Accommodation Request form and filing it with either the Building Department or Planning Department.
- B. If an individual needs assistance in making the request for reasonable accommodation, the Department shall provide the assistance necessary to ensure that the process is accessible to the applicant.
- C. A request for reasonable accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.
- D. If the reasonable accommodation request is for a project that also requires some other discretionary approval (including, but not limited to, conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the required Fair Housing Accommodation Request form for concurrent review with the application for discretionary approval.
- E. The Building Department or Planning Department, as the case as may be, shall investigate the facts bearing on the application, and compile the information necessary for a decision on the application.
- F. The Building Department or Planning Department, as the case as may be, may request additional information necessary for making a determination on the request for reasonable accommodation. The request for additional information must comply with the Fair Housing Laws protections and the privacy rights of the individual with a disability to use the specified housing. If additional information is requested, the thirty (30) day time period for making a determination on the request stops running until the additional information is provided.
- G. The Building Department or Planning Department, as the case as may be, shall issue a written notice of decision within thirty (30) days of the date of the submittal of a complete application and may grant the accommodation request, deny the request, offer approval of an alternate accommodation, or approve the request with conditions. The written decision is to be based on the contents of the application and a consideration of the factors set forth in this Policy.

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Section 6. Findings

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with the Fair Housing Laws, and shall, if granted, be granted to an individual and shall not run with the land (unless the Building Department or Planning Department determines that such modification is physically integrated into the residential structure and cannot easily be removed), and shall be based on consideration of the following factors:

- A. Whether the housing that is the subject of the request for reasonable accommodation, will be used by an individual with a disability protected under the Fair Housing Laws;
- B. Whether the requested accommodation is necessary to make housing available to an individual with a disability protected under the Fair Housing Laws;
- C. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- D. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning program; and
- E. Whether there are any alternative reasonable accommodations that may provide an equivalent level of benefit to the applicant.

All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth above.

Section 7. Conditions of Approval

- A. The conditions of approval, if any, may, where deemed appropriate, provide for any or all of the following:
 - 1. Inspection of the affected premises periodically, as specified in the conditions, to verify compliance with any applicable conditions of approval.
 - 2. Prior to any transfer of interest in the premises, notice to the transferee of the existence of the modification, that the modification is granted to an individual and does not run with the land, and the requirement that the transferee apply for a new modification if necessary. Once such transfer takes effect, the modification shall have no further validity.
 - 3. Removal of the improvements, where removal would not constitute an unreasonable and unfair financial burden, if the need for which the accommodation was granted no longer exists.

4. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
 5. Other conditions deemed necessary to protect the public health, safety and welfare.
- B. Any grant of accommodation for an individual with a disability may, at the discretion of the Building Department or Planning Department, be considered as a personal accommodation for the individual applicant and may, at the determination of the Building Department or Planning Department, not run with the land. Accordingly, any approval may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances.
- C. The violation of a required condition shall constitute a violation of this Policy and may constitute grounds for revocation of the grant of accommodation.

Section 8. Appeal of Determination

- A. A determination by the Building Department or Planning Department shall be final unless appealed to the City Manager within 15 business days.
- B. An appeal shall be made in writing, pursuant to procedures established in the Municipal Code.

**Staff Report and Presentation to be
provided at the meeting.**