

# CITY OF COLTON

## PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE, COLTON, CA 92324

**REGULAR MEETING – Tuesday, April 12, 2016 – 6:30 P.M.**

Agenda

Documents: [PC AGENDA 4-12-2016.PDF](#)

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MEETING MINUTES

. P C Minutes 03-22-2016

Documents: [2016\\_03-22-PC MINUTES\\_.PDF](#)

E. PUBLIC COMMENTS

F. BUSINESS ITEMS

. Item F-1\_ DAP 001-291\_ Leno's Tacos

Documents: [ITEM F-1\\_DAP-001-291\\_TIME EXTENSION\\_LENOS TACOS.PDF](#)

. G. PUBLIC HEARINGS

.. Item G-1 DAP-001-187\_ Pallets

Documents: [ITEM G-1\\_STAFF MEMO\\_4-06-16 DAP-001-187.PDF](#)

... Item G-2 DAP 001-238\_ Verizon

Documents: [ITEM G-2 DAP-001-238\\_VERIZON\\_CAR QUEST.PDF](#)

.... Item G-3 DAP 001-289\_ P G Burger

Documents: [ITEM G-3\\_DAP-001-289\\_PG BURGER.PDF](#)

.. H. COMMISSION CONSIDERATION

.. I. COMMISSION COMMENTS

.. J. DIRECTOR'S REMARKS/REVIEW OF CITY COUNCIL AGENDAS

.. K. ADJOURNMENT

**Next Scheduled Meeting: Tuesday, April 26, 2016 at 5:30 p.m.**

**Documents Related to Open Session Agendas (SB 343).** Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection Monday through Thursday 8:00 am to 4:00 p.m. at the City of Colton Development Services Department located at the Civic Center Annex (across the street from City Hall) at 659 N. La Cadena Drive, Colton, CA 92324.

**Appeal of Planning Commission Action.** If you challenge in court any action of the Planning Commission related to a public hearing item, you may be limited to raising only those issues you or someone else has raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. A decision of the Planning Commission may be appealed to the City Council. An appeal must be filed within ten (10) days following the appellant's receipt of notice of the action.

**ADA Compliance.** In compliance with the American with Disabilities Act, if you need special assistance to participate in a Planning Commission Meeting, please contact the Planning Division at 909-370-5079. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



# CITY OF COLTON PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE, COLTON, CA 92324  
REGULAR MEETING – Tuesday, April 12, 2016 – 5:30 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MEETING MINUTES

1. March 22, 2016 Planning Commission Meeting Minutes.

E. PUBLIC COMMENTS

F. BUSINESS ITEMS:

1. FILE INDEX NUMBER: DAP-001-291 LENO'S TACOS

APPLICANT: Piedra Construction

PROPERTY OWNER: Susana Moreno

PROPERTY LOCATION: 549 W. Valley Blvd.;

COUNTY ASSESSOR PARCEL NO.: 0162-131-04

**REQUEST: Time Extension (First and Second)** for one year for the approval by the Planning Commission for a Development Application for: 1. **Conditional Use Permit** for drive-through; and 2) **Variance** to allow a 10 feet – 11-5/8 inch setback instead of 20 feet as required by Code.

**ENVIRONMENTAL DETERMINATION:** Exempt pursuant to California Environmental Quality Act (CEQA) Section 15061(b) (3) due to the certainty that there is no possibility that the action (time extension) will have a significant effect on the environment.

**STAFF RECOMMENDATION:** Approval of the Time Extension (First and Second), setting a new expiration date of 3/11/2017.

**G. PUBLIC HEARINGS:**

- 1. FILE INDEX NUMBER: DAP-001-187 VALLEY PALLETS, INC.  
(Continued from March 22, 2016)**
- PROPERTY OWNER:** Rebbur, LLC
- APPLICANT:** Rebbur, LLC (David Star and Robert Krup)
- PROPERTY LOCATION:** 1235 S. Lincoln Street
- COUNTY ASSESSOR PARCEL NO.:** 0163-302-11, 12, 13, 14, 15 and 0163-311-35

**DESCRIPTION:** Modification to Conditional Use Permit (CUP) (File Index No. DAP-000-641) requesting modification of several conditions of approval to allow a pallet manufacturing, distribution and pallet storage use including the modification of conditions 7, 8, and 11 of DAP-000-641 and reporting on the completion status and compliance with appropriate code requirements; in addition, the City of Colton will be reviewing all conditions for update and modification to current standards since project has not been completed since its original approval in 2007. In addition, **Variance** to allow 59 parking spaces instead of 95; **Variance** to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and **Variance** to allow 0.005% or 780 square feet landscaping instead of 15% or 22,368 square feet landscaping on an approximately 3.42 acres of an overall site that measures 6.7 acres consisting of six parcels zoned M-1/SDA, Light Industrial/Sensitive Development Area.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption. Pursuant to CEQA Guidelines Section 15301 – Existing Facilities. This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt the following resolution:

- 1. RESOLUTION No. R-19-15: A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (DAP-000-641) REQUESTING MODIFICATION OF SEVERAL CONDITIONS OF APPROVAL TO ALLOW A PALLET MANUFACTURING, DISTRIBUTION AND PALLET STORAGE USE ON PROPERTY LOCATED IN THE M-1 / SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE ON PROPERTY MEASURING APPROXIMATELY 3.12 ACRES IN SIZE OF A LARGER SITE THAT MEASURES 6.7 ACRES IN AREA. (FILE INDEX NO. DAP-001-187)**

2. **RESOLUTION NO. R-20-15: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A VARIANCE TO ALLOW 59 PARKING SPACES INSTEAD OF 95; VARIANCE TO ALLOW SIX FOOT SCREEN FENCE ALONG THE REAR AND SIDE PROPERTY LINES INSTEAD OF THE MINIMUM EIGHT FOOT HIGH SCREEN FENCE/WALL; AND VARIANCE TO ALLOW .005% LANDSCAPING INSTEAD OF 15% LANDSCAPING, SUBJECT TO FINDINGS FOR EACH VARIANCE AND CONDITIONS OF APPROVAL LOCATED AT 1235 S. LINCOLN STREET, WITHIN THE M-1/SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE. (FILE INDEX NO. DAP-001-187)**

2. **FILE INDEX NUMBER: DAP-001-238 VERIZON @ CAR QUEST**

**APPLICANT:** Verizon Wireless  
Chris Colten, Spectrum Services Inc.

**PROPERTY OWNER:** MOSS COLTON PROPERTIES, LLC

**PROPERTY LOCATION:** 1900 & 1930 West Valley Boulevard

**ASSESSOR'S PARCEL NUMBER:** 0254-171-07 & 0254-181-17

**REQUEST:** (a) **Architectural & Site Plan Review** for a proposed wireless telecommunication facility, including a new 59-foot high antennae tower stealthed as a faux eucalyptus tree, outdoor equipment enclosure, and related site modifications, with a preliminary future address of 1968 West Valley Boulevard; (b) **Variations** to regulations regarding antenna towers with more than one spire, towers that exceeds the maximum allowed height of 50 feet, and minimum landscape and building setbacks, on a ~12.2-acre multiple-tenant commercial site located at 1900 & 1930 West Valley Boulevard designated "B-P, Business Park" by the Colton's Hub City Centre Specific Plan.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption. Class 32. Pursuant to CEQA Guidelines Section 15332 - In-Fill Development Projects. This section pertains to in-fill development consistent with the city general plan and zoning that would not result in any significant effects relating to traffic, noise, air quality, or water quality and can be adequately served by required public utilities and services on sites of no more than five acres, substantially surrounded by urban uses, which has no value as habitat for endangered, rare, or threatened species.

**RECOMMENDATION:** Approve the requested **Architectural & Site Plan Review (File Index No. DAP-001-238a) & Variations (File Index No. DAP-001-238b)**, subject to conditions, through the adoption of the draft Resolution No. R-11-16 titled:

**RESOLUTION NO. R-11-16:** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING AN ARCHITECTURAL & SITE PLAN REVIEW FOR A PROPOSED WIRELESS TELECOMMUNICATION FACILITY, INCLUDING A NEW 59-FOOT HIGH ANTENNAE TOWER STEALTHED AS A FAUX EUCALYPTUS TREE, OUTDOOR EQUIPMENT ENCLOSURE, AND RELATED SITE MODIFICATIONS, WITH A PRELIMINARY FUTURE ADDRESS OF 1968 WEST VALLEY BOULEVARD AND VARIANCES TO REGULATIONS REGARDING ANTENNA TOWERS WITH MORE THAN ONE SPIRE, TOWERS THAT EXCEEDS THE MAXIMUM ALLOWED HEIGHT OF 50 FEET, AND MINIMUM LANDSCAPE AND BUILDING SETBACKS, ON A ~12.2-ACRE MULTIPLE-TENANT COMMERCIAL SITE LOCATED AT 1900 & 1930 WEST VALLEY BOULEVARD DESIGNATED "B-P, BUSINESS PARK" BY THE COLTON'S HUB CITY CENTRE SPECIFIC PLAN. (FILE INDEX NO. DAP-001-238a & DAP-001-238b).

3. **FILE INDEX NUMBER:** DAP-001-289 P&G BURGER

**APPLICANT:** Peter Smirniotakis

**PROPERTY OWNER:** Louis Liu (Yum Yum Restaurant)

**PROPERTY LOCATION:** 2726 S. Iowa Avenue

ASSESSOR'S PARCEL NUMBER: 1167-111-26

**REQUEST:** Architectural & Site Plan Review for an addition/remodel to an existing restaurant and a new drive-through lane totaling 2,485 square feet, and a **Conditional Use Permit** to allow for the operation of a drive-through lane for an eating establishment on property measuring approximately 21,400 sf (0.49 acre) located in the C-2 (General Commercial) Zone.

**ENVIRONMENTAL DETERMINATION:** Pursuant to CEQA Guidelines Section 15301 – Existing Facilities - This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Architectural & Site Plan Review and Conditional Use Permit through the adoption of attached Resolution titled:

**RESOLUTION NO. R-10-16** : A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING ARCHITECTURAL AND SITE PLAN REVIEW FOR AN ADDITION/REMODEL TO AN EXISTING RESTAURANT AND A NEW DRIVE-THROUGH LANE TOTALING 2,485

**SQUARE FEET, AND A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A DRIVE-THROUGH LANE FOR AN EATING ESTABLISHMENT ON PROPERTY MEASURING APPROXIMATELY 21,400 SF (0.49 ACRE) LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-289).**

**H. COMMISSION CONSIDERATION**

1. Presentation by Water Department – Colton’s Water Efficient Landscaping Ordinance and “Parkway Landscaping Regulations & Ideas” pamphlet.

**I. DIRECTOR’S REMARKS/REVIEW OF CITY COUNCIL AGENDAS**

**J. COMMISSION COMMENTS**

**K. ADJOURNMENT**

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CITY OF COLTON  
PLANNING COMMISSION AGENDA MINUTES  
REGULAR MEETING – Tuesday, March 22, 2016– 5:30 P.M.

**A. CALL TO ORDER at 5:30p.m.**

**B. ROLL CALL**

Commissioners Present:

Chair Richard Prieto  
Vice Chair Thomas Archuleta  
Gilbert Arrieta  
Angel Delgado  
Rosa Granado-Dominguez  
Gary Grossich  
Kirk Larson

Commissioners Absent:

None

City Staff:

Marco Martinez, City Attorney  
Mark Tomich, Development Services Director  
Mario Suarez, AICP, Senior Planner  
Jay Jarrin, AICP, Senior Planner  
Steve Gonzales, Associate Planner

**C. PLEDGE OF ALLEGIANCE**

Commissioner Arrieta led the pledge of allegiance.

**D. APPROVAL OF MEETING MINUTES**

1. March 22, 2016 Planning Commission Meeting Minutes.

Motion and second by Commissioner Archuleta/ Commission Arrieta 7 to 0 to approve. Roll Call Vote as follows: Ayes-Commissioner Grossich, Vice Chair Archuleta, Commissioner Delgado, Commissioner Arrieta, Commissioner Granado-Dominguez, Chair Prieto, and Commissioner Larson.

**E. PUBLIC COMMENTS**

None.

**F. PUBLIC HEARINGS:**

1. **FILE INDEX NUMBER: DAP-001-187**

**VALLEY PALLETS, INC.**  
**(Continued from March 8, 2016)**

**PROPERTY OWNER:** Rebbur, LLC  
**APPLICANT:** Rebbur, LLC (David Star and Robert Krup)

**PROPERTY LOCATION:** 1235 S. Lincoln Street

**COUNTY ASSESSOR PARCEL NO.:** 0163-302-11, 12, 13, 14, 15 and 0163-311-35

**PRESENTED BY:** Mario Suarez, AICP, Senior Planner

**PUBLIC COMMENTS:**

None.

**DESCRIPTION: Modification to Conditional Use Permit (CUP) (File Index No. DAP-000-641) requesting modification of several conditions of approval to allow a pallet manufacturing, distribution and pallet storage use including the modification of conditions 7, 8, and 11 of DAP-000-641 and reporting on the completion status and compliance with appropriate code requirements; in addition, the City of Colton will be reviewing all conditions for update and modification to current standards since project has not been completed since its original approval in 2007. In addition, **Variance** to allow 59 parking spaces instead of 95; **Variance** to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and **Variance** to allow 0.005% or 780 square feet landscaping instead of 15% or 22,368 square feet landscaping on an approximately 3.42 acres of an overall site that measures 6.7 acres consisting of six parcels zoned M-1/SDA, Light Industrial/Sensitive Development Area.**

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption. Pursuant to CEQA Guidelines Section 15301 – Existing Facilities. This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**RECOMMENDATION:** Staff recommends that the Planning Commission continue this agenda item to April 12, 2016 to accommodate a City Council request to be briefed on this application.

Motion and second by Commissioner Grossich / Commission Delgado 7 to 0 to continue public hearing to April 12, 2016.

Chair Prieto recognized Council Member Toro in the audience.

**2. FILE INDEX NUMBER: DAP-001-290 CBM MOTORSPORTS**

**PROPERTY LOCATION:** 725 & 755 S La Cadena Drive (SWC/ Maple)

**ASSESSOR'S PARCEL NUMBER:** 0163-201-07

**PROPERTY OWNER:** CHURCH OF JESUS CHRIST LDS SB STAKE

**APPLICANT:** Bruce McKillop & Christopher Bland, CBM Motorsports LLC

**PRESENTED BY:** Jay Jarrin, AICP, Senior Planner

**PUBLIC COMMENTS:**

- Bruce McKillop, Applicant.
- Patti Ariza, neighbor to property.

**REQUEST:** (1) **Conditional Use Permit (CUP)** for the operation of a vehicle service use including automotive engine building, vehicle parts sales, service, and installation; (2) **Site Plan Review** for the (a) conversion of existing buildings for use for vehicle and vehicle parts service, (b) proposed outdoor storage yard for vehicles; and (c) related site improvements, including new block wall, planting, and paving; and (3) **Minor Deviation** for a proposed wall height of 8 feet, over the maximum 6 feet allowed, on a 4.43-acre lot, improved with two buildings, a 1-level 26,697-sf building at 725 S La Cadena and a 2-level 15,520-sf building at 755 South La Cadena Drive, and zoned C-2, General Commercial.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption. Class 1. Pursuant to CEQA Guidelines Section 15301 – Existing Facilities. This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the applications through the following actions:

1. Approve the requested **Conditional Use Permit (File Index No. DAP-001-290a)**, subject to conditions, through the adoption of the draft Resolution No. R-7-16 titled:

RESOLUTION NO. R-7-16: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A VEHICLE SERVICE USE INCLUDING AUTOMOTIVE ENGINE BUILDING, VEHICLE PARTS SALES, SERVICE, AND INSTALLATION ON PROPERTY LOCATED AT 725 & 755 SOUTH LA CADENA DRIVE AND ZONED C-2, GENERAL COMMERCIAL. (FILE INDEX NO. DAP-001-290a).

2. Approve the requested **Site Plan Review (File Index No. DAP-001-290b)**, subject to conditions.
3. Approve the requested **Minor Deviation (File Index No. DAP-001-290c)**, subject to conditions.

Motion and second by Commissioner Grossich/ Commission Larson to approve staff recommendations  
Roll Call Vote as follows: Ayes -Commissioner Grossich, Vice Chair Archuleta, Commissioner Delgado, Commissioner Arrieta, Commissioner Granado-Dominguez, Chair Prieto, and Commissioner Larson.  
Noes-none.

Chair Prieto recognized Council Member Gonzales in audience.

**PROPERTY LOCATION:** 1609 W. Valley Blvd. (NWC of Valley Blvd. and Pepper Ave.)

**ASSESSOR'S PARCEL NUMBER:** 0254-071-46 and 55

**PROPERTY OWNER:** CHANDI GROUP USA

**APPLICANT:** Marks Architects Inc.

**PRESENTED BY:** Steve Gonzales, Associate Planner

**PUBLIC COMMENTS:**

- Gabriella Marks, Architect representing the applicant.
- Bill Sanchez, representing applicant re: water feature.

**REQUEST: Architectural and Site Plan Review** and a **Conditional Use Permit (CUP)** for the construction of a proposed retail development that includes a 6,000 square foot restaurant with on-sale alcohol sales (Type 47), a 9,000 square foot retail building, a 3,500 square foot quick service restaurant with a drive-thru, a 6,500 square foot gas station with a convenience market to operate 24 hours with off-sale alcohol sales (Type 20) and a 4,800 square foot drive thru-car wash, a 90 room four story hotel with on-sale alcohol sales (Type 47), and **Parcel Map No. 19691** to create four lots on a 7.26 acre parcel within the R (Retail) land use designation of the Hub City Centre Specific Plan.

**ENVIRONMENTAL DETERMINATION:** A draft Initial Study has been prepared to assess environmental impacts for the applications. The draft Initial Study determined that the project would not create any significant adverse impacts on the environment if mitigation measures are implemented reducing potential impacts to levels less than significant.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Architectural and Site Plan Review and a Conditional Use Permit through the adoption of attached Resolutions No. R-8-16 and R-9-16 titled:

**RESOLUTION NO. R-8-16:** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW A FOR THE CONSTRUCTION OF A PROPOSED RETAIL DEVELOPMENT THAT INCLUDES A 6,000 SQUARE FOOT RESTAURANT, A 9,000 SQUARE FOOT RETAIL BUILDING, A 3,500 SQUARE FOOT QUICK SERVICE RESTAURANT WITH A DRIVE-THRU, A 6,500 SQUARE FOOT GAS STATION WITH A CONVENIENCE MARKET INCLUDING A 4,800 SQUARE FOOT DRIVE THRU-CAR WASH, AND A 58,304 SQUARE FOOT 90 ROOM FOUR STORY HOTEL AND PARCEL MAP NO. 19691 TO CREATE FOUR LOTS ON A 7.26 ACRE PARCEL WITHIN THE R (RETAIL) LAND USE DESIGNATION OF THE HUB CITY CENTRE SPECIFIC PLAN (FILE INDEX NO. DAP-001-261).

**RESOLUTION NO. R-9-16:** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT UP TO ALLOW A 6,500 SQUARE FOOT GAS STATION WITH A CONVENIENCE MARKET TO OPERATE 24-HOURS

WITH OFF-SALE ALCOHOL SALES (TYPE 20) INCLUDING A 4,800 SQUARE FOOT DRIVE THRU-CAR WASH AND A 6,000 SQUARE FOOT RESTAURANT WITH ON-SALE ALCOHOL SLAES (TYPE 47) AND A 58,304 SQUARE FOOT 90 ROOM FOUR STORY HOTEL WITH ON-SALE ALCOHOL SLAES (TYPE 47) ON A 7.26 ACRE PARCEL WITHIN THE R (RETAIL) LAND USE DESIGNATION OF THE HUB CITY CENTRE SPECIFIC PLAN (FILE INDEX NO. DAP-001-261).

Motion and second by Commissioner Arrieta/ Commissioner Larson 7 to 0 to approve staff recommendations. Roll Call vote as follows; Ayes- Commissioner Arrieta, Vice Chair Archuleta, Commissioner Delgado, Commissioner Granado-Dominguez, Commisisoner Grossich, Commissioner Larson, and Chair Prieto. Noes-None.

## **G. COMMISSION CONSIDERATION**

### **1. Status Report On Colton Iron & Metal – Implementation Of Conditions Of Approval**

(File Index Nos: DAPs-000-648, 000-881 and 001-123)

**Presented by:** Jeff Farano, Sr.

**Recommendation:** Receive and file report.

### **2. Presentation by Public Works: Proposed Ordinance to Establish and Regulate Designated Truck Routes in the City of Colton**

**Presented by:** Reggie Torres, Associate Engineer, Public Works

**Recommendation:** Commission comments and questions.

## **H. DIRECTOR'S REMARKS/ REVIEW OF CITY COUNCIL AGENDAS**

- Update on City Council's action regarding zoning text amendment pertaining to public noticing radius and carport standards.
- Summary of City Council's priority setting workshop.

### **Archuleta**

- Sunstate Equipment booms are still up.
- Code enforcement process questions.

### **Arrieta**

- Like new shopping center/ hotel project at Pepper & Valley.

### **Delgado**

- Pleased with new Hub City development projects.

### **Granado-Dominguez**

- Excited about Pepper/Valley retail/hotel project.
- Would like to retain water feature in project.

**Grossich**

- Booms are still up at Sunstate Equipment.
- Comments regarding City Council's priority setting workshop and business attraction efforts.
- The City needs to hire a code enforcement officer for business compliance.

**Larson**

- Thank you to staff for vetting new projects before they come to the Planning Commission.

**Prieto**

- Questions regarding status of Squires Lumber.

**I. ADJOURNMENT**

Motion and second by Commissioner Larson /Vice Chair Archuleta to adjourn the meeting at 8:31 p.m.

Approved by: \_\_\_\_\_

Mark R. Tomich, AICP



# Planning Commission Staff Report

City of Colton  
Development Services Department

**TYPE OF ACTION:** Final Action

**MEETING DATE:** April 12, 2016

**FILE INDEX NUMBER:** DAP-001-291 **Leno's Rico Tacos**

**REQUEST:** **First and Second Time Extension Request** for approved Conditional Use Permit for drive-through; and for a Variance to allow a 10 feet – 11-5/8 inch setback instead of 20 feet as required by Code (File Index No. DAP-001-124)

**APPLICANT:** Pierdra Nueva Development (William Decasa)

**PROPERTY OWNER:** Magdaleno and Elizabeth Moreno

***ACTIONS:***

**APPLICATION FILED:** 01/21/16

**APPLICATION REVIEW COMMITTEE:** N/A

**PLANNING COMMISSION:** 04/12/16; Recommendation: Approval; Decision: \_\_\_\_\_

**ENVIRONMENTAL DETERMINATION:** The proposed project has determined that there is no possibility that the time extension request may have a significant adverse effect on the environment. Therefore, the proposed use is exempt under Article 19, Section 15061 b. (3) of the California Environmental Quality Act (CEQA) Guidelines.

**PROPERTY INFORMATION:**

1. Location: 549 W. Valley Blvd. (APN: 0162-131-04, 05, & 06)
2. Lot Size: 22,750 square feet in area
3. Existing/Previous Land Use: Sit down restaurant
4. General Plan Land Use Designation: General Commercial
5. Zoning: C2 General Commercial zone
6. Surrounding Properties:

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>General Plan Land Use</b>
<b>North</b>	Single Family Residences	R-1 Low Density Residential	Low Density Residential
<b>South</b>	Commercial	C2 General Commercial	General Commercial
<b>East</b>	Single Family Residence	C2 General Commercial	General Commercial
<b>West</b>	Commercial	C2 General Commercial	General Commercial

**Prior Planning Entitlements:**

03-11-2014 DAP-001-124 - Conditional Use Permit for drive-through; and for a Variance to allow a 10 feet – 11-5/8 inch setback instead of 20 feet as required by Code conditionally approved by Planning Commission (Resolutions R-03-14 & R-04-14).

11-15-2004 Design Review Committee approval of request for Design Review (File Index No. DAP-000-369) of two canopy additions and placement of 320 square foot metal storage container.

**Existing Business License:**

01-01-1989 Business License start date for Leno's Rico Tacos.

**Prior Building Permits:**

10-15-1998 Final building permit to allow a wrought iron fence at the front of property.  
08-12-2013 Active building permit to allow construction of 6 foot high block wall at the rear and side property lines and construction of wrought iron fence at the front of property facing Valley Blvd. (expires 3/4/2014)

**DISCUSSION**

On January 21, 2016, the applicant asked that a request for an Extension of time for the approval of DAP-001-124 be considered by the Planning Commission (*First and Second Time Extension*). The project was approved by the Planning Commission on March 11, 2014. The applicant has submitted building plans on 05/08/14 in order to obtain Building Permits for the project (B00-029-972). The building plans have been reviewed and approved by all City departments; however, due to internal issues within the business they have not been able to pull the permits. The applicant has indicated that they are now in a position to pull building permits.

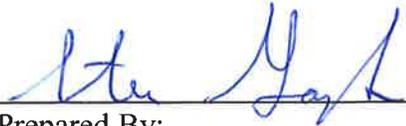
If the Planning Commission approves the request for time extension, the new expiration date will be on March 11, 2017.

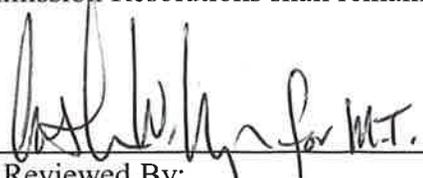
The Zoning Code allows for a maximum of four extensions that may be granted by the Planning Commission. The Planning Commission may grant the one-year extension if it finds there is "good cause," which is the sole discretion of the Planning Commission pursuant to the Zoning Code cited in the box below.

**CMC 18.58.070. Expiration of land use entitlements.** Any land use entitlement described in this chapter granted by the commission becomes null and void if not exercised within one year of the date of approval thereof. Upon written application by the applicant or property owner filed prior to the expiration of the approved land use entitlement, the time at which the land use entitlement expires may be extended by the commission for an additional one year period, at a time, for good cause. The existence of "good cause" will be determined at the sole discretion of the commission. No more than four extensions may be granted for any approved land use entitlement. Upon written application by the applicant or property owner filed prior to the expiration of the land use entitlement, the approved land use entitlement shall automatically be extended for thirty days or until the application for extension is approved or denied, whichever occurs first. All requests for extension shall be acted upon by the commission on the consent calendar.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Extension of Time for DAP-001-124, which will set a new expiration date of March 11, 2017. Approved Planning Commission Resolutions shall remain in effect with this one-year time extension.

  
Prepared By:  
Steve Gonzales, Associate Planner

  
Reviewed By:  
Mark Tomich, AICP, Director

Attachments

1. Applicant's Request for Extension, 3-13-2016
2. P.C. Staff Report dated March 11, 2014
3. P.C. Minutes, March 11, 2014
4. P.C. Resolution Nos.: R-03-14 and R-04-14

Applicant's Request for Extension, 3/13/16

# **Attachments 1**



# Leno's RICO TACO

3-13-11

CITY OF COLTON  
BUILDING & PLANNING  
650 N LA CANADA DRIVE  
COLTON, CA. 92324-

MR. SUAREZ

PURSUANT TO CONVERSATIONS AND  
CORRESPONDENCE BETWEEN YOURSELF  
AND REPRESENTATIVES OF LENO'S TACO  
EXISTING RESTAURANT EXPANSION  
LOCATED AT 549 W VALLEY BLVD...  
PLEASE REGARD THIS CORRESPONDENCE  
AS OUR FORMAL REQUEST TO EXTEND  
THE ENTITLEMENTS, PLANNING AND  
BUILDING PERMITS FOR A 1600<sup>sq</sup>  
EXPANSION. PERMIT # B00-029-9TZ

THANK YOU FOR YOUR ATTENTION  
TO THIS IMPORTANT MATTER

  
MAGDALENA MORENO LENO'S OWNER

P.C. Staff Report dated March 11, 2014

## **Attachment 2**



# Planning Commission Staff Report

City of Colton  
Development Services Department

**TYPE OF ACTION:** Final Action

**MEETING DATE:** March 4, 2014 (continued from February 11, 2014)

**FILE INDEX NUMBER:** DAP-001-124 Leno's Rico Tacos

**REQUEST:** DAP-001-124 1. **Conditional Use Permit** for drive-through; and  
2) **Variance** to allow a 10 feet – 11-5/8 inch setback instead of 20 feet as required by Code.

**APPLICANT:** Pierdra Nueva Development (William Decasa)

**PROPERTY OWNER:** Magdalena and Elizabeth Moreno

***ACTIONS:***

**APPLICATION FILED:** 11/05/13

**DESIGN REVIEW COMMITTEE:**

12/09/13; Approved Architectural and Site Plan Review and Recommended Approval of Conditional Use Permit and Variance to Planning Commission, subject to conditions of approval.

**PLANNING COMMISSION:**

02/11/14; Continued to March 4, 2014

03/11/2014 Recommendation: Approval - Decision \_\_\_\_\_

**ENVIRONMENTAL DETERMINATION:** Pursuant to CEQA Section 15332 (Infill Development), the project is exempt from CEQA because project meets the criteria for infill development project in size and location and would not result in significant environmental impacts.

**PROPERTY INFORMATION:**

1. Location: 549 W. Valley Blvd. (APN: 0162-131-04, 05, & 06)
2. Lot Size: 22,750 square feet in area
3. Existing/Previous Land Use: Sit down restaurant
4. General Plan Land Use Designation: General Commercial
5. Zoning: C2 General Commercial zone
6. Surrounding Properties:

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>General Plan Land Use</b>
<b>North</b>	Single Family Residences	R-1 Low Density Residential	Low Density Residential
<b>South</b>	Commercial	C2 General Commercial	General Commercial
<b>East</b>	Single Family Residence	C2 General Commercial	General Commercial
<b>West</b>	Multiple Family Residence	C2 General Commercial	General Commercial

**Prior Planning Entitlements:**

11-15-2004

Design Review Committee approval of request for Design Review (File Index No. DAP-000-369) of two canopy additions and placement of 320 square foot metal storage container.

**Existing Business License:**

01-01-1989 Business License start date for Leno's Rico Tacos.

**Prior Building Permits:**

10-15-1998 Final building permit to allow a wrought iron fence at the front of property.  
08-12-2013 Active building permit to allow construction of 6 foot high block wall at the rear and side property lines and construction of wrought iron fence at the front of property facing Valley Blvd. (expires 3/4/2014)

**BACKGROUND AND PROPERTY DESCRIPTION**

The subject site includes seven lots that together form a 22,750 square foot rectangular shaped property. The existing sit down restaurant was built in approximately 1955 (sandwich stand). In addition, the site includes a storage container used to store goods for the restaurant, mobile food truck services for Leno's Tacos and exterior seating areas located at the rear of the existing building. The existing storage container and existing outside eating areas were approved in 2004 by the DRC. Four catering trucks are used in conjunction with the restaurant's mobile food services.

The site is relatively flat in topography and is partially undeveloped. The developed portion of the property includes 17 parking spaces, trash enclosure and landscaping. The handicapped assessable parking spaces presently do not comply with path of travel and provision for van accessible loading area. The existing driveway from Valley Boulevard is the primary ingress access of the property, traveling in a one way direction to the alley at the rear of the lot with access to 3<sup>rd</sup> and 4<sup>th</sup> Streets.

On August 12, 2013, the building permits were issued approval to construct perimeter wall along the front, far west side and rear of the lot. The new wall consists of six feet concrete block wall along the rear and sides and four foot block/wrought iron wall along the front of the property facing Valley Boulevard. While the property is well maintained, it does need to provide adequate handicapped accessible parking, additional space for restaurant storage, parking, a new drive through and exterior remodel of the existing restaurant.



Aerial view of the subject site looking north from Valley Boulevard

**PROPOSAL**

The proposed project includes 725 square feet warehouse/service area and 877 square feet service area including kitchen, office and new handicapped accessible restroom area. The new handicapped accessible parking and restrooms are designed to be in compliance with existing building code requirements. The existing interior dining area will remain the same size in area with minor addition of front seating area along Valley Boulevard. The applicant will not be making changes to the existing outdoor seating area located at the rear of the existing restaurant building. A Variance, however, is requested to allow the front setback to be approximately 10'-11" instead of the required 20' as required by Code. The new service area will also include a drive-through service that circulates from the rear of the lot along the western perimeter of the building out to Valley Boulevard. Approximately 70 feet (three to four cars) of queuing is proposed prior to arrival to the menu area of the drive-through service. Pursuant to Section 18.06.060 of the Zoning Code, a CUP is required for the drive-through.

The application form of the Development Application Permit (DAP) indicates that there will be three employees per shift. The restaurant is open 8:00 a.m. to 9:00 p.m., Monday through Sunday and on occasion the hours are extended to address market demands. The maximum occupancy for the restaurant is calculated to serve 30 persons.

**ANALYSIS:**

Code Compliance – The proposed project does not comply with all of the general zoning requirements. The applicant is requesting approval of a Variance to allow less than required front yard setback and parking requirements as described in the table below.

Standard	Requirement	Proposed	Compliance
Max. Building Coverage	50% max of lot area	12%	Yes
Minimum Lot Width (CMC 18.22.070 A)	80'	175'	Yes
Minimum Lot Depth (CMC 18.22.070 B.)	100'	130'	Yes
Building Setbacks			
Front	20'	10'-11-5/8"	No – Variance
Interior/Rear	15' from property line	40'+	Yes
Building Height	Three stories or 40' maximum	15' at highest point	Yes
Parking	29 parking spaces	30 parking spaces	Yes
Restaurant/drive-through 1/100 Gross SF (CMC 18.22.120-1)			
Minimum Driveway width (CMC 18.36.030)	16' minimum: one-way 25' minimum: two-way	16' 25'	Yes Yes
Parking Space Dimensions	9' x 20'	9' x 20'	Yes
*Trash areas (CMC 18.24.140)	Enclosed by 6' wall with visually solid gates	Enclosed by 6' wall with visually solid gates	Yes
*Landscape Coverage (CMC 18.28.130)	Minimum 15% of lot area	20% (4,504 sf) existing and new areas	Yes
*Trees (CMC 18.28.130)	9 trees (one tree per three parking spaces)*	10 plus trees	Yes

CMC = Colton Municipal Code

\* Detailed landscape and irrigation plans to be provided at plan review stage prior to issuance of building permits.

**ANALYSIS:**

**Site Plan - Lot Consolidation:** The proposed restaurant expansion, drive-through and site improvements will require the seven lots to be combined into one lot via submission a Tentative Parcel Map. The combination of the lots would create one lot for the project maintaining the building and site development areas on one lot and eliminating issues related to compliance with building code and some zoning setbacks.

**Setbacks - Variance Request.** As shown on the Code Compliance table on page 3 of this staff report, a Variance is required for the front yard setback. Pursuant to Section 18.58.040 and state Planning and Zoning Law (§ 65906, Variances), approval of a Variance requires findings of approval be made for approval or denial.

Findings for approval are justified for the proposal because of the location of existing residential neighborhood south of the alley and because many of the building frontages are located close to the street in one to two block distance of the subject property. Strict compliance of the code will deprive the subject property of privileges enjoyed by other property in the vicinity under identical zoning classification. Furthermore, placing the building close to Valley Boulevard frontage will allow for a better designed drive-through and help reduce noise impacts between the subject site and adjacent residential properties/zone further analyzed below. In addition, the proposed Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated because other properties in the vicinity have zero to less than 10 feet front yard setbacks. The aforementioned is evident in several properties developed from zero to 10 feet setback within 300 feet radius of the subject site such as with 340, 410, 415, 502, 582, & 610 W. Valley Boulevard. (**Attachment-1 Resolution No. R-03-14**).

Examples of Zero Setbacks within a two block radius



340 W. Valley Boulevard



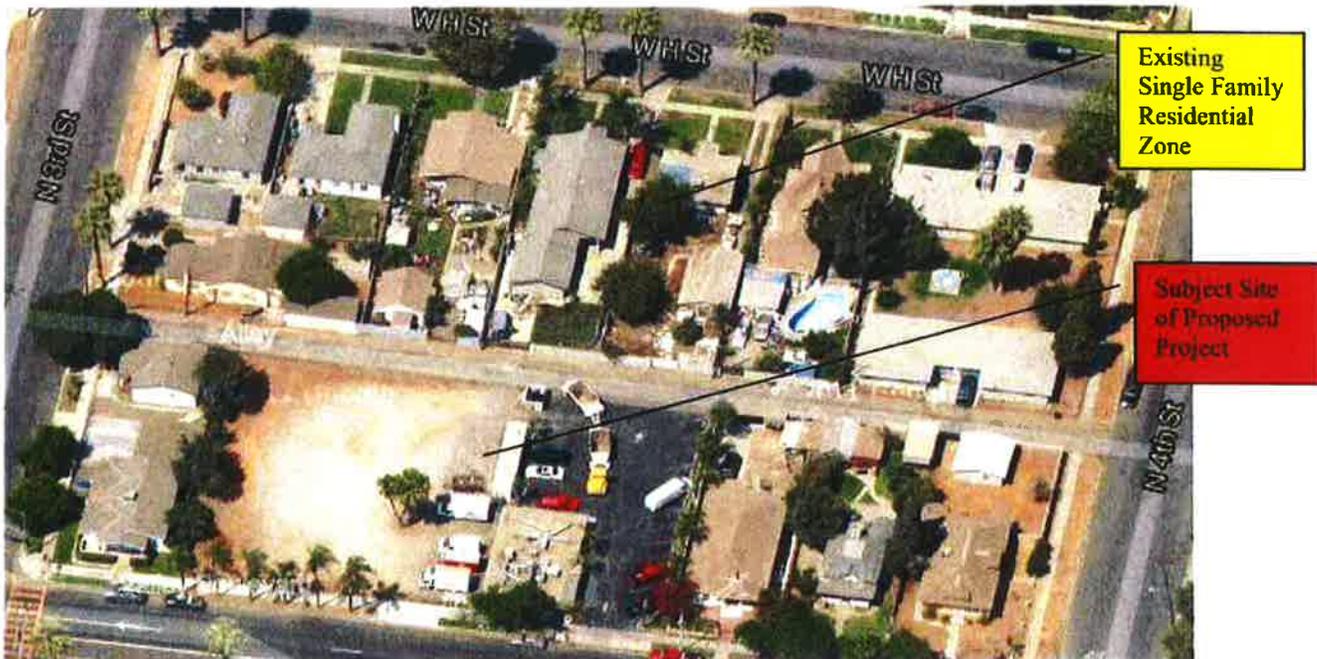
410 W. Valley Boulevard



415 through 455 W. Valley Boulevard

**Food Menu Board Noise.** The proposed building addition has sufficient space to locate the proposed drive-through with access provided at the rear and then exit along the west side of the proposed building addition to Valley Boulevard. The location of the proposed menu board and ordering system is designed 60-feet to the closest residential property line located on the north side of the alley and approximately 80-feet from the western property line. The proposed menu board faces the western property line away from the existing residential zone located on the north. However, there is substantial distance to the west where residential dwellings exist within the C-2 zone. The existing home located on the east side will be shielded with six foot block wall, parking lot and the proposed restaurant building expansion area. In addition, the existing six-foot concrete block wall along both north and west property boundaries will reduce potential noise impacts coming from automobiles and ordering window of the proposed drive through lane.

Because of the 60 feet setback along the rear yard and 80 feet setback along the west side yard, the six feet concrete block walls and the proposed landscaping between the drive-through ordering area and adjacent property lines, noise generated by the ordering system will be easily controlled and monitored so as not to be a nuisance or disturbance with adjacent residential properties. Staff is recommending a condition of approval for the applicant to place the speakers so that they project out towards Valley Boulevard and not to the north and west sides, subject to review and approval by the Development Services Director (**See condition #5 of Resolution R-04-14**). In addition, staff recommends a condition of approval requiring the applicant to conduct an acoustical analysis of the drive-through speakers following installation to confirm compliance with the City's maximum noise levels of 65 decibels when measured at north and west property lines prior to final building permit occupancy sign-off and 30 days after building permit final (measured at peak hours), subject to review and approval by the Development Services Director after each measurement is completed (**See condition #4 of Resolution No. R-04-14**).



Location of Residential Sites and Zone Relative to Project

**Drive-Through Lane.** As proposed, the drive-through queuing (stacking) area accommodates up to seven vehicles with 66 feet to the ordering area and 125 feet to the pick-up window (20' car length policy). The design of the drive through is located at the far south side of the subject property to address several areas such as noise and vehicle queuing. However, placement of the building as proposed is subject to Variance approval by the Planning Commission. Lastly, the drive through is bounded by landscaping planter area and is completed with

an open wood trellis structure at the location of the pick-up window. The open wood trellis is to scale with the existing building and neighborhood, plus provides character and added architectural element to the building and overall site design (See Attachment-3).

**Parking.** The applicant has provided 30 parking spaces where 29 parking spaces are required. In addition, the applicant's designer has included a parking area for parking of catering food trucks which has been part of the restaurant use/services. If the applicant decides to close off any part of the parking area for security reasons, staff recommends a condition of approval to allow the applicant to close of the parking area when the restaurant is closed (See Condition No. 6 of Resolution No. R-04-14). Specific hours for the restaurant to operate are not recommended, to allow flexibility to open earlier or later with the market demands.

The applicant's designer has provided 15 parking spaces on the west side of the restaurant. The pedestrian access may be improved by providing a cross-walk area along the rear side of the building to allow those parking on the west side to access the restaurant without having to enter the alley area and safely cross the drive-through lane to the restaurants entry points located on the east side of the building. Staff is recommending a condition of approval that requires the site plan to be adjusted to accommodate a five foot wide pedestrian access along the rear side of the building to allow access from the west parking lot to the restaurant. The walkway shall be striped, provided with appropriate way signage and keep the pedestrian area clear of vehicles in the drive-through lane (See Condition No. 7 of Resolution No. R-04-14).

**Building Elevations:** The scale and size of the building does not encroach or create a massing issue with surrounding neighborhood. There are no concerns pertaining to shade and shadows from the proposed single-story structure (maximum height of the existing and proposed building is 15 feet measured from the finished grade). The applicant has provided colored building elevations of the proposed restaurant expansion and remodel (See Attachment-3).

The proposed building modifications include a flat roof with a decorative parapet cornice painted to match the “chocolate” colored fascia board applied to all four building elevations. In addition, all four building elevations incorporate architectural roof projection covered with a light weight terra-cotta Spanish style roof tiles. The materials and window frames of the many new windows added to the building elevations match the “chocolate” colored paint used to accent the top, middle and window areas of all four building elevations. Furthermore, at the base of the building the designer includes a light tan colored natural stone to compliment the top, middle part of the restaurant building design.

**Business Signs:** All new signs are subject to obtaining a sign permit prior to installation. This may include electrical and building permit depending on installation and sign type. The standard condition of approval related to business signage is included the CUP draft Resolution No. R-04-14 (See Attachment-2).

#### **ENVIRONMENTAL DETERMINATION:**

The project is exempt under CEQA Section 15332 (In-Fill Development Projects), Class 32. This section pertains to projects of 5 acres or less, surrounded by existing development, and is in conformance with General Plan and Zoning Code. In addition, there must be no habitat value affected by the project, the site can be adequately served by all required utilities and public services, and the project would not result in any significant effects relating to traffic, noise, air quality or water quality. Approval of the Variance would allow relief from the front yard development standard and maintain conformance with Zoning Code development standards and consistency with the Colton General Plan.

#### **VARIANCE FINDINGS:**

The Zoning Code allows for review of a Variance to address development standards such as the request to reduce the front yard setback. *“The statutory justification for a Variance is that the property owner would*

suffer unique hardship under the general zoning regulation because a particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location, or surroundings – State Government Code § 65906” (Curtain’s California Land Use and Planning Law 2012). Staff has prepared a draft Resolution for approval making the following findings for approval to allow a 10 feet– 11-5/8 inch setback instead of 20 feet as required by Code.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district and neighborhood in which the property is located* in that the subject property is located within a commercial area that has been developed with reduced setbacks ranging from 0 feet to 10 feet from the front property line. The surrounding properties include a small office/commercial shopping center, sign manufacture, retail uses, and existing restaurant use including the following addresses within a two block radius: 340, 410, 415, 502, 582, & 610 W. Valley Boulevard. In addition, the location and surroundings require special attention to the existing residential zoning on the north side of the alley which requires potential noise conflicts to be addressed and mitigated so that potential environmental impacts are reduced to a level that is not significant and in compliance with the City's noise requirements. The project includes a condition of approval requiring strict monitoring of the noise generated by the speaker area of the drive-through ordering area.
2. *That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant* in that the standard 20 foot setback requirement would not allow for the construction of a drive-through restaurant by restricting the ability for the applicant to provide parking and locating the drive-through closer to the rear lot line adjacent to the single family homes would disrupt the pedestrian friendly scale of the neighborhood. Therefore, the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant that is enjoyed by the surrounding commercial properties within a two block radius.
3. *That the granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located* because the restaurant expansion complies with the off-street parking requirements, provides accessible parking, establishes new accessible bathroom facilities, removes temporary storage facilities, provides for new kitchen facilities, exceeds landscape requirements and provides new facade improvements compatible with existing neighborhood and community. In addition, the proposed project also includes the assemblage of small lots to create more cohesive development site consistent with General Plan Land Use Policy LU-1.5. Furthermore, the drive-through has been designed accommodate six to seven vehicles that will be ordering from a menu area that will include speakers, as conditioned, located in a manner that will minimize noise impacts on surrounding residential uses.
4. *That the granting of such a Variance will not be contrary to the objectives of the General Plan.*

The subject site is located within an area designated as General Commercial in the General Plan. The Land Use Element Commercial District, **Policy LU-9.1** of the General Plan states “Encourage and facilitate an appropriate mix of goods and service offered in community and neighborhood commercial centers.” Granting the major variance will encourage and facilitate expansion of an established neighborhood and community restaurant use and allow existing nonconforming parking lot and address completing accessible parking and interior accessible improvements needed to conform to current local, state and federal requirements.

**Policy LU-9.8 states** "*Diversify the types of commercial uses available in Colton to ensure the City's fiscal well-being. Create a balanced mix of restaurants and retail stores that offer a varied selection of dining and shopping opportunities*" in that the proposed restaurant improvements provides for retention of an established restaurant which may now provide sit down, continued outdoor and now drive-through services.

**Policy LU-1.5 states** "*Encourage the assemblage of small lots to create more cohesive development sites*" in that the proposed project combines seven small lots into one larger parcel totaling 22,750 square feet as conditioned.

### **CONDITIONAL USE PERMIT FINDINGS:**

A key goal of land use rules is for nearby land uses to be compatible with one another. One way cities do this is to say that certain kinds of uses are allowed only under certain conditions through a conditional use permit (CUP). The CUP process allows decision-makers to avoid, minimize or mitigate anticipated problems.

The Planning Commission has authority to conduct public hearings to consider CUP applications pursuant to Colton Municipal Code Section 18.58.060 which states in part: "*In considering a Conditional Use Permit, the Commission shall affix those conditions which it determines will tend to safeguard the public health, safety and general welfare in the zone.*" Therefore approving a Conditional Use Permit, the Commission should consider the findings as prescribed below.

- I. ***That the proposed Use is in accord with the General Plan, the objectives of this title, and the purposes of the zone in which the site is located;*** The proposed addition of a drive through to an existing restaurant use is consistent with the following General Plan Update goals and objectives:
  - A. General Plan Update **Goal LU-9.** "*Maintain a diverse mix of commercial uses that benefit the community in terms of needed commercial services, tax revenue, and employment opportunities.*" The proposed drive through addition includes expansion of existing restaurant by adding 725 square feet warehouse/service area and 877 square feet service area including kitchen, office and new handicapped accessible restroom area. The new handicapped accessible parking and restrooms are designed to be in compliance with existing building code requirements. The existing interior dining area will remain the same size in area with minor addition of front seating area along Valley Boulevard. The existing rear exterior dining area will also remain the same.
  - B. General Plan Update **Policy LU-1.5:** "*Encourage the assemblage of small lots to create more cohesive development sites.*" The proposed project is proposing to merge seven small lots (25' in width by 130' in depth) into one larger lot (175' in width by 130' in depth) to accommodate the proposed drive through restaurant addition and other improvements made to the site including the provision of additional parking lot landscaping, parking and overall enhancements to the exterior of the building facade.
  - C. General Plan Update **Policy LU-9.3:** "*Encourage a unified architectural character in commercial areas, and vigorously enforce commercial land use standards, including but not limited to landscaping, signage, and property maintenance to enhance the visual appearance of the City's commercial areas.*" The proposed project includes a unified Spanish Style theme with the inclusion of new windows, various architectural elements and overall architectural enhancements that will substantially improve the existing site appearance and

be an added improvement to the neighborhood that is to scale, compatible, and a continued visually attractive project site from the street view.

2. ***That the proposed Use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*** The proposed drive through restaurant project expansion and building architectural improvements will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for the following reasons:
  - A. The proposed use hours of operation are acceptable for the commercial location of the subject site and its' surrounding properties.
  - B. The existing vacant property abutting the north property line provides an adequate buffer from the adjacent residential zone and uses with 60' to 80' distance including the addition of new landscaping throughout the subject site.
  - C. The proposed business is located in a major commercial corridor of the City made up of similar businesses including an existing restaurants, neighborhood commercial centers, offices and residential projects.
  - D. The maximum sound level radiated by the drive through restaurant, when measured at the boundary line of the subject property, is subject to conformance with the noise standards of the City (i.e., shall not be obnoxious by reason of its intensity, pitch or dynamic characteristics as determined by the City, and shall not exceed 65 dBA) in conformance with Chapter 18.42 of the Colton Municipal Code.
  - E. All exterior lighting is subject to conformance with the lighting standards of the City (i.e., non-flashing and shall be directed away so as to eliminate objectionable glare) in conformance with Chapters 18.40 and 18.42 of the Colton Municipal Code.
3. ***That the proposed Use complies with each of the applicable provisions of this title;*** The drive through addition to existing restaurant use conforms with all requirements of the Colton Zoning Code, as conditioned and as approved including Variance to allow the reduction of the front yard setback. The subject property is zoned C2 General Commercial which permits drive through uses, subject to Conditional Use Permit. The C-2 General Commercial Zone is intended to provide areas for the development of commercial facilities to serve the community and to set up those standards of development necessary to insure that such commercial areas will be compatible with adjoining land uses.

**RECOMMENATION**

Staff recommends that the Planning Commission approve the Variance and Conditional Use Permit through the adoption of attached Resolutions entitled:

**RESOLUTION NO. R-03-14** - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING VARIANCE TO ALLOW A 10'11-5/8" FRONT YARD SETBACK INSTEAD OF 20 FEET AS REQUIRED BY CODE ON PROPERTY LOCATED AT 549 W. VALLEY BOULEVARFD WITHIN THE C-2 (GENERAL COMMERCIAL). (FILE INDEX NO: DAP-001-124).

**RESOLUTION NO. R-04-14** - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING CONDITIONAL USE PERMIT FOR DRIVE THROUGH ON PROPERTY LOCATED AT 549 W. VALLEY BOULEVARD WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE. (FILE INDEX NO: DAP-001-124).

Attachments:

- Attachment-1 Planning Commission Resolution No. R-03-14 (Variance)
- Attachment-2 Planning Commission Resolution No. R-04-14 (Conditional Use Permit)
- Attachment-3 Site Plan, Floor Plan, and Building Elevations
- Attachment-4 DRC Sign-In Sheets

P.C. Minutes, March 11, 2014

## **Attachment 3**



**CITY OF COLTON**  
**PLANNING COMMISSION REGULAR MEETING MINUTES**  
City Council Chambers–Tuesday March 11, 2014-6:30 p.m.

**A. CALL TO ORDER**  
Call to Order at: 6:30pm

**B. ROLL CALL**

Commissioners

- Chairperson Richard Prieto
- Vice-Chair Joe Perez III
- Angel Delgado
- Cynthia L. Ramirez (arrived at 7:05 p.m.)
- Thomas Archuleta
- Richard De La Rosa
- Jack Woods

City Staff

- Mark Tomich, AICP, Director
- Mario Suarez, AICP, Senior Planner
- Marco Martinez, Deputy City Attorney

**C. PLEDGE OF ALLEGIANCE**

Led by: Chairperson Prieto

**D. APPROVAL OF MEETING MINUTES**

1. January 28, 2014 Planning Commission Regular Meeting Minutes.

Motion and second by Commissioner Perez /Commissioner Archuleta (6 to 0) (Ramirez absent) to approve minutes.

2. February 25, 2014 Planning Commission Regular Meeting Minutes.

Motion and second by Commissioner Perez/ De la Rosa (5 to 0) (Delgado abstained / Ramirez absent) to approve minutes.

**E. PUBLIC COMMENTS**

- Ron Lawrence
- Gary Grossich

**COMMISSION CONSIDERATION**

**F. PUBLIC HEARING**

**1. FILE INDEX NUMBER:** DAP-001-124 **Project Name:** Leno' Rico Tacos  
**APPLICANT(S):** Piedra Nueva Development (William Decasa)  
**PROPERTY OWNER:** Magdaleno and Elizabeth Moreno  
**REQUEST:** 1) **Conditional Use Permit** for drive-through; and  
2) **Variance** to allow a 10 feet – 11 5/8 -inches setback instead of 20 feet as required by Code located on 22,750 square feet land area within (General Commercial) Zone.

**LOCATION:** 549 W Valley Boulevard

**ASSESSOR'S PARCEL NUMBER:** 0162-13104

**ENVIRONMENTAL DETERMINATION:** Pursuant to CEQA Section 15332 (Infill Development), the project is exempt from CEQA because project meets the criteria for infill development project in size, location and would not result in significant environmental impacts.

**PRESENTATION BY:** Mario Suarez, Senior Planner

**PUBLIC COMMENTS**

- Dr. G.
- John Anaya, Sr.
- Gary Grossich
- Leno Moreno, Applicant.
- William DeCasas, Designer for Applicant.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Variance and Conditional Use Permit through the adoption of attached Resolutions entitled:

**RESOLUTION NO. R-03-14 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING VARIANCE TO ALLOW A 10'11-5/8" FRONT YARD SETBACK INSTEAD OF 20 FEET AS REQUIRED BY CODE ON PROPERTY LOCATED AT 549 W. VALLEY BOULEVARFD WITHIN THE C-2 (GENERAL COMMERCIAL). (FILE INDEX NO: DAP-001-124).**

Commission Vote : Motion and second by Commissioner De La Rosa/ Commissioner Ramirez (7 to 0) to approve Resolution.

**RESOLUTION NO. R-04-14** - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING CONDITIONAL USE PERMIT FOR DRIVE THROUGH ON PROPERTY LOCATED AT 549 W. VALLEY BOULEVARD WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE. (FILE INDEX NO: DAP-001-124).

Commission Vote: Motion and second by Commissioner De La Rosa/ Commissioner Ramirez (7 to 0) to approve Resolution.

**G. DIRECTOR'S REMARKS/REVIEW OF CITY COUNCIL**

- New applications.
- Hub City Centre Specific Plan update.
- Introduction of new Planning & Building Technician; Alonzo Lopez.
- Council action on Largo appeal & Pico Rivera Pallet appeal ( 240 E Congress).

**H. COMMISSION COMMENTS**

**Chairperson Prieto**

- Thank you to staff.
- Comments regarding facilitating business growth in city.
- Commission needs to discuss limiting tire sales outlets.

**Vice Chair Perez**

- Comment regarding placement of Planning Commission Minutes on City's website.
- On April 5<sup>th</sup>, the Ken Hubbs Little League is celebrating 75<sup>th</sup> Anniversary.

**Commissioner Delgado**

- Recognized Military banners on La Cadena Dr. for servicemen.
- Noted that lighting is turned off at 9<sup>th</sup> St. / I-10 on-ramp.
- Question regarding time frame for 9<sup>th</sup> St. rail removal.

**Commissioner Archuleta**

- Question regarding a future South Colton planning workshop.

**Commissioner Ramirez**

- Welcome to new staff: Alonzo Lopez, Planning & Building Tech.

**Commissioner De La Rosa**

- Question regarding status of West Valley Habitat Conservation Plan
- Requested future agenda item for Commission discussion of Sensitive Development Overlay.

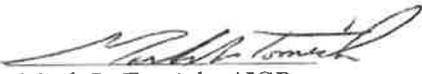
Commission consensus to place item on April 22, 2014 PC agenda for discussion.

**Commissioner Woods**

- Comment regarding passing of Walt Ehlers, WWII veteran.
- Rail line crossing at Hunts Lane- extended beeping of horn. Should be a quiet zone.

**I. ADJOURNMENT**

*Meeting was adjourned at 8:04 p.m.*

Approved by:   
Mark R. Tomich, AICP  
Development Services Director

P.C. Resolution Nos.: R-03-14 and R-04-14

## **Attachment 4**



1 ability for the applicant to provide parking and locating the drive-through closer to  
2 the rear lot line adjacent to the single family homes would disrupt the pedestrian  
3 friendly scale of the neighborhood. Therefore, the Variance is necessary for the  
4 preservation and enjoyment of a substantial property right of the applicant that is  
5 enjoyed by the surrounding commercial properties within a two block radius.

- 6 3. *That the granting of the variance will not be materially detrimental to the public*  
7 *welfare or injurious to property and improvements in the zoning district and*  
8 *neighborhood in which the property is located* because the restaurant expansion  
9 complies with the off-street parking requirements, provides accessible parking,  
10 establishes new accessible bathroom facilities, removes temporary storage  
11 facilities, provides for new kitchen facilities, exceeds landscape requirements and  
12 provides new facade improvements compatible with existing neighborhood and  
13 community. In addition, the proposed project also includes the assemblage of  
14 small lots to create more cohesive development site consistent with General Plan  
15 Land Use Policy LU-1.5. Furthermore, the drive-through has been designed  
16 accommodate six to seven vehicles that will be ordering from a menu area that will  
17 include speakers, as conditioned, located in a manner that will minimize noise  
18 impacts on surrounding residential uses.
- 19 4. *That the granting of such a Variance will not be contrary to the objectives of the General*  
20 *Plan.*

21 The subject site is located within an area designated as General Commercial in the  
22 General Plan. The Land Use Element Commercial District, **Policy LU-9.1** of the  
23 General Plan states “*Encourage and facilitate an appropriate mix of goods and*  
24 *service offered in community and neighborhood commercial centers.*” Granting  
25 the major variance will encourage and facilitate expansion of an established  
26 neighborhood and community restaurant use and allow existing nonconforming  
27 parking lot and address completing accessible parking and interior accessible  
28 improvements needed to conform to current local, state and federal requirements.

**Policy LU-9.8 states** “*Diversify the types of commercial uses available in Colton*  
*to ensure the City’s fiscal well-being. Create a balanced mix of restaurants and*  
*retail stores that offer a varied selection of dining and shopping opportunities*” in  
that the proposed restaurant improvements provides for retention of an  
established restaurant which may now provide sit down, continued outdoor and  
now drive-through services.

**Policy LU-1.5 states** “*Encourage the assemblage of small lots to create more*  
*cohesive development sites*” in that the proposed project combines seven small  
lots into one larger parcel totaling 22,750 square feet as conditioned.

**SECTION 2.** The Planning Commission of the City of Colton, in accordance with the  
California Environmental Quality Act, has found that the project will not have a significant  
impact on the environment and is Categorical Exempt from CEQA under Article 19, Section  
15332, Class 32 (Infill Development) of the CEQA Guidelines. This section pertains to existing  
22,750 square foot lot and proposed improvements which do not rise to a level of significant

1 environmental impact and will not be detrimental to the health and welfare of the surrounding  
2 neighborhood.

3 **SECTION 3.** Based upon the findings set forth above, the Planning Commission hereby  
4 approves this Major Variance, subject to the Conditions of Approval set forth in attached Exhibit  
"A" of Resolution No. R-04-14.

5 **SECTION 4.** This action by the Planning Commission shall be final unless an appeal of  
6 the action is filed with the City Clerk's office in writing, pursuant to Section 18.58.100 of the  
Colton Municipal Code.

7 **SECTION 5.** The Secretary shall certify the adoption of this Resolution.  
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10 PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of March 2014.

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Planning Commission Chairperson  
Richard Prieto

14 ATTEST:

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Planning Commission Secretary  
17 Mark R. Tomich, AICP

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19 I hereby certify that the foregoing is a true copy of a Resolution adopted by the  
20 Planning Commission of the City of Colton at a meeting held on March 11, 2014, by the  
21 following vote of the Planning Commission:

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

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Planning Commission Secretary  
27 Mark R. Tomich, AICP

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**RESOLUTION NO. R-04-14**

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH RESTAURANT ON A 22,750 SQUARE FOOT LOT IN THE C-2 (GENERAL COMMERCIAL) ZONE LOCATED AT 549 W. VALLEY BOULEVARD (FILE INDEX NO. 001-124).**

**WHEREAS**, a Conditional Use Permit to allow a drive-through on property located at 549 W. Valley Boulevard ("Subject Site") and zoned C-2 General Commercial Zone; and

**WHEREAS**, on February 11, 2014 and March 11, 2014, the City of Colton Planning Commission conducted a duly noticed public hearing on the Application and all persons wishing to testify in connection with the proposed Application were heard, and the Application was comprehensively reviewed; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"), Section 15332 (Infill Development), the project is categorically exempt from CEQA because the project meets the criteria for infill development project in size and location and would not result in significant environmental impacts; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**BE IT NOW THEREFORE RESOLVED AS FOLLOWS:**

**SECTION 1.** Based on the entire record before the Planning Commission and all written and oral evidence presented, and the findings made in this Resolution, the Planning Commission hereby finds that:

1. *That the proposed Use is in accord with the General Plan, the objectives of this title, and the purposes of the zone in which the site is located;* The proposed addition of a drive through to an existing restaurant use is consistent with the following General Plan Update goals and objectives:

A. General Plan Update **Goal LU-9.** *"Maintain a diverse mix of commercial uses that benefit the community in terms of needed commercial services, tax revenue, and employment opportunities."* The proposed drive through addition includes expansion of existing restaurant by adding 725 square feet warehouse/service area and 877 square feet service area including kitchen, office and new handicapped accessible restroom area. The new handicapped accessible parking and restrooms are designed to be in compliance with existing building code requirements. The existing interior dining area will remain the same size in area with minor addition of front seating area along Valley Boulevard. The existing rear exterior dining area will also remain the same.

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B. General Plan Update **Policy LU-1.5:** *“Encourage the assemblage of small lots to create more cohesive development sites.”* The proposed project is proposing to merge seven small lots (25’ in width by 130’ in depth) into one larger lot (175’ in width by 130’ in depth) to accommodate the proposed drive through restaurant addition and other improvements made to the site including the provision of additional parking lot landscaping, parking and overall enhancements to the exterior of the building facade.

C. General Plan Update **Policy LU-9.3:** *“Encourage a unified architectural character in commercial areas, and vigorously enforce commercial land use standards, including but not limited to landscaping, signage, and property maintenance to enhance the visual appearance of the City’s commercial areas.”* The proposed project includes a unified Spanish Style theme with the inclusion of new windows, various architectural elements and overall architectural enhancements that will substantially improve the existing site appearance and be an added improvement to the neighborhood that is to scale, compatible, and a continued visually attractive project site from the street view.

2. ***That the proposed Use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*** The proposed drive through restaurant project expansion and building architectural improvements will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for the following reasons:

A. The proposed use hours of operation are acceptable for the commercial location of the subject site and its’ surrounding properties.

B. The existing vacant property abutting the north property line provides an adequate buffer from the adjacent residential zone and uses with 60’ to 80’ distance including the addition of new landscaping throughout the subject site.

C. The proposed business is located in a major commercial corridor of the City made up of similar businesses including an existing restaurants, neighborhood commercial centers, offices and residential projects.

D. The maximum sound level radiated by the drive through restaurant, when measured at the boundary line of the subject property, is subject to conformance with the noise standards of the City (i.e., shall not be obnoxious by reason of its intensity, pitch or dynamic characteristics as determined by the City, and shall not exceed 65 dBA) in conformance with Chapter 18.42 of the Colton Municipal Code.

1 E. All exterior lighting is subject to conformance with the lighting standards of  
2 the City (i.e., non-flashing and shall be directed away so as to eliminate  
3 objectionable glare) in conformance with Chapters 18.40 and 18.42 of the  
Colton Municipal Code.

4 3. ***That the proposed Use complies with each of the applicable provisions of this***  
5 ***title;*** The drive through addition to existing restaurant use conforms with all  
6 requirements of the Colton Zoning Code, as conditioned and as approved  
7 including Variance to allow the reduction of the front yard setback. The  
8 subject property is zoned C2 General Commercial which permits drive through  
9 uses, subject to Conditional Use Permit. The C-2 General Commercial Zone is  
intended to provide areas for the development of commercial facilities to serve  
the community and to set up those standards of development necessary to  
insure that such commercial areas will be compatible with adjoining land uses.

10 **SECTION 2.** The Planning Commission of the City of Colton, in accordance with the  
11 California Environmental Quality Act, has found that the project will not have a significant  
12 impact on the environment and is Categorically Exempt from CEQA under Article 19, Section  
13 15332, Class 32 (Infill Development) of the CEQA Guidelines. This section pertains to existing  
22,750 square foot lot and proposed improvements which do not rise to a level of significant  
environmental impact and will not be detrimental to the health and welfare of the surrounding  
neighborhood.

14 **SECTION 3.** Based upon the findings set forth in Sections 1 and 2 of this Resolution,  
15 the Planning Commission hereby approves Conditional Use Permit DAP-001-124, subject to the  
16 attached conditions of approval (Exhibit "A").

17 **SECTION 4.** This action by the Planning Commission shall be final unless an appeal of  
18 the action is filed with the City Clerk's office in writing, pursuant to Section 18.58.100 of the  
Colton Municipal Code.

19 **SECTION 5.** This land use entitlement shall become null and void if not exercised  
20 within one (1) year of this approval and the applicant has not been granted an extension of time  
by the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code.

21 **SECTION 6.** The Secretary shall certify the adoption of this Resolution.

22 PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of March 2014.

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26 Planning Commission Chairperson  
Richard Prieto

27 ATTEST:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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 March 11, 2014, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-124.

**HOLD HARMLESS**

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter

**PLANNING DIVISION (909) 370-5079**

2. This approval is not considered final until the applicant signs the attached acknowledgement of conditions of approval, and submits the executed form to the Development Services Department.
3. This approval is a recommendation to the Planning Commission for Conditional Use Permit, Variance and Architectural & Site Plan Review, as conditioned and modified herein, for a new drive-through service addition to an existing restaurant, including 720 square feet of warehouse/storage, new bathroom facilities, expanded kitchen and office. In addition, new landscape planters and parking facilities as shown on plans stamped January 21, 2014 by the Development Services Department.
4. The applicant shall conduct an acoustical analysis of the drive-through speakers to confirm compliance with the City's maximum noise levels of 65 decibels when measured at north and west property lines prior to final building permit occupancy sign-off and 30 days after building permit final (measured at peak hours), subject to review and approval by the Development Services Director.
5. The applicant shall place speakers so that they project towards Valley Boulevard and not to the north or west of the subject site, subject to review and approval by the Development Services Director.
6. If the applicant decides to close off any part of the parking area for security reasons, staff recommends a condition of approval to allow the applicant to close of the parking area when the restaurant is closed.
7. Applicant's designer shall modify the site plan to accommodate a five-foot pedestrian access way along the rear side of the building to allow access from the west parking lot to the restaurant. The pedestrian access way shall be striped, provided with appropriate way signage

- 1 and keep the pedestrian area clear of vehicles in the drive-through lane, subject to review and  
2 approval by the Development Services Director.
- 3 8. All exterior building colors shall match the color and material board on file with the Planning  
4 Division. Any revision to the approved building colors shall be submitted to the Planning  
5 Division for review and approval.
- 6 9. Any requests for modifications, including any deviation from the approved plans and/or  
7 conditions of approval, shall be submitted to the Development Services Director for review,  
8 prior to scheduling for Planning Commission meeting.
- 9 10. All signs shall conform to the Sign Code.
- 10 11. The site operation shall be limited to drive-through/sit down restaurant use with ancillary  
11 warehouse office and food truck services.
- 12 12. The Applicant and/or Property Owner shall comply with all requirements of all reviewing  
13 agencies and shall comply with all applicable local, state, and federal rules, laws, and  
14 regulations.
- 15 13. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so  
16 as not to constitute a nuisance in the community.
- 17 14. All parking provided shall meet the requirements of Chapter 18.36 of the Colton Zoning  
18 Code. The new parking spaces shall be revised to be in a 90-degree design. The parallel  
19 parking spaces may remain as proposed. The minimum drive aisle width must be 25 feet. A  
20 revised site plan shall be provided for review and approval by the Development Services  
21 Department.
- 22 15. During grading and construction phases, the construction manager shall serve as the contact  
23 person in the event that dust or noise levels become disruptive to surrounding businesses. A  
24 sign shall be posted at the project site with the contact phone number.
- 25 16. All heating, ventilating and air conditioning equipment, including ducts, meters, plumbing  
26 lines and tanks, shall be architecturally screened from public view, with the use of masonry  
27 walls when mounted at grade, or with the use of parapet walls when roof-mounted. Plumbing  
28 vent pipes, all heater flues and all roof penetrations shall be gathered and concealed from  
view in the same manner, and painted to match the roof color. The applicant shall supply a  
section drawing indicating the parapet height and all proposed roof equipment. In the event  
additional screening is necessary, it shall be approved by the Planning Division and installed  
prior to final inspection and occupancy.
17. Trash enclosure(s) shall be provided with a sufficient capacity to contain all refuse generated  
by the use. All outside trash and garbage collection areas shall be enclosed or screened with a  
six-foot-high wall with gates and shall be located as to allow for convenient pickup and  
disposal.

- 1 18. Businesses that dispose of 4 cubic yards/week of solid waste shall comply with the state's  
2 mandatory commercial recycling law, AB 341, starting on July 1, 2012 to reduce greenhouse  
3 gas emissions by increasing the waste diverted from landfills.
- 4 19. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical  
5 equipment installed by the developer shall be inconspicuously located and screened, as  
6 approved by the Development Services Director. Location of this equipment shall be clearly  
7 noted on landscape construction documents.
- 8 20. Electrical and other service facilities shall be located within an interior electrical room or  
9 approved comparable location. All electrical service facilities shall be totally screened from  
10 public view, as approved by the Planning Division.
- 11 21. The applicant shall underground all new utilities and utility drops.

12 **FIRE**

- 13 22. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-  
14 13-89, Section XIV (residential), Section XV (commercial).
- 15 23. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be  
16 determined by the fire department's field inspector.
- 17 24. The proposed facility's use and/or operations shall be designed and maintained in accordance  
18 with the 2009/2010 editions of the International Fire and Building Codes / California Fire and  
19 Building Codes (Title 24).
- 20 25. Deferred plan submittals and separate permits are required on the following:
- 21 ○ automatic fire suppression/sprinkler systems
- 22 26. The applicant shall comply with all Fire Department requirements as noted during the  
23 business occupancy process. (B.O.P.)

24 **BUILDING**

- 25 27. The above project shall comply with the current California Codes (CBC, CEC, CMC and the  
26 CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans  
27 shall be submitted to the Building & Safety Division as a separate submittal. The 2013 edition  
28 of the California Codes will become effective for all permit applications submitted after  
January 1, 2014.
- 29 28. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification.  
Plans will include "as built" plans, revisions and changes. The CD will also include Title 24  
energy calculations, structural calculations and all other pertinent information. It will be the  
responsibility of the developer and or the building or property owner(s) to bear all costs  
required for this process. The CD will be presented to the Building & Safety Division for  
review prior to final inspection and building occupancy. The CD will become the property of  
the Colton Building & Safety Division at that time. In addition, a site plan showing the path

1 of travel from public right of way and building to building access with elevations will be  
2 required.

3 29. Prior to the issuance of a building permit, the applicant shall submit a properly completed  
4 “Waste Management Plan” (WMP), as required, to the Compliance Official (Building  
Official) as a portion of the building or demolition permit process.

5 30. Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature,  
6 swale or other deviation in the flat level surface at the accessible parking spaces exists within  
7 and for a minimum four foot extension beyond the outer dimensions of the parking space,  
loading zone and path of travel.

8 31. Plans shall be prepared, stamped and signed by a licensed Architect or Registered Civil  
Engineer for submission for plan check review.

9 32. Plumbing plans shall be prepared, including isometrics, for required plumbing fixtures based  
10 on California Plumbing Code, Chapter 4 and Table 4-1.

11 **ELECTRIC DEPARTMENT:**

12 33. The applicant shall provide load calculations showing existing and future equipment.

13 34. The project developer/applicant shall comply with all customer service policies of the City of  
14 Colton Electric Utility Department. The developer shall provide the Electric Utility with all  
15 information necessary to determine the project’s electric service requirements; and if  
16 necessary and at their own expense, install all conduit and vault systems associated with  
17 underground primary/service line extensions and street-lighting as per the Electric Utility’s  
approved design. The developer shall pay all charges associated with the Electric Utility’s  
cost to construct underground and overhead line extensions and street-lighting.

18 35. A pad mounted transformer could be required within the parking area depending on the  
19 additional electrical load. Developer is responsible for all costs associated with the upgrade  
and electrical service.

20 **PUBLIC WORKS**

21 36. **FEES**

22 The applicant/sub divider shall pay the development impact fees and infrastructure fees in  
23 effect at the time that building permits are obtained for approved structures. Applicants/sub  
dividers shall be required to submit detailed plans showing approved Land Uses and the  
square footage of each structure proposed.

24 a) Pay Plan Check Fees and Permit Fees for the review of the site grading and drainage  
plan. Submit a detailed cost estimate to determine the plan checking fee.

25 b) Pay Plan Check Fee for the review of the site Hydrology Calc. Review

26 c) Pay plan check fee for the plan checking of the Water Quality Management Plan.

27 d) Pay plan check fee for a Parcel Map for division or reversion of lots.  
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2 **37. IMPROVEMENTS**

3 Submit (3) sets of street improvement plans for the off-site improvements (including signing  
4 and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than  
5  $1'' = 40'$ .

- 6 a) Construct Standard Curb, Gutter, full width P.C.C. sidewalk and asphalt pavement  
7 along Valley Boulevard per City standards.
- 8 b) Construct Standard Commercial P.C.C. Driveway Approaches per City Standards.
- 9 c) All parkway and unpaved areas within the public right-of-way fronting the project  
10 shall be landscaped and maintained, and an automatic sprinkler system installed.
- 11 d) Install street trees (based on 1 parkway tree per 50 feet of property frontage) and  
12 provide landscaping in public right of way.
- 13 e) Reconstruct any damaged street improvements fronting the property.

14 **38. GRADING AND DRAINAGE**

- 15 a) The applicant shall provide the Engineering Department with a separate grading plan  
16 of a scale of  $1'' = 20'$  prepared by a Civil Engineer registered in the State of  
17 California. The grading plan shall include a topographic contour map of the site and  
18 15 feet beyond the property lines, with a one-foot contour interval. This contour map  
19 shall be prepared within the last 12 months prior to a grading permit approval. Note:  
20 all block walls and fencing shall be shown on the grading plan for reference only and  
21 shall be separately permitted.
- 22 b) Prior to issuance of any permit, the applicant shall provide a copy of the Waste  
23 Discharger Identification Number (WDID) issued by the State Board as evidence of  
24 coverage under the General Permit and to be shown on the Grading Plans.
- 25 c) A pad certification prepared by a licensed civil engineer shall be submitted prior to  
26 issuance of building permits.
- 27 d) Prior to final project acceptance, Applicant to submit an as built of grading plans. No  
28 Final will be authorized until as-builds are submitted to Engineering Department.
- 29 e) Owner/Developer shall notify adjacent property owners about the impact of the  
30 proposed development on the drainage configuration of existing adjacent properties.  
31 Such notification shall be pre-approved by the City Engineer. These drainage issues  
32 shall be resolved prior to the issuance of a grading permit.
- 33 f) Provide the Engineering Department with a separate Erosion Control plan of a scale of  
34  $1'' = 20'$ .

35 **39. PARKING LOT**

- 1 a. All parking lots shall be surfaced with A.C. to a minimum thickness of 6 inches over a  
2 minimum aggregate base of 3 inches or surfaced with P.C.C. with a minimum  
3 thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived  
4 upon submittal of an R value and pavement thickness testing and analysis submitted  
5 by a registered geologist or geotechnical engineer. After review of the probable  
vehicular traffic and the soils report for the project, additional material may be  
required at the discretion of the City Engineer. Provide parking stall striping per  
approved plans and install wheel stops at each stall.

6 **40. STUDIES & REPORTS**

- 7 a) Submit a soils report prepared by a registered geologist or soils engineer. This report  
8 should be based on soil samples taken from the site and should analyze the existing  
9 geotechnical conditions of the site to determine if the existing soil is adequate for the  
10 development and safe from hazardous or deleterious materials. The report should also  
satisfactorily address the compaction and soil stability characteristics of the site. The  
number of soil borings performed on the site shall be strategically located throughout  
the site.
- 11 b) The applicant shall submit a Water Quality Management Plan (WQMP) (if applies)  
12 specifically identifying Best Management Practices (BMPs) that will be used onsite to  
13 reduce the pollutants into the storm drain system prior to issuance of grading permit.  
Forms are available at the City of Colton Engineering Department.
- 14 c) Submit drainage/hydrology study calculations and a hydraulic analysis for both  
15 developed and undeveloped conditions to the City of Colton for review and approval.  
16 All of the drainage from each individual lot shall drain into the public right-of-way  
and not impact surrounding properties, or a drainage easement acceptance letter from  
the adjacent landowner must be obtained
- 17 d) Submit 3 copies of the a Parcel map to combine lots 19-25 (APN Nos: 0162-131-04,  
18 05 and 06) prepared by a Professional Land Surveyor, registered in the State of  
19 California, showing all affected properties. The applicant shall submit closure  
calculations of boundary and lots. The applicant shall submit a copy of the updated  
title report.

20 **41. ADDITIONAL REQUIREMENTS**

- 21 a) The Owner and Contractor are responsible for complying with National Pollutant  
22 Discharge Elimination System Ordinance, during and after construction.
- 23 b) All on-site storm drain inlets/catch basins must be cleaned at least once a year  
24 immediately prior to the rainy season. The property owner shall be responsible for all  
25 costs associated with proper operation and maintenance of all storm drain facilities  
(pipelines, inlets, catch basins, outlets, etc.) associated with the project.
- 26 c) All paved outdoor areas must be designed to reduce/limit the potential for runoff to  
27 contact pollutants.
- 28

- 1           d) All storm waters originating from the development should be draining to the street. No  
2           contaminated water shall be allowed to discharge on sidewalks, gutters, storm drains,  
3           parkways and driveways.
- 4           e) No final inspection will be performed until all Engineering Department requirements  
5           pertaining thereto are in compliance.
- 6           f) File a Notice of Intent and obtain an NPDES Construction Activity General Permit  
7           from the State Regional Water Quality Control Board and submit a copy of each to the  
8           Engineering Division. Ensure that Best Management Practices (BMPs) are followed,  
9           per NPDES requirements to reduce storm water runoff during, construction and  
10           thereafter. Temporary erosion control measures shall be implemented immediately  
11           following rough grading to prevent deposition of debris into downstream properties or  
12           drainage facilities. (if applicable)
- 13           g) Prior to issuance of Grading Permit, the applicant shall create and implement a Storm  
14           Water Pollution Prevention Plan (SWPPP), per State requirements (1 acre or more), to  
15           manage storm water and non-storm water discharges from the site at all times. The  
16           SWPPP shall describe all BMPs to be implemented year round. Specific BMP  
17           implementation may be dependent upon wet or dry season operations. (if applicable)
- 18           h) Submit a letter to the Office of the City Engineer certifying that the owner is  
19           responsible for complying with the National Pollutant Discharge Elimination System  
20           Ordinance, during and after construction. In the letter, the following statement shall  
21           be included:  
22           “No contaminated water shall be allowed to discharge on sidewalks, gutter, storm  
23           drains, parkways and driveways at any time.”
- 24           i) The applicant shall utilize sediment controls only as a supplement to erosion  
25           prevention for keeping sediment on-site during construction to the satisfaction of the  
26           City Engineer. The applicant is responsible for ensuring that all contractors and  
27           subcontractors are aware of, and implement, all stormwater quality and pollution  
28           control measures. Failure to employ appropriate measures to prevent stormwater  
            pollution and protect storm water quality shall result in the issuance of correction  
            notices, citations, or a project stop order.
- j) The applicant shall submit a Water Quality Management Plan (WQMP) specifically  
            identifying Best Management Practices (BMPs) that will be used onsite to reduce the  
            pollutants into the storm drain system prior to issuance of grading permit. Forms are  
            available at the City of Colton Engineering Department.
- f) The City Engineer may require other information deemed necessary.
- g) Place City Standards grading and drainage notes, includes NPDES requirements on  
            grading plan.

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- k) All Construction shall conform to the “standard” specifications for public works construction (latest edition), and the standard drawings of the City of Colton-Public Services/Engineering Department.
- l) If Utilities are installed that would require trenching within existing street pavement, resurfacing or slurry seal of the affected area may be required, as determined by the City Engineer.
- m) Owner/Contractor shall comply with these requirements and City Engineer’s directions during the course of construction.



# Planning Commission Staff Report

City of Colton  
Development Services Department

DATE: April 12, 2016  
TO: PLANNING COMMISSION  
FROM: MARK TOMICH, DIRECTOR OF DEVELOPMENT SERVICES  
PREPARED BY: MARIO SUAREZ, SENIOR PLANNER  
SUBJECT: Agenda Item G-1  
DAP-001-187 –Pallets Use – Modification of CUP and Variances

## BACKGROUND:

This item was continued from the March 22, 2016 Planning Commission meeting to the April 12, 2016 Planning Commission meeting to allow the City Council to review background and status report related to Valley Pallets. No reportable action was taken on April 5, 2016 City Council meeting. Staff was directed to proceed with the Planning Commission's review.

## ANALYSIS:

Attached are the latest Resolutions for the Planning Commission to consider. Staff has updated the draft Planning Commission Resolutions to reflect some of the concerns voiced at previous Planning Commission meetings. Condition No. 16 has been modified to include hours of operation in an effort to reduce the cumulative truck traffic coming to the area and through the residential neighborhood to the north and east of the subject site. The applicant has reviewed and has accepted the condition of approval.

The recommended updated conditions for Draft Resolution No. R-19-15 including #16 described above are listed below (areas in yellow are modified or new):

2. This approval is for modification of conditional use permit (File Index No. DAP-000-641), as conditioned and modified herein, for the operation of a pallet manufacturing, distribution and pallet storage use as shown **on plans stamped January 28, 2016** by the Development Services Department, except as modified herein.
16. The Applicant shall obtain approval of a Business Occupancy Permit (BOP) within **60** days of this approval. **The hours of operation for the pallet use shall be from 5:00 a.m. to 12:30 p.m. – Monday through Friday and 7:00 a.m. to 12:00 pm on Saturday. Closed Sunday except for office hours may be kept to operate the administrative portion of the Pallet Use.**
17. Once the BOP is approved the Applicant shall pay for a business license fees dating back to February 1, 2007, including any penalties, to the City Business License Officer within 10 days of the BOP approval **or Temporary BOP Approval, subject to review and approval by the Development Services Department.**
18. The Applicant shall provide a status report to the Development Services Director on the status of compliance with all conditions of **approval 45 days** from the date of approval. Noncompliance with this condition may initiate investigation and discussion for revocation of this conditional use permit and variance approvals by City Staff.

31. Reference Item #4 – Provide details on site maintenance details, subject to review and approval by the Fire Marshal and Development Services Director. All new owners shall adhere to the Site Management Plan and hold a meeting introducing themselves to the Development Services and Fire Department when processing new Business Occupancy.

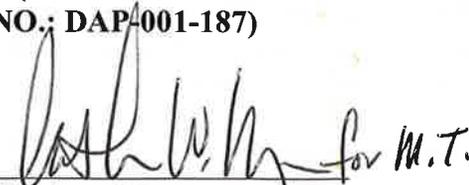
On February 23, 2016, the Planning Commission continued this agenda item to March 8, 2016 to allow staff additional time to discuss final conditions of approval with the applicant and owners of the subject site. Since this time this application has been continued to address concerns from new applicant and address status of the project with City Council. The conditions of approval have been submitted to the new applicants for review. Staff will be reporting the status at the April 12, 2016 Planning Commission meeting.

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt the following resolution:

1. Resolution No. R-19-15 **A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (DAP-000-641) REQUESTING MODIFICATION OF SEVERAL CONDITIONS OF APPROVAL TO ALLOW A PALLET MANUFACTURING, DISTRIBUTION AND PALLET STORAGE USE ON PROPERTY LOCATED IN THE M-1 / SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE ON PROPERTY MEASURING APPROXIMATELY 3.12 ACRES IN SIZE OF A LARGER SITE THAT MEASURES 6.7 ACRES IN AREA. (FILE INDEX NO. DAP-001-187)**
2. Resolution No. R-20-15: **A RESOLUTION OF THE PLANNING COM MISSION OF THE CITY OF COLTON APPROVING A VARIANCE TO ALLOW VARIANCE TO ALLOW 59 PARKING SPACES INSTEAD OF 95; VARIANCE TO ALLOW SIX FOOT SCREEN FENCE ALONG THE REAR AND SIDE PROPERTY LINES INSTEAD OF THE MINIMUM EIGHT FOOT HIGH SCREEN FENCE/WALL; AND VARIANCE TO ALLOW .005% LANDSCAPING INSTEAD OF 15% LANDSCAPING, SUBJECT TO FINDINGS FOR EACH VARIANCE AND CONDITIONS OF APPROVAL LOCATED AT 1235 S. LINCOLN STREET, WITHIN THE M-1/SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE. (FILE INDEX NO.: DAP-001-187)**

  
Prepared by:  
Mario Suarez, AICP, Senior Planner

  
Reviewed By:  
Mark R. Tomich, AICP, Director

**ATTACHMENTS**

1. Chronology of Dates – Project History
2. September 22, 2015 Staff Report with no Attachments
3. February 23, 2016 Staff Report with no Attachments
4. 2007 Conditions of Approval from DAP-000-641
5. Draft PC Resolution for R-19-15
6. Draft PC Resolution for R-20-15
7. Site Plan Dated January 28, 2016

**Attachment 1**  
**Chronology of Dates – Project History**

# CITY OF COLTON

## CHRONOLOGY OF DATES

The existing pallet use has been operating since approximately mid to late 2007. A final BOP approval and Business License has not been issued. The following is a chronology of events:

- 01-23-2007 Planning Commission approves CUP to allow the Pallet Manufacturing and Storage Use
- 10-25-2007 Business Occupancy Permit (BOP-116-289) application submitted for pallet manufacturing use –Inspections were not passed and subsequently BOP expired. Business is currently unlicensed.
- 11-13-13 City Business License Officer reports to Code Enforcement about Valley Pallets operating without a business license. Code Enforcement opens up a case file and starts investigation.
- 01-09-2014 Planning Staff mailed/emailed a letter of noncompliance with 2007 CUP after receiving an anonymous complaint about the business operating without a business license permit.
- 01-22-2014 Staff Receives a letter from the owner/attorney disputing staff's letter and potential revocation hearing for CUP to allow the pallet manufacturing and storage use.
- 10-16-2014 Application for Modification of CUP and Variances submitted for Planning Commission Consideration.
- 11-13-2014 Application Incomplete Letter emailed / mailed to the applicants to clarify application proposal.
- 07-28-2015 MCUP and Variance scheduled for Planning Commission consideration. Recommendation for continuance to clarify applicants Variance request and possible renote of agenda item.
- 09-22-2015 Planning Commission reviews MCUP and Variance application. The Planning Commission continued the application review for 90-days to allow the applicant time to complete 2007 CUP conditions of approval.
- 02-23-2016 MCUP and Variance continued the agenda item to allow staff to finalize conditions of approval with applicant. In addition, the Planning Commission requested the following information:
  - Planning Staff to contact the City of Fontana to learn what they have learned for deterring fire and other dangers of a pallet use.
  - Verify status of electrical service provided to the site.

## Chronology of Dates\_DAP-001-187

- Include a condition on hours of operation and truck traffic based on application.
- Start process with Valley Pallets to provide a temporary occupancy for Valley Pallets in order to complete business license application. A new BOP application must be submitted on Monday, February 28, 2016.

03-08-2016 Planning Commission continued this agenda item to March 22, 2016 at the request of the new applicants of the MCUP and Variance. In addition, staff informed the applicant of the following:

- The Planning Commission expressed a reluctance to consider any further continuances and would urge you to finalize your plans for the site.
- If the intent is to begin a phase out of Valley Pallets business, the Planning Commissioners recommended that Valley Pallets initiate and obtain a Final Business Occupancy Permit, request the appropriate inspections immediately, and pay business license fees dating back to business start date in 2007 to assure the use is being operated safely and in accordance with all City regulations during the phase out period.
- Finally, at the March 22 meeting, the Planning Commission would like you to be prepared to discuss proposed truck access to the site and provide information concerning whether it is appropriate to limit the operation hours, limit the number of trucks traveling to and from this area until additional access can be provided to La Cadena Drive or restrict trucks from traveling through nearby residential streets.

03-15-2015 BOP Application and Business License Application were submitted for processing. Development Services staff completed draft letter to provide the applicant initiation of inspections for BOP and total amount owed to the City's Development Services Business License Division once the BOP is approved.

03-22-2016 Agenda item is requested to be continued to April 12, 2016, to allow City Council to be briefed on the status of this application.

04-12-2016 Planning Commission to consider Modification of Conditional Use Permit and Variances (DAP-001-187).

**Attachment 2**  
**September 22, 2015 Staff Report with no**  
**Attachments**



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** September 22, 2015

**FILE INDEX NUMBER:** DAP-001-187

**APPLICANT:** Frank Shean, President of Valley Pallets, Inc.

**PROPERTY OWNER:** Rebbur, LLC

**REQUEST:** DAP-001-187. Modification to Conditional Use Permit (CUP) (File Index No. DAP-000-641) requesting modification of several conditions of approval to allow a pallet manufacturing, distribution and pallet storage use, Variance to allow 59 parking spaces instead of 95; Variance to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and Variance to allow 3.5% landscaping instead of 15% landscaping on an approximately 3.12 acres lease area of a larger site that measures 6.7 acres consisting of six parcels zoned M-1/SDA, Light Industrial/Sensitive Development Area.

**ACTIONS:**

**APPLICATION FILED:** 10/16/14

**CONSIDERATION OF Application Review Committee (ARC):** April 6, 2015 on-site review and follow up inspection on June 1, 2015 with Fire Department (Provision of Comments and Conditions);

**CONSIDERATION BY THE PLANNING COMMISSION:** 07/28/15;9/22/15 Decision\_\_\_\_\_.

**ENVIRONMENTAL DETERMINATION: Exempt under CEQA, Section 15301 (Existing Facilities), Class 1.** This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**PROPERTY INFORMATION:**

1. Location: 1235 S. Lincoln St. (APN: 0163-302-11, 12, 13, 14, 15 and 0163-311-35)
2. Lot Size(s): 6.7 acres
3. Existing/Previous Land Use: Pallet Manufacturing and Storage.
4. General Plan Land Use Designation: Light Industrial
5. Zoning: M-1/SDA (Light Industrial/Sensitive Development Overlay)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Flooring Manufacturer	M1- Light Industrial/SDA	Light Industrial
<b>South</b>	Lumber Storage	M1- Light Industrial/SDA	Open Space - Resource
<b>East</b>	Industrial	M1- Light Industrial/SDA	Light Industrial
<b>West</b>	Railroad	R-U Railroad Utility ROW	Railroad Utility ROW

## **7. Past Planning Actions:**

### **1235 Lincoln Street**

- 10-25-2007 Business Occupancy Permit (BOP-116-289) application submitted for pallet manufacturing use – Inspections were not passed and subsequently BOP expired. Business is currently unlicensed.
- 6-12-2007 Planning Commission approved Conditional Use Permit (File Index No. DAP-000-695) to allow the installation of a 499 gallon, above ground propane tank.
- 1-23-2007 Planning Commission approved Conditional Use Permit (File Index No. DAP-000-641) to allow the manufacturer of wood pallets at an existing industrial property within the M-1/SDA (Sensitive Development Area) Zone. **(See Attachment 1 and 2 includes PC Minutes)**

### **1231-1235 Lincoln Street**

- 09-14-1993 Planning Commission approved Architectural and Site Plan Review to allow a 2,005 square foot enclosed canopy (Case Index No. D-47-93).
- 03-23-1993 Planning Commission approved Conditional Use Permit to allow an 8,000 square foot metal storage building (Case Index No. D-5-93). *Project not built.*
- 08-09-1990 Planning Commission approved conditional use permit to allow 2-story office addition to an existing industrial building (Case Index No. DC-53-90).
- 03-25-1986 Planning Commission approved Conditional Use Permit to allow expansion of an existing manufacturing business located in the M-1/SDA Zone (File Case Index No.: C-2-86 &20-86A). *File not found.*

## **BACKGROUND**

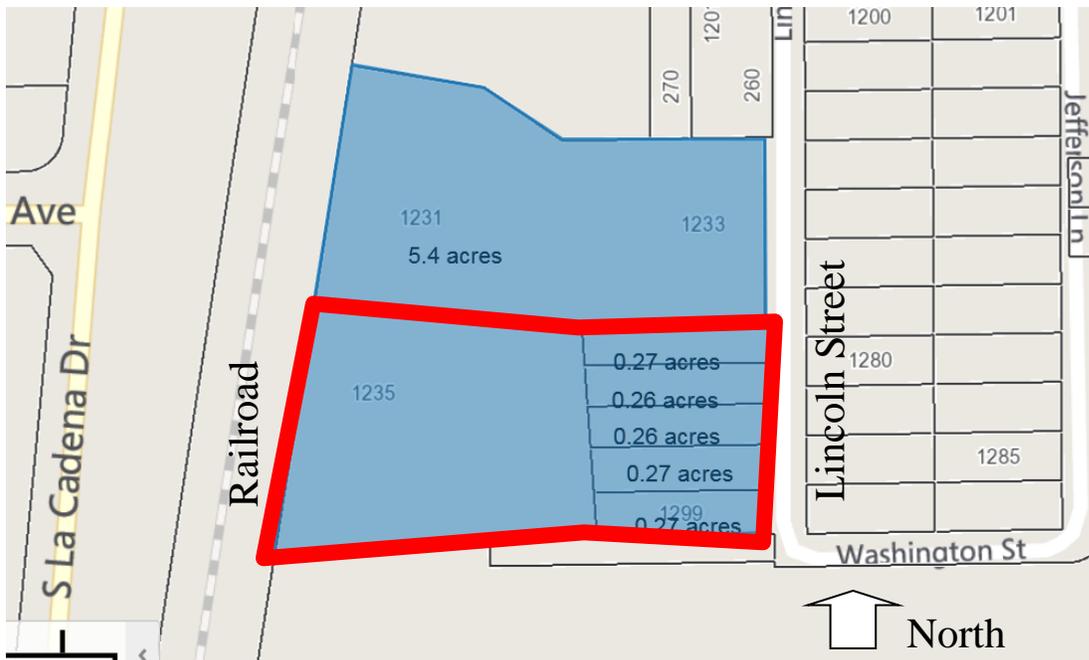
The subject Modification of Conditional Use Permit (CUP) and Variance is proposed to address conditions of approval required as part of the January 23, 2007 Planning Commission approval. The applicant has informed staff that Valley Pallets was not clear on the next steps for compliance of their CUP. Staff has met with the applicant and their engineer on numerous occasions to clarify, identify conditions that the applicant desires to change, modify or delete from the 2007 Planning Commission approval.

Because the applicant has not been in compliance with the 2007 Conditional Use Permit, the Code Compliance Division of the Police Department has opened a case to assist Development Services Department to achieve full zoning compliance.

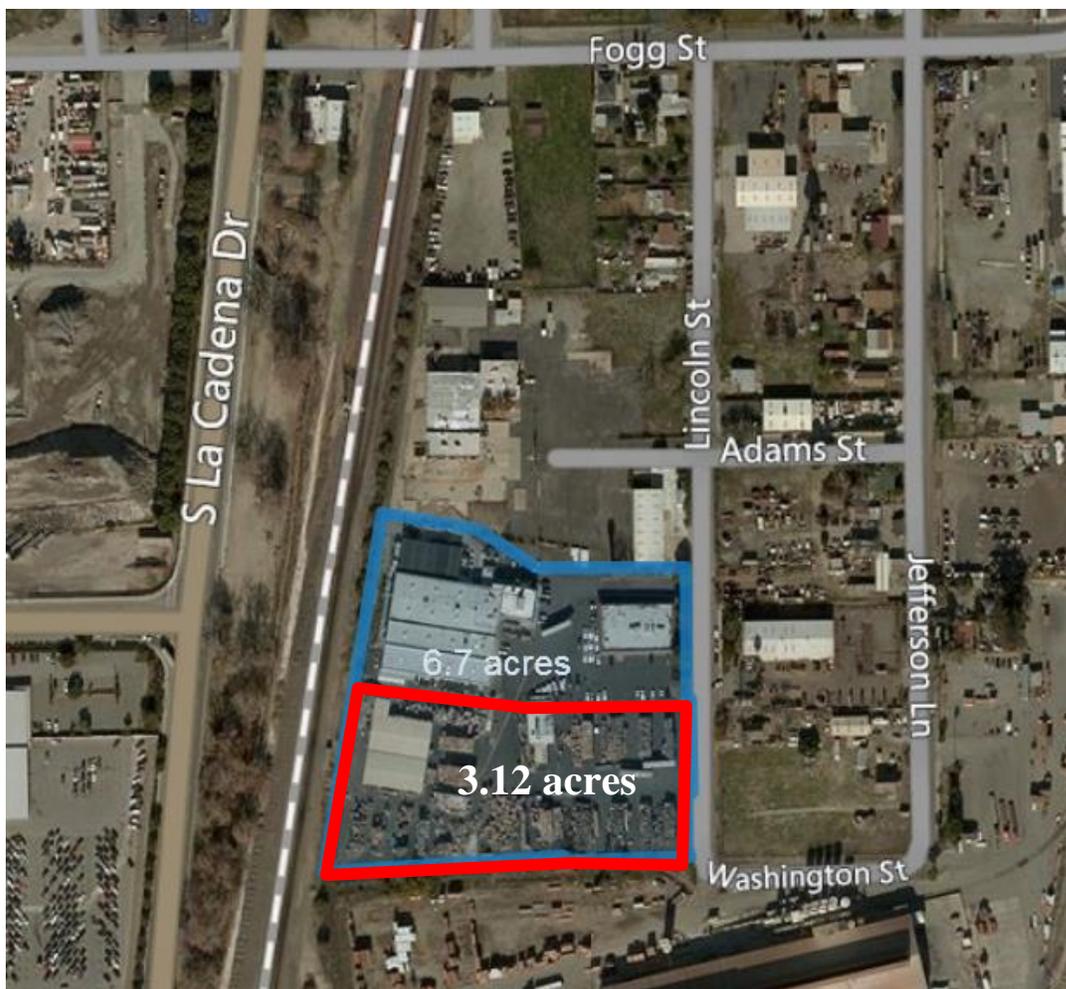
The project site has been routinely out of compliance with the Fire Department conditions going back to their original development application submission in 2007. A previous fire citation was provided to the Planning Commission at the August 25, 2015 meeting. The applicants cleaned up the property substantially and are moving towards compliance.

## **PROPERTY INFORMATION**

The property is located at 1235 S. Lincoln Street and is improved with metal buildings, sheds, storage containers and other small structures. The overall project site consists of seven lots totaling 6.7 acres in size. The pallet manufacturing and storage use is being conducted on 3.12 acres in area, which is leased from the landowner, Rebbur, LLC, which also operates a rubber manufacturing business on the property and leases a second building to an office for an underground utility business on the property. Below is an outline of the subject site with seven lots and a red outline of the subject property lease area:



The aerial photograph below provides an overall view of the site zoned M-1/SDA area:



The larger property is in blue and the subject site location is outlined in red. The Site is surrounded by business/industrial buildings to the north and south, railroad to the west and residential, vacant and industrial

properties to the east. The property has direct street access from Lincoln Street – See Attachment 6 – Additional aerial photo of site and surrounding uses.

## **PROPOSAL**

The applicant is requesting approval of a Modification of Conditional Use Permit (File Index No. DAP-000-641) conditions of approval for the operation of a wood pallet manufacturer and storage use and Variances for three development standards: 1. parking; 2. landscaping; and 3. storage screening requirements of the Zoning Code.

Staff initially notified the applicant in initiation of revocation procedures in September 2014 for not complying with conditions of approval. The applicant decided to request a Modification of Conditional Use Permit, but was initially uncertain as to which conditions he was proposing to modify. The most current request will require modification of Conditions of Approval numbers 7, 8 and 11. The most recent proposed modifications provides a clear description of the amount of landscaping, parking and screening modifications. This is sufficient for staff to analyze for the Planning Commission's consideration.

The applicant's requests include proposed modifications to the following conditions of approval related to DAP-001-641 approved by the Planning Commission in 2007. (**See Conditions of Approval in Attachment 1**) The strikethrough is the proposed modification and the **bold and underline** is the requested change.

7. *The applicant shall revise the site plans parking to allocate a minimum of ~~151~~ 59 parking spaces on lot APN 0163-311-35 which shall meet all development design criteria and shall include landscaping prior to submittal for plan check and/or obtaining building permits. The site plans shall include handicapped accessibility parking spaces located on the shortest accessible route of travel from adjacent parking to accessible entrances of the building. California building code 1129b, Table 11B-6 spaces required, allocates a minimum of ~~six~~ **two** accessible spaces.*
8. *The proposed project entry gate shall be constructed of ~~wrought iron~~ **chain link** and shall include screening mesh to match the color of the gate materials.*
11. *As per Development Code Section 18.38.070 C. the height of screening for all storage areas or industrial operations shall be eight (8') feet **along the front property line and 50 feet from the front block wall on each side of the Valley Pallets project site.** ~~for all zones. The applicant is to include climbing vines in all landscaping adjacent to walls and fencing to aid in screening of the project and to discourage graffiti.~~*

The modification of conditional use permit request also causes a Variance requirement for the parking in providing 59 parking spaces instead of 95 parking spaces; Variance to allow six feet high screening fence along the side and rear property lines; and Variance to allow 3.5% landscaping instead of 15% as required by the Zoning Code.

Presently, the operation of the site includes the following number of employees, hours of operation and number of truck trips per day:

- 25 employees
- Hours of operation are Monday thru Friday from 5 a.m. to 12:30 p.m.
- Saturday hours of operation are from 7 a.m. to 12 p.m. (2 drivers, 1 forklift driver)
- 2 trucks and trailers operates at any one time.
- Approximately 14 loads per day being shipped and received.

**ANALYSIS**

**Compliance with Development Standards**

<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Lot Area</b>	15,000 sf minimum	6.7 acres	No change	Yes
<b>Lot Depth</b>	100'		No change	Yes
<b>Lot Width</b>	100'	~200+	No change	Yes
<b>Maximum Bldg. Coverage</b>	50%	.05%	No change	Yes
<b>Floor area, total</b>	0.5 FAR or 145,926 sq. ft.	60,004 sq. ft.	No new structures proposed.	Yes
<b>Building Height</b>	50' or 3 stories max	One story	One story	Yes
<b>Setback, front</b>	20' min	20	20 ft.	Yes
<b>Setback, side</b>	None**	Less than 26 feet	26 ft.	Yes
<b>Setback, rear</b>	None	32 ft.	No change	Yes
<b>Landscaping Area</b>	15% of lot area	0%	3.5 %	No***
<b>Parking required for entire site</b>	95 (Valley Pallets) 62 (U.S. Rubber) 31 (Utiliquest)	2 (Valley Pallets) 29 (U.S. Rubber) 31 (Utiliquest)	59 (Valley Pallets) Not addressed (U.S. Rubber)* 31 (Utiliquest)	No***
<b>Screening</b>	8 feet screening	6 feet	Partially 8 feet and 6 feet along side and rear yards	No***
<b>Parking Summary and Handicapped Accessible</b>	1 for each 25 parking spaces if less than 50 spaces provided.	0	2	Yes

\*Note: There are approximately 29 current parking spaces in the vicinity of 1231 Lincoln Street. Therefore, additional parking will need to be designed to comply with the minimum parking code requirement for U.S. Rubber Company.

\*\*The location of the pallet storage areas are adjacent to property lines and in other cases the locations comply with setback requirements. Applicant has addressed the appropriate setback issues on the most recent site plan.

\*\*\*A Variance to allow 59 parking spaces instead of 95 parking spaces is being requested and a Variance to reduce the landscape coverage requirement and a Variance is also requested to provide an 8-foot screen chain link fence with slats along the front property line instead of providing an 8 feet high block wall with wrought Iron gate. Note that the existing two other uses on the site, U.S. Rubber and Utiliquest, are required to comply with the 2007 parking requirement.

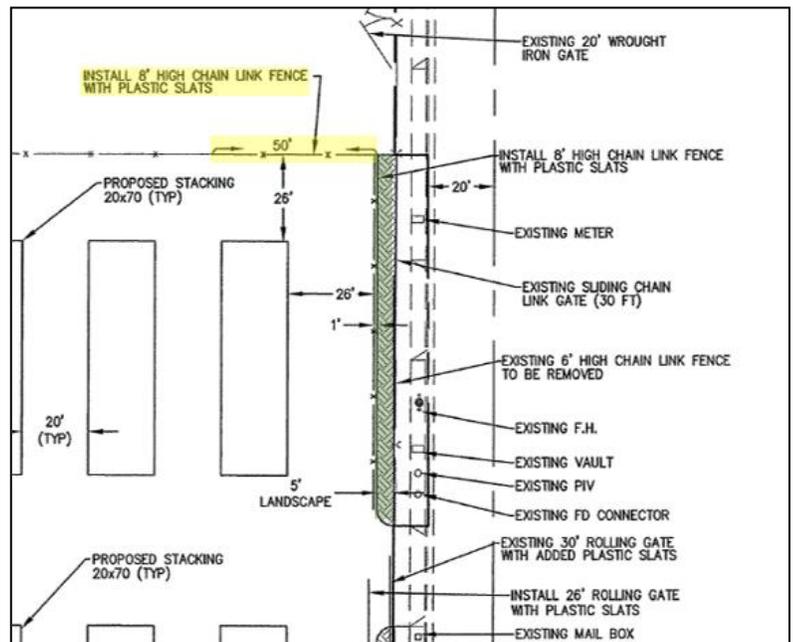
**Parking:** A recalculation of the parking requirements indicate an adjustment to the original requirement from 151 parking spaces to 95 parking spaces for the pallet manufacturing and storage use. The applicant has designed 59 parking spaces with the required disabled parking spaces adjacent to the office area of the proposed pallet manufacturing and storage use.

Based on review of the number of employees and proposed number of future truck trip loads generated per day, staff is recommending approval of the 59 parking spaces instead of the 95 parking spaces as required by Zoning Code. However, because the overall site includes U.S. Rubber Company and Utiliquest Company parking for these existing uses will need to be maintained, which includes 62 parking spaces for U.S. Rubber and 31 parking spaces for Utiliquest. Therefore, deletion of Condition of Approval # 7 is recommended to be replaced with Condition #12 requiring 59 parking spaces on the subject site with added language requiring other uses on the site to maintain their 2007 parking space requirements of 62 parking spaces for U.S. Rubber Company and 31 parking spaces for Utiliquest Company. (See Condition # 12 of Resolution No. R-19-15 – Attachment 9).

**Landscape Coverage Requirement:** The applicant is requesting a reduction of the landscape requirements from 15% to 3.5%. The plans depict a landscape planter along the front of the pallet site. However, in order to comply with 3.5% landscape coverage, the applicant will also be providing landscaping along the southern property line and possibly other areas of the site. Staff is recommending approval of the proposed Variance to reduce the landscaping from 15% to 3.5% subject to the findings and conditions of approval. The primary reason for the justification of the Variance approval is that the 3.1 acre site is a working industrial site surrounded by industrial uses and railroad making this parcel different from other to which the regulation applies. The proposed landscape coverage will be provided along the front of the property, parking areas and along the office area of the project site which fulfills the intent of the landscape requirement.

**Outdoor Storage Screening Requirement:** The applicant is requesting a modification of CUP to allow chain link fence for the screening and gate along Lincoln Street instead of building a block wall and wrought iron gate as originally proposed and required by Condition of Approval #8 of the 2007 approved conditional use permit.

The primary reason the applicant's would like to make this change is related to cost. The Commission may consider this factor in deciding what material to use. Staff's position is that Valley Pallets has benefited from not fully complying with the required landscaping, parking, installation of original wall and wrought iron gate for eight years and costs really should not be a primary consideration. Staff recommends no change to Condition #8 and that the wrought-iron gate be provided as originally conditioned by the Planning Commission. However, staff supports installation of an eight feet high, 50 feet from the front yard block wall because this is the only part of the property directly visible from the street. (See figure to the right)



With regard to the Variance request related to the screening heights, staff supports the Variance to allow six feet high fence along the side and rear property lines, with the exception of the front of the property, which is proposed with an eight foot high chain link fence with slats 50 feet from the block wall located on the back side of the proposed five foot landscaped area. The primary reason for the Variance is that the adjacent industrial and railroad uses do not need screening from each other as they complement each other and no residential use is within close proximity to the side and rear yard property lines. The location of the site is one of the primary finding for this justification.

**Variance Findings:** The Zoning Code allows for review of a Variance to address development standards such as the request to parking, landscape coverage and height of outdoor storage screening requirements. “*The statutory justification for a Variance is that the property owner would suffer unique hardship under the general zoning regulation because a particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location, or surroundings – State Government Code § 65906*”. Staff has prepared a draft Resolution for approval making the following findings.

1. ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district and neighborhood in which the property is located in that:***

- A. The Variance to allow 59 parking spaces instead of 95 parking spaces warrant reduction because the property's irregular lot shape and function do not lend itself to providing the required 95 parking spaces for the proposed pallet manufacturing and storage use.
  - B. The Variance to allow 3.5% landscape coverage instead of 15% is warranted because the site's irregular shape and function. The majority of the site is being used for pallet manufacturing and storage and areas such as parking, office location and five foot planter along the entire frontage of the leased site are being landscaped of the project site which fulfills the intent of the landscape requirement.
  - C. The Variance to allow six foot screen fence along the rear and side yards instead of eight feet is supported by the site's location within the far side block corner surrounded by industrial properties and 10 feet below grade of the railroad property located on the western boundary of the site. An eight foot high screen is, however, conditioned to be installed along the front of the property located in back of a five foot landscape planter as originally proposed in 2007.
2. ***That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant in that:***
- a. The Variance to allow a reduction in the parking requirement will not cause overflow parking demand into the street and 59 parking spaces are adequate to provide for a site with 25 employees. The majority of the site is used for the storage and manufacturing of pallets on a lot that is irregular in shape.
  - b. The Variance to allow 3.5% landscape coverage instead of 15% as required by the Zoning Code is warranted because of the irregular shape, location and size of the property. Furthermore, the function of the site is primarily for the use of a pallet manufacturing and storage use and is surrounded by industrial properties. The applicant is providing adequate landscaping along the front of the property, in parking areas and around the existing office area fulfilling the intent of the landscape coverage requirement.
  - c. The Variance for six feet high screen fence along the side and rear property lines instead of eight feet high fence is warranted in that the location of the site is located in an industrial district that is tucked away and 10 feet below the finished grade of the adjacent railroad property located on the western boundary of the subject site. Because of the site's location and size, the outdoor screening fence height Variance is needed for the preservation and enjoyment of a substantial property right of the applicant.
3. ***That the granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located in that:***
- a. The Variance to allow a reduction in the parking will not be detrimental to the public welfare or injurious to property and improvements in the M-1 Zone and neighborhood in which the property is located because the pallet storage and manufacturing use employs a maximum of 25 employees and on occasion a guest visits the site. The 59 parking spaces is a sufficient number of spaces for the use.
  - b. The Variance for the reduction in landscape coverage will not be detrimental to the public welfare or injurious to property and improvements in the M-1 Zone and neighborhood in which the property is located because the applicant is providing adequate landscaping along the street frontage; parking area and office location.
  - c. The Variance for the outdoor storage screening will not be detrimental to the public welfare and injurious to property and improvements in the M-1 Zone and neighborhood in which the property is located because the site is surrounded by industrial property and is 10 feet below grade along the west side adjacent to the railroad property and is not located near residential uses. In addition, an eight foot high block wall will be constructed in back of a five foot landscape planter along Lincoln Street and an eight foot high chain link fence with slats will be built along the south and north property boundaries 50 feet from the front yard block wall further screening the pallet manufacturing use from the public right-of-way along Lincoln Street.

4. *That the granting of such a Variance will not be contrary to the objectives of the General Plan.* The subject site is located within an area designated as Light Industrial in the General Plan. Approval of the Variance for reduction in parking, landscape coverage and outdoor screen fence requirements is not detrimental and consistent with the following policies of the General Plan Land Use Element:

**Goal LU-7: states** *“Provide opportunities for all neighborhoods in Colton to be in a healthy and attractive physical condition.”*

**Policy LU-7.1 states** *“Stress the importance of property maintenance and rehabilitation activities to improve neighborhood conditions.”*

**Updated 2007 Planning Commission Resolution:** In order to clarify the conditions of approval and ensure that the applicant and property owner will complete the improvements within a specific time frame or face possible public hearing to revoke the Conditional Use Permit and Variance approvals staff has added additional conditions of approval and modified existing conditions. In addition, a condition of approval related to late payment of business license fees and penalties from 2007 be made to the City for the eight years in operation shall be paid within 5 days of the Business Occupancy Permit approval. Staff is recommending that all conditions approved in 2007 be updated and replaced with new conditions in Planning Commission Resolution R-19-15 (See Attachment 9)

### **ENVIRONMENTAL DETERMINATION**

Staff analyzed the proposal for California Environmental Quality Act (CEQA) compliance. The proposal is exempt under Article 19, Section 15301 (Existing Facilities), Class 1 of the CEQA Guidelines. This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt:

1. Resolution No. R-19-15: **A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (DAP-000-641) REQUESTING MODIFICATION OF SEVERAL CONDITIONS OF APPROVAL TO ALLOW A PALLET MANUFACTURING, DISTRIBUTION AND PALLET STORAGE USE ON PROPERTY LOCATED IN THE M-1 / SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE ON PROPERTY MEASURING APPROXIMATELY 3.12 ACRES IN SIZE OF A LARGER SITE THAT MEASURES 6.7 ACRES IN AREA. (FILE INDEX NO. DAP-001-187); and**
2. Resolution No. R-20-15: **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A VARIANCE TO ALLOW VARIANCE TO ALLOW 59 PARKING SPACES INSTEAD OF 95; VARIANCE TO ALLOW SIX FOOT SCREEN FENCE ALONG THE REAR AND SIDE PROPERTY LINES INSTEAD OF THE MINIMUM EIGHT FOOT HIGH SCREEN FENCE/WALL; AND VARIANCE TO ALLOW 3.5% LANDSCAPING INSTEAD OF 15% LANDSCAPING, SUBJECT TO FINDINGS FOR EACH VARIANCE AND CONDITIONS OF APPROVAL LOCATED AT 1235 S. LINCOLN STREET, WITHIN THE M-1/SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE. (FILE INDEX NO.: DAP-001-187).**

Attachments:

- Attachment-1: DAP-000-641 Staff Report, Site Plan, Approved Conditions of Approval and Acknowledgement of Conditions of Approval Form.
- Attachment-2: Planning Commission Minutes dated January 23, 2007.
- Attachment-3: Fire Department Notice of Violation Dated September 4, 2014 & June 2, 2015 (updated inspections will be provided at the September 22, 2015 Planning Commission meeting)
- Attachment 4: August 31, 2015 Valley Pallets Site Management Plan
- Attachment 5: September 3, 2015 Fire Comments on Site Plan and Site Management Plan
- Attachment 6: Aerial Photograph of site – Google Earth View
- Attachment 7: Applicant's Response on status of project conditions of approval
- Attachment 8: Matrix with review of conditions of approval\_9-15-2015
- Attachment 9: Planning Commission Resolution No. R-19-15\_Modification of Conditional Use Permit
- Attachment 10: Planning Commission Resolution No. R-20-15\_Variances
- Attachment 11. Reduction of site plan

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Prepared By:

Mario Suarez, AICP, Senior Planner

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Reviewed By:

Mark Tomich, AICP, Director

**Attachment 3**  
**February 23, 2016 Staff Report with no**  
**Attachments**



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** February 23, 2016

**FILE INDEX NUMBER:** DAP-001-187

**APPLICANT:** Frank Shean, President of Valley Pallets, Inc.

**PROPERTY OWNER:** Rebbur, LLC

**REQUEST:** **DAP-001-187. DAP-001-187. Modification to Conditional Use Permit (CUP) (File Index No. DAP-000-641) requesting modification of several conditions of approval to allow a pallet manufacturing, distribution and pallet storage use including the modification of conditions 7, 8, and 11 of DAP-000-641 and reporting on the completion status and compliance with appropriate code requirements; in addition, the City of Colton will be reviewing all conditions for update and modification to current standards since project has not been completed since it's original approval in 2007. In addition, **Variance** to allow 59 parking spaces instead of 95; **Variance** to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and **Variance** to allow 0.005% or 780 square feet landscaping instead of 15% or 22,368 square feet landscaping on an approximately 3.42 acres of an overall site that measures 6.7 acres consisting of six parcels zoned M-1/SDA, Light Industrial/Sensitive Development Area.**

## **ACTIONS:**

**APPLICATION FILED:** 10/16/14

**CONSIDERATION OF Application Review Committee (ARC):** April 6, 2015 on-site review and follow up inspection on June 1, 2015 with Fire Department (Provision of Comments and Conditions);

**CONSIDERATION BY THE PLANNING COMMISSION:** 07/28/15 & 9/22/15; & 2/23/16  
**Decision**\_\_\_\_\_.

**ENVIRONMENTAL DETERMINATION: Exempt under CEQA, Section 15301 (Existing Facilities), Class 1.** This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

## **BACKGROUND**

On September 22, 2015, the Planning Commission voted to continue the Modification of CUP and Variance for 90-days to allow the applicant to finalize full compliance with 2007 Conditional Use Permit Conditions. This report addresses what has been completed in the past 151 days. Staff's work schedule, holidays and other scheduling conflicts with other projects have pushed back review of the 90-day continuance to the February 23, 2016 Planning Commission meeting. On January 28, 2016, the applicant provided a letter with status of compliance with conditions and a plan that was prepared by

their engineer to complete bids for construction of trash enclosure, fence and other improvements required by the 2007 Conditional Use Permit approval (See Attachment 1).

On December 17, 2015, January 18, 2016 and February 11, 2016, staff conducted a drive-by inspections to review property maintenance of the pallet manufacturing and storage use. In the following analysis staff will provide a status of what has been completed to date and another verbal update will be reported at the Planning Commission meeting being held on February 23, 2016.

### **ANALYSIS:**

The applicant has made progress on providing the following improvements as required by the conditional use permit conditions and plans approved in 2007:

- 51 parking spaces have been provided along the south property line instead of the 95 required parking spaces. An additional 9 parking spaces remain to be provided, including two parking spaces for the disabled.
- The pallets storage areas are reorganized with painted guidelines. The entire site is cleaner and much more attractive and safer than has been in the past.
- The frontage along Lincoln Street has been cleaned up and maintained as shown with pictures provided by the applicant.

On February 11, 2016, the Planning staff confirmed that the property is being well maintained and some progress has been made towards compliance with conditions. The following remaining items need to be completed:

- Permits obtained and construction completed for a trash enclosure.
- Disabled parking needs to be painted and appropriate signs installed.
- The landscaping along the frontage of the lot needs to be completed.
- The wall along the front and chain link fence along portions of the side yard (50 feet from front wall line) need to be replaced with an eight foot high wall and fence.
- The applicant is requesting a **Variance** to allow 59 parking spaces instead of 95; **Variance** to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and a revised **Variance** to allow 0.005% or 780 square feet landscaping instead of 15% or 22,368 square feet landscaping (previous request was to allow 3.5% of landscaping), which will require Planning Commission approval in order for staff to approve the project's Business Occupancy Permit.
- A detailed list of conditions status has been updated and attached to this update in providing a more comprehensive review (See Attachment 2).

The proposed Modification of Conditional Use Permit and Variances were renoticed in the paper and notices were mailed to property owners and residents. The renoticed includes the most recent Variance to allow less than required landscaping areas for the Planning Commission's consideration.

While the landscaping Variance was modified to further decrease landscaping, staff's original recommendation remains the same.

## RECOMMENDATION

Staff recommends that the Planning Commission consider the staff presentation, applicant's letter and testimony and public comments and adopt the following resolutions titled:

1. Resolution No. R-19-15 A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (DAP-000-641) REQUESTING MODIFICATION OF SEVERAL CONDITIONS OF APPROVAL TO ALLOW A PALLET MANUFACTURING, DISTRIBUTION AND PALLET STORAGE USE ON PROPERTY LOCATED IN THE M-1 / SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE ON PROPERTY MEASURING APPROXIMATELY 3.12 ACRES IN SIZE OF A LARGER SITE THAT MEASURES 6.7 ACRES IN AREA. (FILE INDEX NO. DAP-001-187)
2. Resolution No. R-20-15: A RESOLUTION OF THE PLANNING COM MISSION OF THE CITY OF COLTON APPROVING A VARIANCE TO ALLOW VARIANCE TO ALLOW 59 PARKING SPACES INSTEAD OF 95; VARIANCE TO ALLOW SIX FOOT SCREEN FENCE ALONG THE REAR AND SIDE PROPERTY LINES INSTEAD OF THE MINIMUM EIGHT FOOT HIGH SCREEN FENCE/WALL; AND VARIANCE TO ALLOW .005% LANDSCAPING INSTEAD OF 15% LANDSCAPING, SUBJECT TO FINDINGS FOR EACH VARIANCE AND CONDITIONS OF APPROVAL LOCATED AT 1235 S. LINCOLN STREET, WITHIN THE M-1/SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE. (FILE INDEX NO.: DAP-001-187)

  
Prepared By:  
Mario Suarez, AICP, Senior Planner

  
Reviewed By:  
Mark Tomich, AICP, Director

### Attachments:

- Attachment-1: Letter and attachments from Valley Pallets, dated January 18, 2016.
- Attachment-2: Updated tables showing status of compliance with 2007 conditions of approval.
- Attachment 3: September 22, 2015, Staff Report Cover only
- Attachment 4: Draft Planning Commission Resolution Nos. R-19-15 and R-20-15

**Attachment 4**  
**2007 Conditions of Approval from DAP-000-641**

# PLANNING COMMISSION STAFF REPORT FOR THE MEETING OF JANUARY 23, 2007

**STAFF REPORT BY:** Sky Warden, Associate Planner

**FILE INDEX NUMBER:** DAP-000-641  
(Reference DAP-000-523 & DAP-000-544)

**APPLICANT:** Valley Pallets

**APPLICANT NOTICE DATE:** October 5, 2006

**PERMIT STREAMLING COMPLIANCE DATE:** April 5, 2007

**POSTING OF SITE & PUBLIC NOTICE TO PROPERTY OWNERS:** January 11, 2007

**REQUEST:** Conditional Use Permit to allow the manufacture of wood pallets at an existing industrial property located within the M-1/SDA (Sensitive Development Area) Zone.

## EXISTING CONDITIONS:

1. Location: 1231 Lincoln Street  
A.P.N. 0163-302-11, 12, 13, 14, 15 & 0163-311-35
2. Area: 6.41 Acres (Approximately)
3. Existing Use: BASF Colton Technical Laboratory & U. S. Rubber
4. General Plan Designation: Light Industrial
5. Existing Zoning: M-1/SDA (Light Industrial / Sensitive Development Area)
6. Surrounding Zoning & Land Use:  
North: M-1/SDA - Industrial  
South: M-2 - Cascade Lumber  
East: M-1/SDA - Industrial  
West: M-1/SDA – BNSF Railroad

## PROJECT DESCRIPTION:

The applicant is seeking approval from the Planning Commission to establish a pallet manufacturing and distribution facility within an existing industrial site located at the northwest corner of Lincoln and Washington Street, 1299 Lincoln Street. The company is a regional pallet company with service contracts in place with several large retail distribution centers including MBM, Target, and Costco. The facility currently has several dock high and ground level doors and as proposed all pallet repair work will take place inside the warehouse while all pallets and materials are to be stored outside. The company will recycle all materials with no excess to be thrown away. The operation involves three tractor trailers and one small deliver truck with approximately 20 loads per day being shipped and received. The hours of operation will be Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturdays from 7:00 a.m. to 12:00 noon with 25 employees.

The total industrial complex includes 52,456 square feet of warehousing and 11,000 square feet of office space, and as proposed, the parking design is to include 170 parking spaces on the main parcel with the buildings. This amount of spaces will exceed the 150 spaces required by the existing and proposed uses. The adjoining smaller lots will be used for additional pallet storage. There are three driveways accessing the complex and one driveway accessing the BASF Colton Technical Laboratory parking lot from Lincoln Street. Conditions of Approval for the project include installation of an eight foot (8') high block wall and landscaping along Lincoln Street frontage for screening of the proposed pallet storage areas.

**ANALYSIS:**

**GENERAL PLAN CONSISTENCY**

The General Plan designation of the project site is Light Industrial. The General Plan states that Light Industrial land use area should include low intensity packing, assembly, storage, and similar uses which do not adversely affect surrounding residential, office, educational or commercial land uses. The proposed project site is currently surrounded by industrial uses. The applicant is requesting approval to establish a pallet manufacturing and distribution facility with all production processes to take place indoors. It is staff's opinion that the proposed project is consistent with the intent and guidelines of the General Plan.

**ZONING CONSISTENCY**

The zoning classification of the proposed project site is M-1 with a SDA overlay (Light Industrial / Sensitive Development Area). The proposed project, a pallet manufacturing and distribution facility, is permitted within the M-1 zone through the Conditional Use Permit process. The SDA overlay zone requires that a change in use be submitted to the commission for review and approval under the Conditional Use Permit procedure to insure sensitive development standards for all proposed uses. The commission must determine that the proposed use is in conformance with the guidelines in the General Plan for this area and that the proposed development meets all requirements of Title 18 for similar developments permitted by right. As stated previously, all production processes are to take place indoors and the Conditions of Approval for the project include installation of an eight foot (8') high block wall and landscaping along Lincoln Street frontage for screening of the proposed pallet storage areas. If the Planning Commission approves a Conditional Use Permit and the applicant complies with the Conditions of Approval, the proposed project will be consistent with the intent and guidelines of the City of Colton Zoning Ordinance.

**COMPATIBILITY TO SURROUNDING USES**

The proposed project site is located within a Light Industrial zone. It is surrounded by industrial uses and trucking and auto storage yards. It is staff's opinion that the proposed project is compatible with the surrounding uses.

**ENVIRONMENTAL CONCERNS/DESIGN REVIEW CONSIDERATION:**

The proposed project is exempt under Section 15301 of the California Environmental Quality Act (CEQA).

The Design Review Committee considered the proposed project on November 6, and on November 20, 2006; at which time the Committee voted to recommend approval of the proposed project subject to Conditions of Approval. Staff concurs with the Committee's recommendation

**FINDINGS:**

1. The proposed project is consistent with the intent and guidelines of the General Plan.
2. If the Planning Commission approves the Conditional Use Permit for a pallet manufacturing and distribution facility, and the applicant complies with the Conditions of Approval, the proposed project will be consistent with the Zoning Ordinance.
3. The proposed project is compatible with the surrounding uses.
4. The proposed project will not have a significant effect on the environment and is exempt under Section 15301 of CEQA.

**RECOMMENDATION:**

Based on staff's analysis of the proposed project as referenced above, it is recommended that the Planning Commission approve File Index Number DAP-000-641, which includes the approval of a Conditional Use Permit and adopting a Notice of Exemption, subject to the findings and Conditions of Approval.

**APPLICANT**  
 NAME: [REDACTED]  
 ADDRESS: [REDACTED]  
 CITY: [REDACTED]  
 STATE: [REDACTED]

**ADDRESS: VALLEY PALLET**  
 1231 S. LINCOLN ST.  
 COLTON, CA 92324

**PROPERTY ADDRESS**  
 1231 S. LINCOLN ST.  
 COLTON, CA 92324

**PROPERTY DESCRIPTION**  
 INDUSTRIAL/WAREHOUSE

**PROPERTY USE**  
 INDUSTRIAL/WAREHOUSE

**ZONING**  
 I-1

**STREET DEDICATION**  
 [REDACTED]

**PARKING ANALYSIS**

BUILDING #	MAXIMUM	MINIMUM	TOTAL
BUILDING #1	100	50	150
BUILDING #2	100	50	150
BUILDING #3	100	50	150
BUILDING #4	100	50	150

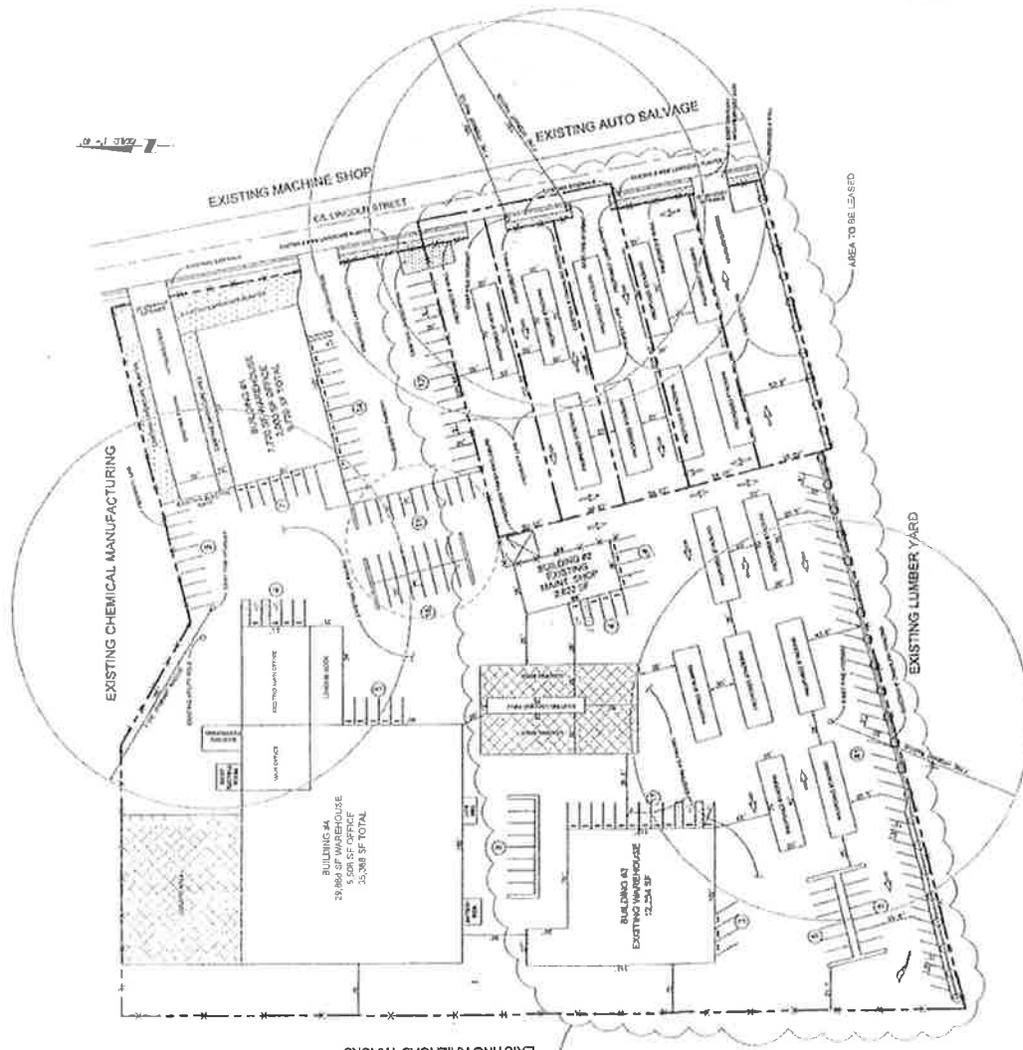
**PARKING SUMMARY**

REQUIREMENTS	PROVIDED
MINIMUM	100
MAXIMUM	100
TOTAL	100

\* STORAGE OF PALLETS, THE MAXIMUM HEIGHT OF PALLETS SHALL NOT EXCEED 18'

\* PALLET STACKING WILL BE MINIMUM 25' FROM PROPERTY LINES AND BUILDING STRUCTURES (PER FIRE CODE)

\* 8' HIGH BLOCK WALL WITH 20' RETURNS WILL BE ADDED ALONG LINCOLN AVENUE



**VALLEY PALLET**  
 1231 S. LINCOLN ST.  
 COLTON, CA 92324

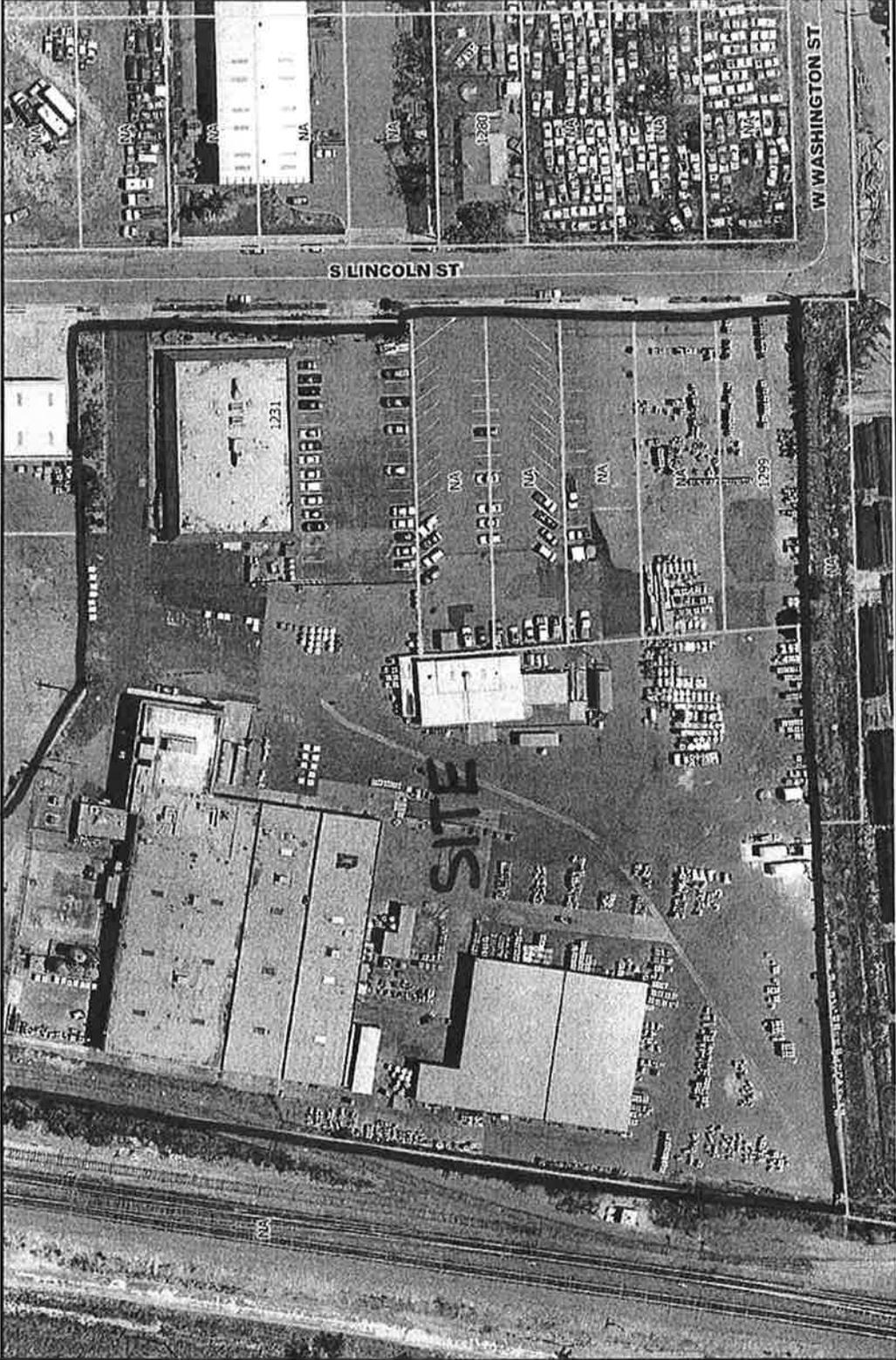
**CONCEPTUAL REVIEW**



REVISED # 641  
 REVISED  
 JANUARY 11, 2006

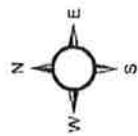
# DAP-000-641

## Valley Pallets Proposal



### Legend

- Identified Features
- Selected Features
- City Boundary
- Freeways
- Santa Ana River
- Streets
- Parcels
- Surrounding City Streets



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### Scale

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FAC MAP

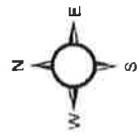
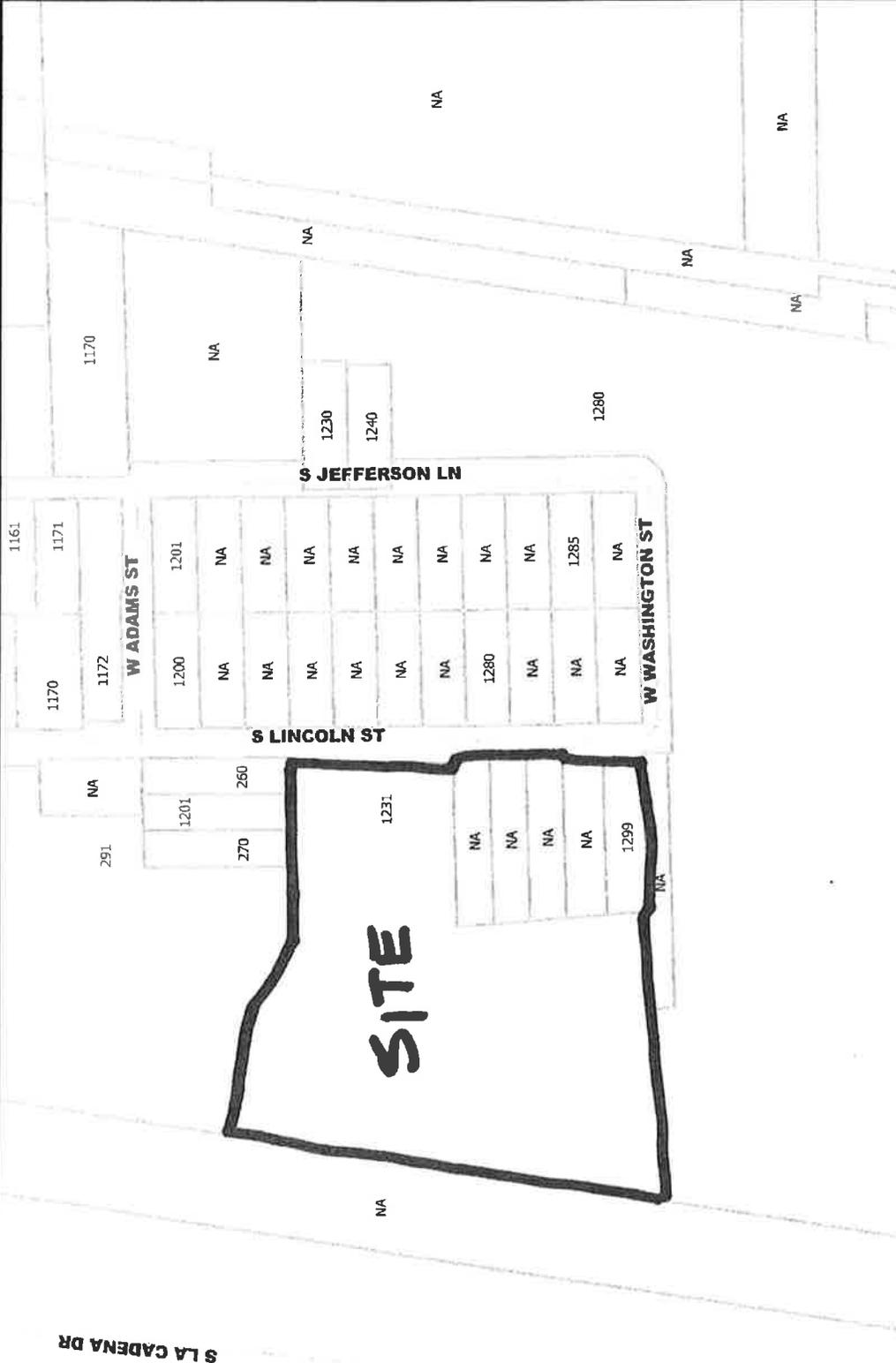
# DAP-000-641

## Valley Pallets Proposal



### Legend

- Identified Features
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### Scale

0 1" = 200' 314ft

FILE MAP

# DESIGN REVIEW ACTION FORM

OFFICIAL  
APPROVAL  
STAMP

**APPLICANT:** VALLEY PALLETS

**FILE NUMBER:** DAP-000-641

**REFERENCE:** DAP-000-333 & DAP-000-544

**REQUEST:** CONDITIONAL USE PERMIT TO ALLOW THE MANUFACTURE OF WOOD PALLETS AT AN EXISTING INDUSTRIAL PROPERTY LOCATED WITHIN THE M-1/SDA (SENSITIVE DEVELOPMENT AREA) ZONE.

1. **LOCATION:** 1231 SOUTH LINCOLN STREET

2. **AREA:** 6.723 ± ACRES

3. **GENERAL PLAN:** LIGHT INDUSTRIAL

4. **ZONING:** M-1/SDA

5. **EXISTING USE:** INDUSTRIAL BUILDINGS & PARKING LOT

6. **APN:** 0163-302-11, 12, 13, 14, 15 & 35

**DRC ACTION:** 11/06/06 – CONTINUED.

**DRC ACTION:** 11/20/06 - CONDITIONAL APPROVAL.

**P.C. ACTION:** 01/23/07 – CONDITIONALLY APPROVED.

**ENVIRONMENTAL DETERMINATION:** EXEMPT UNDER CEQA, SECTION 15301.

**CONDITIONS/REMARKS:** THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL.

## CONDITIONS OF APPROVAL

### HOLD HARMLESS:

1. THE APPLICANT AGREES TO DEFEND, INDEMNIFY, HOLD HARMLESS, AND PROVIDE FOR REIMBURSEMENT OR ASSUMPTION OF ALL LEGAL COSTS IN CONNECTION WITH THIS PROJECT.

### MISCELLANEOUS:

1. THE APPLICANT SHALL ATTACH THESE CONDITIONS OF APPROVAL TO ALL PLANS SUBMITTED FOR BUILDING PERMIT PLAN CHECK. FOR COMMERCIAL/INDUSTRIAL PROJECTS, ALL CONSTRUCTION PLANS MUST CONTAIN AN EXACT REPRODUCTION OF THESE CONDITIONS OF APPROVAL.
2. THE APPLICANT SHALL MEET AND COMPLY WITH ALL REQUIREMENTS OF ALL REVIEWING AGENCIES.
3. ALL PLANS AND SUPPORTING INFORMATION, AS OUTLINED IN THE CONDITIONS STATED WITHIN SHALL BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, BUSINESS LICENSE OR OCCUPANCY PERMITS, WHICHEVER IS FIRST APPLICABLE.
4. SIGNIFICANT DEVIATIONS FROM THE APPROVED CONDITIONS OR PLANS MUST FIRST RETURN TO THE PLANNING COMMISSION FOR REVIEW.
5. THE APPLICANT SHALL MEET ALL SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD) REQUIREMENTS, INCLUDING BUT NOT LIMITED TO: AIR QUALITY, EMISSION CONTROLS, REGULATION XV, AND REGULATION VII.
6. THE APPLICANT SHALL PROVIDE AMENITIES WHICH WILL SUPPORT AND ENCOURAGE THE USE OF ALTERNATE MODES OF TRANSPORTATION BY EMPLOYEES AND CLIENTELE, I.E. BICYCLE RACK, BUS SHELTERS AND BENCH SITES, CARPOOL PARKING SPACES, ETC., AS SHALL BE APPLICABLE TO THE PROJECT USE AND LOCATION.

7. THE APPLICANT SHALL REVISE THE SITE PLANS PARKING TO ALLOCATE A MINIMUM OF 151 PARKING SPACES ON LOT APN 0163-311-35 WHICH SHALL MEET ALL DEVELOPMENT DESIGN CRITERIA AND SHALL INCLUDE LANDSCAPING PRIOR TO SUBMITTAL FOR PLAN CHECK AND/OR OBTAINING BUILDING PERMITS. THE SITE PLANS SHALL INCLUDE HANDICAPP ACCESSIBLE PARKING SPACES LOCATED ON THE SHORTEST ACCESSIBLE ROUTE OF TRAVEL FROM ADJACENT PARKING TO ACCESSIBLE ENTRANCES OF THE BUILDINGS. CALIFORNIA BUILDING CODE 1129b TABLE 11B-6 - SPACES REQUIRED, ALLOCATES A MINIMUM OF SIX ACCESSIBLE SPACES.
8. THE PROPOSED PROJECT ENTRY GATE SHALL BE CONSTRUCTED OF WROUGHT IRON AND SHALL INCLUDE SCREENING MESH TO MATCH THE COLOR OF THE GATE MATERIALS.
9. ALL PALLETS STORED OUT DOORS SHALL NOT EXCEED THE MAXIMUM HEIGHT OF SIXTEEN FEET (16') AND SHALL BE LIMITED TO AREAS DESIGNATED WITHIN THE APPROVED SITE PLANS.
10. AS PER DEVELOPMENT CODE SECTION 18.24.140, A TRASH CONTAINER SHALL BE PROVIDED WITH A SUFFICIENT CAPACITY TO CONTAIN ALL REFUSE GENERATED BY THE USE. ALL OUTSIDE TRASH AND GARBAGE COLLECTION AREAS SHALL BE ENCLOSED OR SCREENED WITH A SIX FOOT (6') HIGH WALL WITH GATES AND SHALL BE LOCATED AS TO ALLOW FOR CONVENIENT PICKUP AND DISPOSAL. THE DESIGN OF THE TRASH ENCLOSURE SHALL FOLLOW THE GUIDELINES OF CITY SPECIFICATIONS ON TRASH ENCLOSURES.
11. AS PER DEVELOPMENT CODE SECTION 18.38.040 C. THE HEIGHT OF SCREENING FOR ALL STORAGE AREAS OR INDUSTRIAL OPERATIONS SHALL BE EIGHT FEET (8') FOR ALL ZONES. THE APPLICANT IS TO INCLUDE CIMBING VINES IN ALL LANDSCAPING ADJACENT TO WALLS AND FENCING TO AID IN SCREENING OF THE PROJECT AND TO DISCOURAGE GRAFFITI.

**SIGNS:**

1. THE COMMUNITY DEVELOPMENT DIRECTOR SHALL REVIEW ALL SIGNS. THE DIRECTOR SHALL HAVE SOLE RESPONSIBILITY TO APPROVE OR DENY SAID SIGNS.
2. NO SIGNS SHALL BE ERECTED WITHOUT PROPER PERMITS.

**POLICE DEPARTMENT:**

1. THE APPLICANT OR PERMITTEE SHALL IMMEDIATELY REMOVE ANY GRAFFITTI ON SITE.
2. THE APPLIANT OR PERMITTEE SHALL GRANT "RIGHT OF ACCESS" BY THE CITY OR AGENT TO REMOVE GRAFFITTI.

**SECURITY:**

1. THE APPLICANT MUST COMPLY WITH CITY ORDINANCE NUMBER O-13-89, SECURITY ORDINANCE FOR THE CITY OF COLTON, AND ALL CONDITIONS CONTAINED THEREIN. THE BUILDING DIVISION SHALL PROVIDE YOU A COPY OF THIS UPON REQUEST OR IT CAN BE ACCESSED ON THE CITY WEB SITE AT [WWW.CI.COLTON.CA.US](http://WWW.CI.COLTON.CA.US), UNDER THE CITY CLERK'S DEPARTMENT, MUNICIPAL CODES, TITLE 15, CHAPTER 10.

**AESTHETICS:**

1. THE APPLICANT SHALL MAINTAIN THE ENTIRE PROJECT AREA IN A NEAT, ORDERLY MANNER.
2. ALL LIGHT STANDARD DESIGNS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING DEPARTMENT. ALL EXTERIOR LIGHTING SHALL BE HIGH PRESSURE SODIUM FIXTURES THAT ARE RECESSED AND/OR SCREENED AND DIRECTED DOWNWARD.

3. THE APPLICANT SHALL AGREE TO BE ANNEXED INTO THE CITY OF COLTON LANDSCAPE MAINTENANCE DISTRICT AT SUCH TIME DEEMED APPLICABLE BY THE CITY.

**ELECTRIC UTILITY DEPARTMENT:**

1. THE APPLICANT SHALL CONTACT THE ELECTRIC UTILITY DEPARTMENT TO OBTAIN ALL CONDITIONS AND REQUIREMENTS REGARDING ELECTRICAL SERVICE AND STREET LIGHTING. IF REQUIRED, THE APPLICANT SHALL INSTALL ALL CONDUIT AND SUBSTRUCTURE SYSTEMS ASSOCIATED WITH ELECTRIC LINE EXTENSIONS AND STREET LIGHTING AS PER THE ELECTRIC UTILITY PLAN. THE APPLICANT SHALL PAY ALL APPLICABLE LINE EXTENSIONS FEES, STREET LIGHTING FEES, CONSTRUCTION CHARGES, PLAN CHECK AND ENGINEERING FEES.

**NOISE:**

1. ALL UNITS WITHIN THE 65 CNEL ZONE SHALL INCORPORATE NOISE ATTENUATION MEASURES MEANT TO DECREASE EXTERIOR NOISE LEVELS TO BELOW 65dbS, AND INTERIOR NOISE LEVELS TO 45dbS.

**BUSINESS LICENSE DIVISION:**

1. ALL GENERAL AND SUBCONTRACTORS MUST OBTAIN A CITY BUSINESS LICENSE PRIOR TO PERFORMING ANY WORK IN THE CITY OF COLTON. PRIOR TO FINAL APPROVAL AND OCCUPANCY, PER C.M.C. 5.02.035, THE CONTRACTOR/SUBCONTRACTOR LIST SHALL BE COMPLETED AND SUBMITTED TO THE BUSINESS LICENSE DIVISION.

**BUILDING:**

1. THE APPLICANT SHALL COMPLY WITH ALL BUILDING CODE REGULATIONS, AND SHALL OBTAIN A BUILDING PERMIT PRIOR TO START OF CONSTRUCTION OF THE PROJECT.

**POLICE DEPARTMENT:**

1. THE APPLICANT OR PERMITTEE SHALL IMMEDIATELY REMOVE ANY GRAFFITI ON SITE.
2. THE APPLICANT OR PERMITTEE SHALL GRANT "RIGHT OF ACCESS" BY THE CITY OR AGENT TO REMOVE GRAFFITI.

**CITY ENGINEER/ENGINEERING DEPARTMENT:**

1. THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS OF APPROVAL FROM THE CITY ENGINEERING DEPARTMENT, LISTED IN THE ATTACHED 1 PAGE MEMORANDUM WHICH IS ATTACHED TO AND MADE A PART OF THESE CONDITIONS OF APPROVAL.

**FIRE DEPARTMENT:**

1. THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS OF APPROVAL FROM THE CITY FIRE DEPARTMENT, LISTED IN THE ATTACHED 2 PAGE MEMORANDUM WHICH IS ATTACHED TO AND MADE A PART OF THESE CONDITIONS OF APPROVAL.

**ENVIRONMENTAL DETERMINATION FILING FEES:**

1. THE APPLICANT SHOULD BE AWARE THAT THIS PROJECT IS NOT CONSIDERED APPROVED UNTIL THE NOTICE OF EXEMPTION HAS BEEN FILED WITH THE SAN BERNARDINO COUNTY. THEY REQUIRE A \$50.00 PAYMENT FOR SAID FILING. THE APPLICANT SHALL SUBMIT TO THE CITY OF COLTON, COMMUNITY DEVELOPMENT DEPARTMENT, ATTN: SKY WARDEN, A CHECK IN THIS AMOUNT, PAYABLE TO: COUNTY OF SAN BERNARDINO. THE CITY WILL SUBMIT THE PAYMENT ALONG WITH THE ENVIRONMENTAL DETERMINATION TO SAN BERNARDINO COUNTY, FOR FILING.

**FEES:**

1. THE APPLICANT SHOULD BE AWARE THAT OTHER FEES, NOT SPECIFICALLY DESIGNATED HEREIN MAY BE SUBSTANTIAL. IT IS THE APPLICANT'S RESPONSIBILITY TO ASCERTAIN THE AMOUNT OF ALL FEES. MOST FEES WILL BE DUE UPON ISSUANCE OF BUILDING PERMITS. HOWEVER, SOME FEES WILL NOT BE DUE UNTIL THE CERTIFICATE OF OCCUPANCY IS REQUESTED.

**EXPIRATION:**

1. THIS APPROVAL SHALL BE NULL AND VOID ONE (1) YEAR FROM DATE OF APPROVAL IF BUILDING PERMITS OR APPROVED ACTIVITY HAS NOT OCCURRED WITHIN TWELVE (12) MONTHS OF APPROVAL. **TENTATIVE TRACTS** WILL BE VOID TWO (2) YEARS FROM DATE OF APPROVAL IF BUILDING PERMITS HAVE NOT BEEN ISSUED, OR AN EXTENSION REQUESTED PRIOR TO THE EXPIRATION.

**PROJECT APPROVAL:**

1. PROJECT APPROVAL IS NOT CONSIDERED FINAL UNTIL THE APPLICANT SIGNS THE ATTACHED ACKNOWLEDGMENT OF CONDITIONS OF APPROVAL, AND SUBMITS THE EXECUTED FORM TO THE COMMUNITY DEVELOPMENT DEPARTMENT.

**APPEAL:**

1. PLEASE BE ADVISED THAT YOU HAVE THE RIGHT TO APPEAL THE DECISION OR CONDITIONS OF APPROVAL WITHIN 10 DAYS FROM THE DATE OF THE PLANNING COMMISSION ACTION.

***CITY OF COLTON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION***

**DAVID R. ZAMORA, Director**  
**Community Development Director**

  
\_\_\_\_\_  
SKY WARDEN, Associate Planner

**DATE: JANUARY 24, 2007**

**CITY OF COLTON  
ENGINEERING DEPARTMENT**

DRC MEETING  
October 20, 2006

TO: PLANNING / BUILDING DEPARTMENT/APPLICANT

FROM: ENGINEERING DEPARTMENT

SUBJECT: DAP-000-641

**DEVELOPER:**

Valley Pallets

1231 Lincoln Street

APN: 0163-30211,12,13,14,15 and 35

**1. PROJECT DESCRIPTION**

Conditional Use Permit to allow the manufacture of wood pallets at an existing industrial property located within the M-1/SDA Zone.

**2. IMPROVEMENTS**

- a) All parkway and unpaved areas within the public right-of-way fronting the project shall be landscaped and maintained, and an automatic sprinkler system installed.
- b) Install street trees (based on 1 parkway tree per 50 feet of property frontage) and provide landscaping in public right of way.
- c) Dedicate sufficient Right of Way to provide for (30') half width along Lincoln Street.

**3. ADDITIONAL REQUIREMENTS**

- a) The Owner and Contractor are responsible for complying with National Pollutant Discharge Elimination System Ordinance, during and after construction.
- b) All storm waters originating from the development should be draining to the street. No contaminated water shall be allowed to discharge on sidewalks, gutters, storm drains, parkways and driveways.
- c) The City Engineer may require other information deemed necessary.
- d) Place City Standards grading and drainage notes, includes NPDES requirements on grading plan.
- e) If Utilities are installed that would require trenching within existing street pavement, resurfacing or slurry seal of the affected area may be required, as determined by the City Engineer.
- f) The property is located on a Zone AE that is a special Flood Hazard Area subject to inundation by the 1% annual chance flood event. The applicant shall comply with all (FEMA) Federal Emergency Management Agency requirements.

Owner/Contractor shall comply with these requirements and City Engineer's directions during the course of construction.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Amer Jakher  
Director of Public Works/City Engineer

# City of Colton Fire Department

## Design Review Conditions for Development

<b>Date:</b>	11/29/06
<b>File Index Number:</b>	DAP-000-641
<b>Project Name:</b>	VALLEY PALLETS
<b>Location:</b>	1231 S. LINCOLN
<b>Description:</b>	MFG AND STORAGE OF WOOD PALLETS

1. THE DEVELOPMENT SHALL CONFORM WITH ALL THE REQUIREMENTS OF THE CITY OF COLTON'S MUNICIPAL CODE REQUIRING ON-SITE FIRE PROTECTION PRIOR TO CONSTRUCTION.
2. ACCESS ROADWAYS SHALL BE PROVIDED IN ACCORDANCE WITH THE UNIFORM FIRE CODE.
3. A WATER SUPPLY SYSTEM SHALL BE INSTALLED, CAPABLE OF PROVIDING THE REQUIRED FIRE FLOW FOR THE PROPOSED TYPE OF CONSTRUCTION. MINIMUM FIRE FLOW FOR THIS PROJECT SHALL BE 1500 GPM.
4. ON-SITE FIRE HYDRANTS SHALL BE REQUIRED FOR THIS PROJECT, AND INSTALLED PRIOR TO CONSTRUCTION. DETAILED DRAWINGS WITH SUPPORTING CALCULATIONS SHALL BE SUBMITTED TO THE FIRE DEPARTMENT/FIRE PREVENTION BUREAU FOR REVIEW, APPROVAL, AND PERMIT ISSUANCE PRIOR TO INSTALLATION.
5. PREMISE IDENTIFICATION SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY'S SECURITY ORDINANCE #O-13-89, SECTION XIV (RESIDENTIAL), SECTION XV (COMMERCIAL).
6. WHERE ACCESS TO OR WITHIN A STRUCTURE IS RESTRICTED DUE TO SECURED OPENINGS, A "KNOX" RAPID ENTRY KEY SYSTEM WILL BE REQUIRED. KEY BOX OR SWITCH SHALL BE LOCATED IN AN ACCESSIBLE LOCATION, AS DETERMINED BY THE FIRE DEPARTMENT.
7. A FIRE DEPARTMENT PERMIT WILL BE REQUIRED FOR YOUR OPERATIONS IN ACCORDANCE WITH ARTICLE 4 OF THE UNIFORM FIRE CODE. PERMIT SHALL BE OBTAINED FROM THE FIRE PREVENTION BUREAU.
8. PORTABLE FIRE EXTINGUISHERS SHALL BE REQUIRED FOR THIS PROJECT. SIZE, TYPE, AND LOCATIONS SHALL BE DETERMINED BY THE FIRE DEPARTMENT'S FIELD INSPECTOR.
9. THE PROPOSED FACILITY'S USE AND/OR OPERATIONS SHALL BE DESIGNED AND MAINTAINED IN ACCORDANCE WITH THE 2000/2001 EDITIONS OF THE UNIFORM FIRE AND BUILDING CODES / CALIFORNIA FIRE AND BUILDING CODES (TITLE 24).
10. THE APPLICANT SHALL COMPLY WITH ALL FIRE DEPARTMENT REQUIREMENTS.

VALLEY PALLETS  
File Index Number DAP-000-641  
Date of PC Approval: January 23, 2007

**ACKNOWLEDGMENT OF CONDITIONS OF APPROVAL**

I/WE ACKNOWLEDGE RECEIPT OF THE CONDITIONS OF APPROVAL AND I/WE WILL COMPLY WITH ALL REQUIREMENTS CONTAINED THEREIN.

I/WE UNDERSTAND THAT MY/OUR PROJECT IS NOT CONSIDERED APPROVED UNTIL I/WE SIGN THE ACKNOWLEDGMENT OF THE CONDITIONS OF APPROVAL, AND RETURN AN ORIGINAL, SIGNED COPY OF THIS FORM TO THE CITY OF COLTON, COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION.

PROJECT NUMBER: **DAP-000-641**

PRINT NAME: FRANK SHEAN  
APPLICANT

PRINT NAME: \_\_\_\_\_  
APPLICANT

SIGNED: [Signature]  
APPLICANT

DATE: 2-7-07

SIGNED: \_\_\_\_\_  
APPLICANT

DATE: \_\_\_\_\_

**Attachment 5**  
**Draft PC Resolution for R-19-15**

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**RESOLUTION NO. R-19-15**

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (DAP-000-641) REQUESTING MODIFICATION OF SEVERAL CONDITIONS OF APPROVAL TO ALLOW A PALLET MANUFACTURING, DISTRIBUTION AND PALLET STORAGE USE ON PROPERTY LOCATED IN THE M-1 / SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE ON PROPERTY MEASURING APPROXIMATELY 3.12 ACRES IN SIZE OF A LARGER SITE THAT MEASURES 6.7 ACRES IN AREA. (FILE INDEX NO. DAP-001-187)**

**WHEREAS**, an application (File Index No. DAP 001-187) was filed with the City of Colton by Frank Shean, President of Valley Pallets, Inc., (hereinafter “Applicant”) for Modification of Conditional Use Permit (DAP-000-641) requesting modification of several conditions of approval to allow a pallet manufacturing, distribution, and pallet storage use on property located in the M-1 / /SDA (Light Industrial / Sensitive Development Area) Zone on property measuring approximately 3.12 acres lease area of a larger site that measures 6.7 acres consisting of six parcels;

**WHEREAS**, on April 12, 2016, the Planning Commission of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

**WHEREAS**, pursuant to the California Environmental Quality Act (“CEQA”), Section 15301 (Existing Facilities), the project is categorically exempt from CEQA because the project meets the criteria for existing facilities in size and location and would not result in significant environmental impacts.

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**BE IT NOW THEREFORE RESOLVED AS FOLLOWS:**

**SECTION 1.** Based on the entire record before the Planning Commission and all written and oral evidence presented, and the findings made in this Resolution, the Planning Commission hereby finds that:

- a. *The provisions for vehicular parking and for vehicular and pedestrian circulation on the site, and onto adjacent public Right-of-Way will not create safety hazards; The proposed modification to conditional use permit for an approved pallet manufacturing, distribution and storage use will provide adequate circulation, parking, and landscaping for the site because of the number of employees and low numbers of visitors to the site, visitors arrive on occasion, the proposed 59 parking spaces are adequate number of off-street parking for the use. In addition, the adjacent right-of-way is adequate and provides direct access onto Lincoln Street, a paved street with sidewalk and landscaped street verge running the full length of the subject property and with the installation of*

1 five feet landscape planter with block wall also running the full length of the street  
2 frontage will create a safe and attractive street frontage in the block and neighborhood.

3 b. *The bulk, location and height proposed will not be detrimental or injurious to other*  
4 *Development in the neighborhood or will result in the loss of or damage to unique*  
5 *natural or topographic features of the site that are important to the environmental*  
6 *quality of life for the citizens of Colton, and the Development is feasible in a manner*  
7 *that will avoid such detrimental or injurious results or such loss or damage; if the*  
8 *Variance requests are approved, the project will meet all the development requirements*  
9 *of the M-1 Zone. The modifications to the project also includes a reduction in the*  
10 *number of pallet storage areas from 16 to 12 pallet storage areas creating a more*  
11 *balanced site for the existing pallet manufacturing, distribution and pallet storage use*  
12 *and the proposed project will not create any significant environmental impacts affecting*  
13 *the citizens of Colton in that the proposed project is located in an area that will not create*  
14 *any significant impacts related to air quality, water quality, noise, or traffic. In addition,*  
15 *continued compliance with all the conditions of approval for DAP-000-641 and replaced*  
16 *with conditions of approval for this modification of conditional use permit is made to*  
17 *make it clearer for the applicant and the property owner in complying with conditions*  
18 *of approval.*

19 c. *The provisions for on-site landscaping do provide adequate protection to neighboring*  
20 *properties from detrimental features of the proposed development that could be avoided*  
21 *by adequate landscaping; in that the proposed project modification does include a*  
22 *reduction of landscape coverage subject to Variance approval. The 0.005% landscape*  
23 *coverage will cover a five foot front yard planter, planting in parking areas and around*  
24 *existing office area which meets the intent of the landscape coverage requirement of the*  
25 *Zoning Code.*

26 d. *The provisions for exterior lighting are adequate for human safety and will not diminish*  
27 *the value and/or usability of adjacent property; The proposed project is required to meet*  
28 *all lighting standards and requirements of the City of Colton for all proposed exterior*  
*lighting. This project site is located within an industrial district and is not adjacent to*  
*any residential use and is surrounded by railroad on the western boundary.*

e. *The exterior design of the buildings and structures will not be injurious or detrimental*  
*to the environmental or historic features of the immediate neighborhood in which the*  
*proposed development is located and will not cause irreparable damage to property in*  
*the neighborhood, to the City and to its citizens; The proposed pallet manufacturing,*  
*distribution and storage use will need to meet all the requirements of the Uniform*  
*Building Code, Fire Code, and Zoning Code requirements prior to issuance to*  
*occupancy, except as modified herein. The applicant has provided a “Site Management*

1            *Plan*” and a condition of approval has been included requiring strict adherence with the  
2            adopted conditions of approval including the “*Site Management Plan.*”

3            *f. The proposed Development will not impose an undue burden upon off-site public*  
4            *services, including sewer, water and streets, which conclusion shall be based upon a*  
5            *written report of the City Engineer; and there is no provision in the capital works*  
6            *program of the City to correct the specific burden within a reasonable period after the*  
7            *development will be completed. The proposed modification to conditional use permit is*  
8            *meant to clarify conditions of approval, organize responsibility and consequences for*  
9            *not complying and provides updated language and conditions related to the*  
10           *maintenance, operation and management operation of the pallet manufacturing,*  
11           *distribution and pallet storage use, which will not be a burden on existing sewer, water,*  
12           *electric, and street services. If conditions of approval are not met within a 90 days from*  
13           *the date of conditional use permit approval, any and all entitlements related to the pallet*  
14           *manufacturing, distribution and pallet storage use will be investigated and reviewed for*  
15           *revocation of permits as allowed by the Zoning Code.*

12           **SECTION 2.** The Planning Commission of the City of Colton, in accordance with the  
13           California Environmental Quality Act, has found that the project will not have a significant impact  
14           on the environment and is Categorical Exempt from CEQA under Article 19, Section 15301,  
15           Class 1 (Existing Facilities) of the CEQA Guidelines. This section pertains to the proposed project  
16           which does not rise to a level of significant environmental impact and will not be detrimental to the  
17           health and welfare of the surrounding neighborhood.

16           **SECTION 3.** Based upon the findings set forth in Sections 1 and 2 of this Resolution, the  
17           Planning Commission hereby approves Modification to Conditional Use Permit (DAP-000-641),  
18           subject to the attached conditions of approval (Exhibit “A”).

18           **SECTION 4.** This action by the Planning Commission shall be final unless an appeal of  
19           the action is filed with the City Clerk’s office in writing, pursuant to Section 18.58.100 of the Colton  
20           Municipal Code.

21           **SECTION 5.** This land use entitlement shall become null and void if not exercised within  
22           one (1) year of this approval and the applicant has not been granted an extension of time by the  
23           Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code.

23           **SECTION 6.** The Secretary shall certify the adoption of this Resolution.

24           PASSED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of April 2016.

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Planning Commission Chairperson  
Richard Prieto

ATTEST:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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 April 12, 2016, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-187.

**HOLD HARMLESS**

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter

**PLANNING DIVISION (909) 370-5079**

2. This approval is for modification of conditional use permit (File Index No. DAP-000-641), as conditioned and modified herein, for the operation of a pallet manufacturing, distribution and pallet storage use as shown on plans stamped January 28, 2016 by the Development Services Department, except as modified herein.
3. These conditions shall replace conditions of approval contained in File Index No. DAP-000-641 for conditional use permit approved on January 26, 2007 for a pallet manufacturing, distribution and pallet storage use located at 1235 S. Lincoln Street.
4. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets
5. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to scheduling for Planning Commission meeting.
6. Any proposed signs shall conform to the Sign Code.
7. The Applicant for the pallet manufacturing, distribution and pallet storage use shall provide an entry gate constructed of wrought iron and shall include screening mesh to match the color of the gate materials. In addition, an eight foot high concrete block wall with decorative cap along the entire frontage of the lease site shall be installed with an eight foot high chain link fence with brown slats, subject to review and approval by the Development Services Director.
8. All pallets stored outdoors shall not exceed the maximum height of sixteen feet (16') and shall be limited to areas designed within the approved site plan. The designated areas shall also be striped to identify the storage areas and fire/circulation areas from being occupied. An explanation of allowing a maximum of 16 feet high pallet storage areas shall be included in the

1 Site Management Plan, subject to review and approval by the Fire Marshal and Development  
2 Services Director.

3 9. As per Development Code Section 18.24.140, a trash container shall be provided within a  
4 sufficient capacity to contain all refuse generated by the use. All outside trash and garbage  
5 collection areas shall be enclosed or screened with a six foot (6') high wall with gates and shall  
6 be located as to allow for convenient pickup and disposal. The design of the trash enclosure  
7 shall follow the guidelines of City Specifications on trash enclosures.

8 10. As per Development Code Section 18.38.070 C. the height of screening for all storage areas or  
9 industrial operations shall be eight (8') feet for all zones, except for the rear and side lot lines  
10 50 feet behind the front fence may be six feet in height, subject to Planning Commission  
11 approval of Variance for height fences at the side and rear yard request.

12 11. The Applicant, tenants and/or Property Owner shall, at all times, operate and maintain the  
13 property (1231, 1233 and 1235 Lincoln Street), including but not limited to fences, lighting,  
14 landscaping, paving and street sidewalk landscaped areas so as not to constitute a nuisance in  
15 the community.

16 12. All parking provided shall meet the requirements of Chapter 18.36 of the Colton Zoning Code.  
17 The applicant shall provide 59 parking spaces including disabled parking requirements for 1235  
18 Lincoln Street, subject to review and approval of the Development Services Director. The  
19 property owner and/or tenant shall be responsible to maintain 31 parking spaces including  
20 disabled parking spaces for 1233 Lincoln Street and 62 parking spaces for 1231 Lincoln Street  
21 (note: that there are only 29 current parking spaces in the vicinity of 1231 Lincoln Street.  
22 Therefore, additional parking will need to be designed to comply with the minimum parking  
23 code requirement for U.S. Rubber Company).

24 13. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical  
25 equipment installed by the developer shall be inconspicuously located and screened, as  
26 approved by the Development Services Director. Location of this equipment shall be clearly  
27 noted on landscape construction documents.

28 14. Electrical and other service facilities shall be located within an interior electrical room or  
approved comparable location. All electrical service facilities shall be totally screened from  
public view, as approved by the Planning Division.

15. The Applicant and/or Property Owner shall comply with all requirements of all reviewing  
agencies and shall comply with all applicable local, state, and federal rules, laws, and  
regulations.

16. The Applicant shall obtain approval of a Business Occupancy Permit (BOP) within 60 days of  
this approval. The hours of operation for the pallet use shall be from 5:00 a.m. to 12:30 p.m. –  
Monday through Friday and 7:00 a.m. to 12:00 pm on Saturday. Closed Sunday except for  
office hours may be kept to operate the administrative portion of the Pallet Use.

17. Once the BOP is approved the Applicant shall pay for a business license fees dating back to  
February 1, 2007, including any penalties, to the City Business License Officer within 10 days  
of the BOP approval or Temporary BOP Approval.

1  
2 18. The Applicant shall provide a status report to the Development Services Director on the status  
3 of compliance with all conditions of **approval 45 days** from the date of approval.  
4 Noncompliance with this condition may initiate investigation and discussion for revocation of  
5 this conditional use permit and variance approvals by City Staff.

6 19. All Applicant shall comply with all Fire Code requirements including maintaining and keeping  
7 fire access roads and separation requirements/setbacks free of debri, pallets,  
8 trucks/autos/trailers and any other obstruction of any fire access roads, separation distance  
9 requirements at all times. Noncompliance with this requirement is subject to investigation and  
10 review by the Fire and Development Services Department for possible discussion and dialogue  
11 with the Planning Commission for revocation of conditional use permit and variance approvals  
12 to allow a pallet manufacturing, distribution and pallet storage use at 1235 Lincoln Street.

13 **CODE ENFORCEMENT:**

14 20. Comply with the requirements of the City of Colton **Code Enforcement/Police**, including the  
15 following:

- 16 a. Landscaping: Property manager or tenant will maintain all approved landscaping in  
17 good condition, including but not limited to adequate irrigation, mowing of grass, and  
18 replacing dead trees and shrubs. Above ground landscaping controls or backflow valves  
19 will be secured in a locked metal cage to prevent theft or vandalism.
- 20 b. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or  
21 furnishings at or adjacent to the location that encourage loitering and nuisance  
22 behavior.
- 23 c. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which  
24 they have control, including all signs and accessory buildings and structures, shall be  
25 maintained free of litter and graffiti at all times. The owner or operator shall provide for  
26 daily removal of trash, litter and debris from the premises and on all abutting sidewalks  
27 and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within  
28 forty-eight (48) hours upon notification with a color-matching paint. The expectation  
for graffiti cover up is an appearance that the graffiti never existed.
- d. The applicant shall grant “right of access” by the city or agent to remove graffiti.
- e. Exterior Lighting: All lightning will be maintained in good working order. All lighting  
shall be shown on the required plot plans. Lighting level will be a minimum foot candles  
as required by ordinance. The placement of the lighting fixtures shall be such that the  
angle of projected light does not interfere or hinder the vision of police officers or  
security personnel patrolling the areas. All lighting will be properly shielded so as to  
not trespass or disturb neighboring residences, adjacent businesses, or persons while  
driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable,  
property management will have the lighting repaired within 72 hours.
- f. Storage: Parking and trash areas will not be used for storage of hazardous materials,  
including but not limited to tires, waste oil, and inoperable or unregistered

1 vehicles. Property manager or tenant shall promptly abate hazardous materials or  
2 inoperable vehicles. General exterior storage areas will be screened from public view.

3 g. Emergency Access: The business must be equipped with a Knox device to facilitate  
4 emergency access.

5 h. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign Ordinance  
6 as amended. Temporary promotional signs require a permit and must be authorized by  
7 Development Services prior to display. Refer to code for additional signage permitting  
8 and requirements.

9 i. Advertisements: Handbills or advertisements may be distributed in public places  
10 person-to-person but will not be placed or left upon unoccupied vehicles or otherwise  
11 left unattended in public places.

12 j. Special Events: Per Colton Municipal Code section 5.44, applicant shall not conduct,  
13 operate, maintain, organize, advertise, or sell or furnish tickets for a special event or  
14 permit the subject property to be used for any special event without first obtaining a  
15 special event permit. Special events include, but are not limited to, sales events where  
16 merchandise, goods, or vehicles are displayed for sale on the property, political  
17 functions, fundraising events by non-profit entities, and events featuring motivational  
18 or educational speakers. The Special Event Committee may expressly grant a minor  
19 variance of conditions specific to individual special events.

20 k. Surveillance Monitoring: Should permittee install a video surveillance monitoring  
21 system, the video system shall be capable of recording a clear view of all areas of the  
22 subject property including, but not limited to, parking lots, walkways, corridors, all  
23 sides of buildings, the perimeter landscape and grass areas. Recordings shall be  
24 retained for a minimum of 30 days. Copies of recordings will be provided to the  
25 Colton Police Department upon request.

26 l. After hours Contact Information: Permittee will ensure after hours contact person  
27 information is kept current and on file with the Colton Police Department dispatch  
28 center. Ideally there should be several responsible persons available to respond in case  
of emergency; each should be a key holder with knowledge of alarm reset codes,  
available to respond within 20-30 minutes, and of sufficient authority to facilitate a  
board up or other emergency repair measures.

m. Right of Access: Permittee shall grant “right of access” to the City of Colton and its  
employees or agents for the purposes of monitoring compliance with these Conditional  
Use Permit conditions, patrolling, investigating crimes, and enforcing laws and  
ordinances on the subject property. Permittee shall grant “right of access” to the City  
of Colton and its employees or agents to remove graffiti and to determine if the applicant  
is in compliance with these conditions.

## **BUILDING**

21. The above project shall comply with the current California Codes (CBC, CEC, CMC and the  
CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall

1 be submitted to the Building & Safety Division as a separate submittal. The 2013 edition of the  
2 California Codes will become effective for all permit applications submitted after January 1,  
3 2014.

4 22. The applicant shall provide required trash enclosures for the project site, subject to review and  
5 approval by the City’s Building Official.

6 23. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification.  
7 Plans will include “as built” plans, revisions and changes. The CD will also include Title 24  
8 energy calculations, structural calculations and all other pertinent information. It will be the  
9 responsibility of the developer and or the building or property owner(s) to bear all costs required  
10 for this process. The CD will be presented to the Building & Safety Division for review prior  
11 to final inspection and building occupancy. The CD will become the property of the Colton  
12 Building & Safety Division at that time. In addition, a site plan showing the path of travel from  
13 public right of way and building to building access with elevations will be required.

14 **ELECTRIC DEPARTMENT:**

15 24. General Conditions and Requirements:

16 a. It has been determined that the project is within the City of Colton. The City of Colton  
17 will provide service to this project. The developer shall meet all City of Colton Electric  
18 Utility service requirements and pay all applicable fees.

19 b. The project developer/applicant shall comply with all customer service policies of the  
20 City of Colton Electric Utility Department. The developer shall provide the Electric  
21 Utility with all information necessary to determine the project’s electric service  
22 requirements; and if necessary and at their own expense, install all conduit and vault  
23 systems associated with underground primary/service line extensions and street-lighting  
24 as per the Electric Utility's approved design. The developer shall pay all charges  
25 associated with the Electric Utility’s cost to construct underground and overhead line  
26 extensions and street-lighting.

27 25. Conditions and requirements specific to the project:

28 a. The project developer/applicant is required to attach load calculations during the plan  
check process.

**FIRE DEPARTMENT**

**Site Plan**

26 26. Provide detail plans on propane storage on plans. Include location dimensions, vehicle  
27 protection details, and quantities, subject to review and approval by the Development Services  
28 Director and Fire Marshal.

29 27. Provide the adjusted dimensions of the delineated pallet stacking located adjacent to the  
30 propane storage, subject to review and approval by the Fire Marshal.

31 28. South Gate – Provide a minimum clear width of 26 feet.

1 29. Indicate location of the on-site private fire hydrant. Include details on vehicle protection,  
2 subject to review and approval by the Fire Marshal.

3 30. Indicate on plans the location of the proposed truck parking and staging areas, subject to review  
4 and approval by the Fire Marshal and Development Services Director.

4 **Site Management Plan**

5 31. Reference Item #4 – Provide details on site maintenance details, subject to review and approval  
6 by the Fire Marshal and Development Services Director. All new owners shall adhere to the  
7 Site Management Plan and hold a meeting introducing themselves to the Development Services  
8 and Fire Department when processing new Business Occupancy.

8 **Other Fire Conditions**

9 32. Maintain all wood pallet storage operations in accordance with the City’s Municipal Code  
10 Section 15.16 which adopts and amends the 2012 Edition of the International Fire Code and the  
11 2013 Edition of the California Fire Code.

12 33. Maintain pallet storage height to a maximum of 16 feet. CMC 15.16.310

13 34. Maintain pallet storage pile width to a maximum of 20 feet and 70 feet in length. CMC  
14 15.16.310

15 35. Maintain a minimum of 20 foot separation between pallet piles and a minimum 26 foot  
16 separation from all property lines or exposures. CMC 15.16.310

17 36. Provide and maintain fire department access roads throughout. Fire access roads shall be a  
18 minimum of 26 feet in width and shall be maintained within 150 feet of all pallet storage areas  
19 and structures.

20 37. Junk wood shall be removed from the site, subject to review and approval by the Fire Marshal  
21 within 10 days of written or verbal notice. If compliance is not met, investigation and review  
22 of the approved Conditional Use Permit and Variance shall be subject to revocation procedures  
23 of the Zoning Code.

24 38. Maintain a minimum 30 foot clearance on all sides on the onsite fire hydrant.

25 39. LPG Storage – All LPG storage shall be stored a minimum of 10 feet from any pallet storage  
26 and shall be protected from vehicular impact (protection posts).

27 40. A Fire Code Operational Permit is required to store, handle, repair or manufacture pallets.  
28 Make application for the required Fire Permit. The Fire Permit may be issued upon compliance  
with all fire code related violations.

**PUBLIC WORKS:**

41. **IMPROVEMENTS – 1231 through 1235 Lincoln Street**

a) All parkway and unpaved areas within the public right-of-way fronting the project shall be  
landscaped and maintained, and an automatic sprinkler system installed.

- 1           b) Install street trees (based on 1 parkway tree per 50 feet of property frontage) and provide  
2           landscaping in public right of way.
- 3           c) Dedicate sufficient Right of Way to provide for (30') half width along Lincoln Street.

4   **42. ADDITIONAL PUBLIC WORKS REQUIREMENTS**

- 5           a) The Owner and Contractor are responsible for complying with National Pollutant Discharge  
6           Elimination System Ordinance, during and after construction.
- 7           b) All storm waters originating from the development should be draining to the street. No  
8           contaminated water shall be allowed to discharge on sidewalks, gutters, storm drains,  
9           parkways and driveways.
- 9           c) The City Engineer may require other information deemed necessary.
- 10          d) Place City Standards grading and drainage notes, includes NPDES requirements on grading  
11          plan.
- 12          e) If Utilities are installed that would require trenching within existing street pavement,  
13          resurfacing or slurry seal of the affected area may be required, as determined by the City  
14          Engineer.
- 14          f) The property is located on a Zone AE that is a special Flood Hazard Area subject to  
15          inundation by the 1% annual chance flood event. The applicant shall comply with all  
16          (FEMA) Federal Emergency Management Agency requirements.
- 16          g) Owner/Contractor shall comply with these requirements and City Engineer's directions  
17          during any course of construction.

18   43. The applicant shall not store any pallets around the manufacturing building and keep areas clear  
19   around the manufacturing building of the site. Include this specific condition in the site  
20   management plan submitted to the Fire Department. Storage of pallets and not keeping these  
21   areas clear is subject to violation of CUP and subject to investigation, notice of violation, and/or  
22   code compliance fees as permitted by the Colton Municipal Code.

23   44. The applicant must install a dust collection system for the pallet manufacturing building, subject  
24   to review and approval process of the Building Division.

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**Attachment 6**  
**Draft PC Resolution for R-20-15**

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**RESOLUTION NO. R-20-15**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A VARIANCE TO ALLOW VARIANCE TO ALLOW 59 PARKING SPACES INSTEAD OF 95; VARIANCE TO ALLOW SIX FOOT SCREEN FENCE ALONG THE REAR AND SIDE PROPERTY LINES INSTEAD OF THE MINIMUM EIGHT FOOT HIGH SCREEN FENCE/WALL; AND VARIANCE TO ALLOW .005% LANDSCAPING INSTEAD OF 15% LANDSCAPING, SUBJECT TO FINDINGS FOR EACH VARIANCE AND CONDITIONS OF APPROVAL LOCATED AT 1235 S. LINCOLN STREET, WITHIN THE M-1/SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE. (FILE INDEX NO.: DAP-001-187).**

**WHEREAS**, an application (File Index No. DAP 001-187) was filed with the City of Colton by Frank Shean, President of Valley Pallets, Inc., (hereinafter “Applicant”) for a **Variance** to allow 59 parking spaces instead of 95; **Variance** to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and **Variance** to allow 0.05% landscaping instead of 15% landscaping, subject to findings for each Variance and conditions of approval located at 1235 S. Lincoln Street, designated M-1/SDA (Light Industrial / Sensitive Development Area) Zone. (APN: 0163-302-11, 12, 13, 14, 15 and 0163-311-35); and

**WHEREAS**, on April 12, 2016, the Planning Commission of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

**WHEREAS**, pursuant to the California Environmental Quality Act (“CEQA”), Section 15301 (Existing Facilities), the project is categorically exempt from CEQA because the project meets the criteria for existing facilities in size and location and would not result in significant environmental impacts.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLTON:**

**SECTION 1.** Based on the entire record before the Planning Commission and all written and oral evidence presented, including the staff report, the Planning Commission makes the following findings in accordance with the Colton Municipal Code:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district and neighborhood in which the property is located in that:*
  - A. The Variance to allow 59 parking spaces instead of 95 parking spaces warrant reduction because the property’s irregular lot shape and function do not lend itself to providing the required 95 parking spaces for the proposed pallet manufacturing and storage use.
  - B. The Variance to allow .005% landscape coverage instead of 15% is warranted because the site’s irregular shape and function. The majority of the site is being used for pallet manufacturing and storage and areas such as parking, office location and five foot planter

- 1 along the entire frontage of the leased site are being landscaped of the project site which  
2 fulfills the intent of the landscape requirement.
- 3 C. The Variance to allow six foot screen fence along the rear and side yards instead of eight  
4 feet is supported by the site's location within the far side block corner surrounded by  
5 industrial properties and 10 feet below grade of the railroad property located on the  
6 western boundary of the site. An eight foot high screen is, however, conditioned to be  
7 installed along the front of the property located in back of a five foot landscape planner as  
8 originally proposed in 2007.
- 9
- 10 2. ***That such Variance is necessary for the preservation and enjoyment of a substantial***  
11 ***property right of the applicant in that:***
- 12 A. The Variance to allow a reduction in the parking requirement will not cause overflow  
13 parking demand into the street and 59 parking spaces are adequate to provide for a site  
14 with 25 employees. The majority of the site is used for the storage and manufacturing of  
15 pallets on a lot that is irregular in shape.
- 16 B. The Variance to allow .005% landscape coverage instead of 15% as required by the  
17 Zoning Code is warranted because of the irregular shape, location and size of the property.  
18 Furthermore, the function of the site is primarily for the use of a pallet manufacturing and  
19 storage use and is surrounded by industrial properties. The applicant is providing  
20 adequate landscaping along the front of the property, in parking areas and around the  
21 existing office area fulfilling the intent of the landscape coverage requirement.
- 22 C. The Variance for six feet high screen fence along the side and rear property lines instead  
23 of eight feet high fence is warranted in that the location of the site is located in an  
24 industrial district that is tucked away and 10 feet below the finished grade of the adjacent  
25 railroad property located on the western boundary of the subject site. Because of the site's  
26 location and size, the outdoor screening fence height Variance is needed for the  
27 preservation and enjoyment of a substantial property right of the applicant.
- 28
3. ***That the granting of the variance will not be materially detrimental to the public welfare or***  
***injurious to property and improvements in the zoning district and neighborhood in which***  
***the property is located in that:***
- A. The Variance to allow a reduction in the parking will not be detrimental to the public  
welfare or injurious to property and improvements in the M-1 Zone and neighborhood in  
which the property is located because the pallet storage and manufacturing use employs a  
maximum of 25 employees and on occasion a guest visits the site. The 59 parking spaces  
is a sufficient number of spaces for the use.
- B. The Variance for the reduction in landscape coverage will not be detrimental to the public  
welfare or injurious to property and improvements in the M-1 Zone and neighborhood in  
which the property is located because the applicant is providing adequate landscaping  
along the street frontage; parking area and office location.
- C. The Variance for the outdoor storage screening will not be detrimental to the public  
welfare and injurious to property and improvements in the M-1 Zone and neighborhood  
in which the property is located because the site is surrounded by industrial property and  
is 10 feet below grade along the west side adjacent to the railroad property and is not  
located near residential uses. In addition, an eight foot high block wall will be  
constructed in back of a five foot landscape planter along Lincoln Street and an eight foot  
high chain link fence with slats will be built along the south and north property  
boundaries 50 feet from the front yard block wall further screening the pallet

1 manufacturing use from the public right-of-way along Lincoln Street.

2 4. ***That the granting of such a Variance will not be contrary to the objectives of the General***  
3 ***Plan.*** The subject site is located within an area designated as Light Industrial in the General  
4 Plan. Approval of the Variance for reduction in parking, landscape coverage and outdoor  
5 screen fence requirements is not detrimental and consistent with the following policies of the  
6 General Plan Land Use Element:

7 **Goal LU-7: states** *“Provide opportunities for all neighborhoods in Colton to be in a*  
8 *healthy and attractive physical condition.”*

9 **Policy LU-7.1 states** *“Stress the importance of property maintenance and rehabilitation*  
10 *activities to improve neighborhood conditions.”*

11 **SECTION 2.** The Planning Commission of the City of Colton, in accordance with the  
12 California Environmental Quality Act, has found that the project will not have a significant  
13 impact on the environment and is Categorical Exempt from CEQA under Article 19, Section  
14 15301, Class 1 (Existing Facilities) of the CEQA Guidelines.

15 **SECTION 3.** Based upon the findings set forth above, the Planning Commission hereby  
16 approves this Variance, subject to the Conditions of Approval set forth in attached Exhibit “A” of  
17 Resolution No. R-20-15.

18 **SECTION 4.** This action by the Planning Commission shall be final unless an appeal of  
19 the action is filed with the city clerk’s office in writing, pursuant to Section 18.58.100 of the  
20 Colton Municipal Code.

21 **SECTION 5.** This land use entitlement shall become null and void if not exercised  
22 within one year of this approval and the Applicant has not been granted an extension of time by  
23 the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code.

24 **SECTION 6.** The Secretary shall certify the adoption of this Resolution.

25 PASSED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of April 2016.

26 \_\_\_\_\_  
27 Planning Commission Chairperson  
28 Richard Prieto

ATTEST:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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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 April 12, 2016 by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-187.

**HOLD HARMLESS**

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter

**PLANNING DIVISION (909) 370-5079**

2. This approval is for a **Variance** to allow 59 parking spaces instead of 95; **Variance** to allow six foot screen fence along the rear and side property lines instead of the minimum eight foot high screen fence/wall; and **Variance** to allow .005% landscaping instead of 15% landscaping on an approximately 3.12 acres lease area of an overall site that measures 6.7 acres consisting of six parcels zoned M-1/SDA, Light Industrial/Sensitive Development Area, as shown on the plans dated 09/10/15, by the Development Services Department.
2. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Commission to make a determination.
3. Prior to implementation of this approval, plans shall be submitted to the Development Services Department for review and building permits and/or other appropriate permits shall be obtained.
4. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets.
5. All conditions of approval of Planning Commission Resolution No. R-19-15 shall be met, except as modified herein.

**Attachment 7**  
**Site Plan Dated January 28, 2016**





# Planning Commission Staff Report

City of Colton  
Development Services Department

**TYPE OF ACTION:** FINAL ACTION

**MEETING DATE:** April 12, 2016

**FILE INDEX NUMBER:** DAP-001-238 VERIZON @ MOSS COLTON

**APPLICANT:** Verizon Wireless  
Chris Colten, Spectrum Services Inc.

**PROPERTY OWNER:** MOSS COLTON PROPERTIES, LLC

**PROPERTY LOCATION:** 1900 & 1930 West Valley Boulevard  
ASSESSOR'S PARCEL NUMBER: 0254-171-07 & 0254-181-17

**REQUEST:** (a) **Architectural & Site Plan Review** for a proposed wireless telecommunication facility, including a new 59-foot high antennae tower stealthed as a faux eucalyptus tree, outdoor equipment enclosure, and related site modifications, with a preliminary future address of 1968 West Valley Boulevard; (b) **Variiances** to regulations regarding antenna towers with more than one spire, towers that exceeds the maximum allowed height of 50 feet, and minimum landscape and building setbacks, on a ~12.2-acre multiple-tenant commercial site located at 1900 & 1930 West Valley Boulevard designated "B-P, Business Park" by the Colton's Hub City Centre Specific Plan.

**ACTIONS:**

**APPLICATION FILED:** 6/11/2015

**ENVIRONMENTAL DETERMINATION:** Recommendation: Categorical Exemption- Class 32.

**DEEMED APPLICATION COMPLETE:** 3/29/2016

**PUBLIC NOTICE:** 4/1/2016

**PLANNING COMMISSION ACTION:** \_\_\_\_\_ **DATE:** 04/12/2016

**APPEAL PERIOD ENDS:** 04/22/2016- if approved 4/12/2016

**EXPIRATION:** 04/12/2017- if approved 4/12/2016

**PROPERTY INFORMATION:**

1. Location: preliminary future address: 1968 W. Valley Blvd.  
existing addresses: 1900 & 1930 W. Valley Blvd.  
Assessor's Parcel No: 0254-171-07 & 0254-181-17
2. Lot Size(s): 12.2 acres

- 3. Existing Land Use: 2-tenant space commercial center (auto parts store; government offices)
- 4. General Plan Land Use Designation: Specific Plan
- 5. Zoning: Hub City Center Specific Plan, B-P, Business Park

**Surrounding Properties:**

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Golf course dba Colton Golf Club (1901 W Valley); Truck storage dba CC Western (1849 W Valley)	Hub City Centre Specific Plan (HCSP) – R, Retail	Specific Plan
<b>East</b>	Auto sales/rental dba Budget (1700 W Valley)	Hub City Centre Specific Plan (HCSP) – R, Retail	Specific Plan
<b>West</b>	Truck Dispatch Office dba D&B Transportation Inc (1998 W Valley)	Hub City Centre Specific Plan (HCSP) – BP, Business Park	Specific Plan
<b>South</b>	Interstate 10 Freeway		

**Related Planning Actions**

1. **Site Plan Review (File Index No. DAP-001-298)** for temporary storage containers for the existing retail auto parts sales site at 1930 West Valley Boulevard (“Car Quest/ DE Auto Parts”). Approved by Director of Development Services on March 22, 2016 with a condition that the containers be removed by August 1, 2017.
2. **Modification of an Architectural & Site Plan Review (File Index No. DAP-001-208)** (Reference: File Index No. DAP-001-139) for a 12,137 addition to an existing 38,000 square foot commercial building (“Phase 1B”) located at 1930 West Valley Boulevard. Approved by Planning Commission on January 13, 2015.
3. **Hub City Center Specific Plan.** Adoption of a specific plan document, replacing the ‘West Valley Specific Plan’, for various properties north of the I-10 Freeway between the City Limits and the vicinity of Pepper Avenue, including a re-designation of property at 1900-1930 West Valley Boulevard from ‘RR, Regional Retail’ to ‘BP, Business Park’. Ordinance No. O-10-14 adopted by City Council on November 21, 2014.
4. **Architectural & Site Plan Review (File Index No. DAP-001-139)** for the conversion/remodel of a former automobile sales site into a two-tenant space commercial site, including (1) Phase 1A (1900 West Valley Boulevard) - remodel and expansion of the former auto dealership showroom to be used as an office by adding 18,500 square feet to the existing 28,000 square-foot commercial building for a total of

46,500 square feet and (2) Phase 1B (1930 West Valley Boulevard) - the reuse of the Auto Dealership Service Building by adding 936 square feet new storage area and 14,164 square feet of parking canopies to the existing 38,000 square-foot auto dealership service building for an auto parts retail/office/warehouse, located on a 12.2-acre site designated Regional Retail (RR) in the West Valley Specific Plan. Mitigated Negative Declaration (Environmental Determination) prepared in accordance with CEQA. Approved by Planning Commission on August 12, 2014.

5. **Design Review (File Index No. DCVS-76-01)** for new buildings and site modifications related to a new automobile dealership (“Moss Bros. Ford”); **(2) Conditional Use Permit** for auto repair [as an accessory use to the automobile dealership] and freestanding freeway-oriented readerboard (electronic) sign]; and **(3) Major Variance** to regulations relating to landscaping and signs; and **(4) Sign Program** for multiple signs, on a 12.2-acre site in the West Valley Specific Plan and designated Regional Retail (RR). Mitigated Negative Declaration (**Environmental Determination**) prepared in accordance with CEQA. Approved by Planning Commission on 8-23-2001.

#### PROPERTY/PROPOSAL DESCRIPTION

The subject property is the former site of Moss Bros. Ford auto sales dealership which was recently converted into a commercial center with two tenants: an auto parts store (Car Quest/DE Auto Parts) and government offices (County of San Bernardino).

The applicant is proposing the establishment of a proposed wireless telecommunication (phone) facility at the southwest corner of the property. According to the applicant, a facility is needed in the area for the provider’s (Verizon) network to achieve the desired coverage and capacity for local residents and companies that are customers of the provider.

The facility consists of a 59-foot high tower to support an array of antennas, and an 18-foot by 18-foot walled enclosure that will contain the tower base and outdoor equipment. There is no onsite personnel required.

The tower will be stealthed as a faux eucalyptus tree so it is camouflaged among the existing live eucalyptus trees in the vicinity. The enclosure consists of an 8-foot high block wall with gate for access and a 6-inch high chain link fencing above and a security cage roof.

The location of the enclosure is at the edges of the existing parking lot paving/curbing adjacent to existing bermed planters, which will be provided new drainage system and ground cover. Site modifications include the replacement of paved areas (including the removal of two parking spaces) to allow for the installation of new landscape area, with new planting and irrigation, to the north and east of the proposed enclosure so that landscaping is provided on all four sides of the enclosure.

**BACKGROUND**

The subject property is located in Colton’s Hub City Centre Specific Plan in an area designated as B-P, Business Park. The proposed wireless telecommunication facility is listed as a permitted use in the B-P designation by the Specific Plan – see below.

**Colton’s Hub City Centre Specific Plan.**

Section 4.2.3. Business Park (BP).

Accessory and Temporary Permitted Uses.

7. Wireless Telecommunication Facilities that are camouflaged or fully integrated into the architecture of structures.

Pursuant to Section 18.39.040.F of the Colton Municipal Code, the approval of an **Architectural & Site Plan Review** application by the Planning Commission is required for communication towers and antenna not located within 500 feet of residential zones, such as the proposed wireless telecommunication facility. The applicant has filed this application, which will also include the proposed modifications to the previously approved entitlements to accommodate the proposed facility.

**Colton Municipal Code**

**CMC 18.39.040 Permitted Communication Towers and Communication Antennas in zoning Districts of City.**

- E. New freestanding Communication Towers and Communication Antennas May be allowed in other nonresidential zoning Districts in the City provided such Communication Towers and Communication Antennas comply with the Following:
1. The Communication Tower or Communication Antenna is Stealthed or camouflaged to look like a Structure or feature that blends with the surrounding area.
  2. The Communication Tower or Communication Antenna is located at least five hundred feet from residentially zoned Property.
  3. The Applicant demonstrates that:
    - a. Existing towers and Buildings do not afford the Applicant the technological ability to provide service to the service area of the Applicant or service provider; and
    - b. It is not technologically possible to bifurcate the geographical boundaries of the proposed service area in order to avoid the necessity for a freestanding Communication Tower or Communication Antenna.
- F. Communication Towers and Communication Antennas processed under subsection B Shall be reviewed and Approved by the Planning Commission using the architectural and Site Plan review provisions of Section 18.58.030.

**Development Standards/Code Compliance Table**

Requirement	Required/Allowed	Existing/Proposed	Compliance
Lot area	0.75 acre min	12.2 acres	Yes
Lot width	130'	1600+ft,	Yes
Lot depth	130'	435-500 ft.	Yes
Lot coverage/FAR	None	1900 W Valley: 46,500 sf 1930 W Valley: 50,137 sf, plus 14,164 sf canopies	Yes
Parking	Total: 400 spaces 1900 W Valley: 174 spaces, per 1:250 sf office for office buildings over 20,000 sf 1930 W Valley: 226 spaces, per 4.5 spaces per 1000 sf over 50,000 sf per R designation retail building	<u>Existing:</u> 470 spaces-per last site plan approval – DAP-001-208 <u>Proposed:</u> 468 (reduction of 2 spaces)	Yes
Setbacks, front	25' minimum (parking: 15')	400'+ (proposed facility)	Yes
Setbacks, side	None	8'8" (proposed facility)	Yes
Setbacks, rear	20' minimum (parking: 15') - not within any required setback (CMC 18.39.050.C.)	10' (proposed facility)	No. variance filed.
Height	50' max. for any structure (CHCCSP)	59' (proposed tower)	No. variance filed.
Tower design (CMC 18.39.050.I).	Monopole (single spire)	Multi-spire (3)	No. variance filed.
Landscaping	All areas not used for building, parking, service, and storage	<u>Existing:</u> 78,483 sf <u>Proposed:</u> 78,803 sf (net increase of 320 sf)	Yes
Distance to R zone (CMC 18.39.040.E.2)	Minimum 500 feet	More than 500 feet	Yes
Spacing between Towers (CMC 18.39.050.E.3)	300 feet minimum.	More than 300 feet	Yes
Fencing (18.39.050.F)	8' high minimum	8' high	Yes
Co-Location (CMC 18.39.050.L);	Designed to allow for future carrier	Yes	Yes
Screening and Landscaping (CMC 18.39.050.F)	Around the perimeter of Communication Towers, Communication Antennas and their ancillary Structures.	Yes	Yes

As noted in the attached Development Standards Table, the proposal conforms both to the requirements specific to wireless telecommunication facilities (contained in Chapter 18.39 of the Colton Municipal Code), and to the requirements of the Hub City Centre Specific Plan, except for three development standards, as discussed below:

**Variance 1. No More Than One Single Spire Allowed**

The current code requirements require that towers used for communication antennae have a single spire, or single pole – see CMC 18.39.010 below. Consistent with this requirement, tower proposals approved in the past fit into three design types with a single spire with “mono” meaning single: (1) single pole not camouflaged (“monopole”), (2) single pole camouflaged with a faux pine tree elements (“monopine”), and (3) single pole camouflaged with a faux palm elements (“monopalm”).

**CMC 18.39.010. Definitions.** "Monopole" means a Structure composed of a single spire used to support communications equipment.

**CMC 18.39.050. I. Type of Construction.** Communication Towers Shall be Monopole construction; provided, however, that guyed construction may be approved by the Planning Commission upon consideration of the following factors:

1. Compatibility with adjacent properties;
2. Architectural consistency with adjacent properties; and
3. Visual impact on adjacent properties, including visual access of adjacent properties to sunlight.

This application is the first considered by the City of a faux eucalyptus tree design for tower which, although relative new, has been implemented successfully in other communities. The proposed faux eucalyptus tree design has unique characteristics compared to the other tower design types since live eucalyptus trees do not have a single trunk like pine and palm trees. Providing the faux eucalyptus with a single spire to meet the code requirements would not provide the tower the desired appearance mimicking a live eucalyptus. Therefore, the standard design for the faux eucalyptus tree is to provide three trunks from a main trunk at the base to provide a more realistic appearance. However, since the three trunks do not meet the strict definition of a “monopole”, meaning a single spire, a variance has been filed to allow deviation from this requirement.

**Variance 2. Maximum Height.**

The maximum height for both buildings and structures (such as the proposed tower) allowed in the Business Park (BP) designation of Colton’s Hub City Centre Specific Plan is 50 feet – see below. The applicant has stated that the proposed height of 59 feet is required to provide wireless telecommunications service to the city’s residents, businesses, and emergency services that could not be effectively provided with a tower at the maximum allowed height of 50 feet. Therefore, a variance has been filed to allow deviation from this requirement.

**Colton’s Hub City Centre Specific Plan. 4.0 Development Standards. 4.2.3 Business Park (BP).** Maximum Building Height (Page 4-12). Buildings and other structures shall not exceed fifty feet (50’) in height. Taller buildings are subject to a conditional use permit.

**Variance 3. Minimum Building & Landscape Setbacks**

The minimum building setback (which would need to be landscaped) between buildings and structures and adjacent lot lines along public roads in the Business Park (BP) designation of Colton’s Hub City Centre Specific Plan is 20 feet – see below. The proposed facility is proposed to be placed at the edge of the existing planter strip along the rear lot line of the site (abutting the freeway right-of-way) which is only 10 feet wide. Therefore, a variance has been filed to allow deviation from this requirement.

**CMC 18.39.050.C. Setbacks.** ... Communication Towers, Communication Antennas and their Accessory Structures Shall comply with the minimum Setback requirements of the zoning District in which they are located or the Setback requirements established in this chapter, whichever is stricter.

**Hub City Centre Specific Plan. 4.0 Development Standards. 4.2.3 Business Park (BP).**

- Minimum Building & Parking Setbacks (Page 4-12). Setbacks from Public Roads, Building: Twenty Feet (20’).
- Landscape (Page 4-14). 3. Front, side, rear setback areas. All unpaved, non-work areas not utilized for parking or storage shall be landscaped.

**ANALYSIS**

**Site Appropriateness**

Based on needs for improved capacity and service of the wireless phone service provider (Verizon), the applicant conducted an extensive search for an appropriate location in the vicinity of the site prior to selecting this site. During this search, the applicant found that since new development is anticipated through the newly adopted Hub City Specific Plan of the area, most properties cannot accommodate the proposed facility without potentially encumbering future development. The proposed facility is proposed at the southwest corner of the subject site where facility installation will cause the least amount of disruption and is least likely to interfere with future re-development of the subject site. Moreover, its location among live eucalyptus trees and along bermed planters further help to camouflage the proposed facility, which consists of a faux eucalyptus tree design.

### Variance Findings

With any variance request, staff's main concern is whether deviations from development standards may be justified and whether action may set a precedent for future variance requests. The variance related to more than one spire may be justified due to the unique "multi-pole" characteristics of the proposed faux eucalyptus design in contrast to "mono-pole" design common in the past. The variance related to tower height may be justified to allow the tower to effectively provide improved service as well as help camouflaged the tower among the live eucalyptus trees in the area of similar or greater height. The variances for building and landscape setbacks are necessary to be consistent with the layout of the existing development at the site.

Based on this, the following findings have been prepared for approval of the Variances:

1. **There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district and neighborhood in which the property is located** since the property is already developed and may accommodate the proposed facility with minimal disruption compared to other properties in the vicinity within the same specific plan area which cannot accommodate the proposed facility without potentially encumbering future development and making the facility readily apparent. The property is adjacent to a freeway right-of-way with existing live eucalyptus trees which will make the variances for the proposed tower, with more than one spire necessary to provide the proposed faux eucalyptus design and the height greater than that allowed for structures, less apparent. The variances for building and landscape setbacks are necessary to be consistent with the layout of the existing development at the site.
2. ***That such Variances are necessary for the preservation and enjoyment of a substantial property right of the applicant*** in that strict application of the development standards would not allow the applicant to (a) propose a tower with more than one spire with a faux eucalyptus design that effectively stealths the tower due to its location among live eucalyptus trees; (b) provide wireless telecommunications service to the city's residents, businesses, and emergency services that could not be effectively provided with a tower at the maximum allowed height of 50 feet; and (c) provide building and landscape setbacks for the proposed facility that are consistent with the existing setbacks provided at the site.
3. **That the granting of the Variances will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located** since the facility will have minimal impacts since it does not require permanent on-site personnel and vehicular and pedestrian traffic will be limited to occasional visits by personnel for repairs and service. The Variances for the proposed tower, with more than one spire necessary to provide the proposed faux eucalyptus design and height greater than that allowed for structures, will allow for the proposed tower to be stealthed as a faux eucalyptus tree among existing live eucalyptus trees of similar or greater height making it less readily apparent from other properties in the

neighborhood. The additional height will meet all building code requirements, including required wind loads, and seismic design requirements. The variances for building and landscape setbacks are necessary to be consistent with the layout of the existing development at the site.

4. **That the granting of such Variances will not be contrary to the objectives of the General Plan** in that it will allow a wireless telecommunication facility that provides improved communication services, which is an important element for City’s infrastructure to continue to grow and attract new businesses and provide service to residents and visitors of the community. The approval of the Variances will allow for the proposed tower to be less readily apparent from the adjacent freeway, which is a gateway into the community, and be consistent with the existing development on the site and the surrounding Specific Plan properties, which is consistent with the following General Plan goals and policies:
- General Plan- Land Use Element Policy LU-1.6: *“Ensure that new development projects are compatible with permitted, well maintained uses and buildings in the surrounding neighborhood or district”*
  - General Plan- Land Use Element Policy LU-2.1: *“Pay critical attention to the appearance of properties at the City’s major gateways...”*
  - General Plan- Land Use Element Policy LU-9.3: *“Encourage a unified architectural character in commercial areas, and vigorously enforce commercial land use standards, including but not limited to landscaping, signage, and property maintenance to enhance the visual appearance of the city’s commercial areas.”*

#### Compatibility to surrounding properties/roadways

Due to its location along a major regional route (1-10 Freeway) near a gateway into the City from the west, the issue of the appearance of the proposed tower and facility was considered. Also, since the city has not yet approved a faux eucalyptus tree design, additional review based on the installation of faux eucalyptus trees design in other communities was conducted to address issues relative to this design. Based on this review, the following condition, based on a submittal by the applicant from another community but modified to match the subject site, is recommended so that the faux eucalyptus mimics a real eucalyptus tree as much as possible. Based on the proposed location for the tower among live eucalyptus trees, staff finds that the condition will provide for appropriate stealthing of the tower as required by Code – see attached Photo Simulations.

**Recommended Condition No. 2.** The proposed tower shall have a faux eucalyptus tree design to provide the appropriate stealth treatment to camouflage the tower with its surroundings and minimize impacts to visual aesthetics, as determined by the Development Services Director. The design of the faux eucalyptus shall mimic a real eucalyptus tree as close as possible with the trunk and three spires provided full simulated bark exterior from the ground up. Simulated foliage shall begin at a height not less than fifteen (15’) feet, with the span of the foliage (north end to south end and east end to west end) at its widest point shall be a minimum of fifteen feet (15'). The simulated foliage shall be installed at a ratio of 2.5 branches per linear foot, starting at 15 feet high and ending at fifty-nine (59) feet, plus a five-foot crown with the bottom crown branches a minimum of six feet in length for simulation of a real eucalyptus, plus small branches along all main branches to provide

thick foliage for concealment of antennas, dishes, or an amount and appropriate screening method as determined appropriate by the Development Services Director. The antenna panels/sectors and supports shall be painted to match the simulated foliage and shall not project beyond the branches.

#### Co-Location – Allowance for Second Provider

To address a potential proliferation and overconcentration of facility towers in certain areas by different service provider, service providers may 'co-locate' antennas on the same tower thereby reducing the number of towers in certain areas. Section 18.39.050.L.1. of the Colton Municipal Code requires that towers between 45 and 65 feet high, such as the proposed, be engineered and constructed to accommodate a minimum of one additional communication Service provider. This requirement has been incorporated as a condition of approval.

#### Architectural & Site Plan Review Findings

Based on this, the following findings have been prepared for approval of the Architectural & Site Plan Review:

1. **The provisions for vehicular parking and for vehicular and pedestrian circulation on the site, and onto adjacent public right-of-way will not create safety hazards** since the facility does not require permanent on-site personnel and vehicular and pedestrian traffic will be limited to occasional visits by personnel for repairs and service. The site design and adjacent public right-of-ways (streets) can accommodate the anticipated limited pedestrian and vehicular traffic by providing a paved vehicular path from public streets to the proposed facility, providing a parking space for service personnel, and providing a pedestrian path from that space to the facility.
2. **The bulk, location and height proposed will not be detrimental or injurious to other development in the neighborhood or will result in the loss of or damage to unique natural or topographic features of the site that are important to the environmental quality of life for the citizens of Colton, and the project is feasible in a manner that will avoid such detrimental or injurious results or such loss or damage** since the facility is proposed to be located at the southwest corner of the site where its visibility will be partially screened from the adjacent freeway (Interstate 10) and properties to the west by existing landscaped berms, and from the street (Valley Boulevard) and properties to the east by long distances of over 400 feet. The proposed 59-foot high antennae tower will be stealthed as a faux eucalyptus tree whose height and appearance (bulk) will be complemented by existing live eucalyptus trees of similar or greater height located within the bermed planters to the south within the right-of-way of the abutting freeway (Interstate 10).
3. **The provisions for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the proposed project that could be avoided by adequate landscaping** since landscaping will be provided along the facility's perimeter

on all four sides including the addition of new proposed planting areas along the north and east face of the facility where it is visible from the rest of the subject property, and the maintenance of existing planting berms along lot lines to the south and west.

4. **The provisions for exterior lighting are adequate for human safety and will not diminish the value and/or usability of adjacent property** since adequate lighting is already provided on the subject property.
5. **The exterior design of the buildings and structures will not be injurious or detrimental to the environmental or historic features of the immediate neighborhood in which the proposed project is located and will cause irreparable damage to property in the neighborhood, to the City and to its citizens** since the proposed antennae tower will have a faux eucalyptus tree design to camouflage the tower with its surroundings and minimize impacts to visual aesthetics by not being readily apparent among existing live eucalyptus trees of similar or greater height, and the equipment enclosure will be partially screened from the adjacent freeway (Interstate 10) and properties to the west by existing landscaped berms, and from the street (Valley Boulevard) and properties to the east by long distances of over 400 feet, and new planting and walls are proposed so that the facility further complements the site.
6. **The proposed project will not impose an undue burden upon off-site public services, including sewer, water and streets, which conclusion shall be based upon a written report of the City Engineer and there is no provision in the capital works program of the City to correct the specific burden within a reasonable period after the project will be completed** since the proposed facility requires no on-site personnel and, thus, will not create an undue burden on off-site services.

#### **ENVIRONMENTAL DETERMINATION**

Categorical Exemption. Class 32. Staff analyzed the project for compliance with the California Environmental Quality Act (CEQA) compliance and recommends that the Planning Commission find that the proposed project is categorically exempt from further analysis per CEQA Guidelines Section 15332 - In-Fill Development Projects. This section pertains to in-fill development consistent with the city general plan and zoning that would not result in any significant effects relating to traffic, noise, air quality, or water quality and can be adequately served by required public utilities and services on sites of no more than five acres, substantially surrounded by urban uses, which has no value as habitat for endangered, rare, or threatened species.

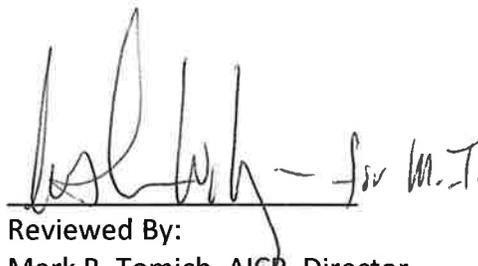
#### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the requested **Architectural & Site Plan Review (File Index No. DAP-001-238a) & Variances (File Index No. DAP-001-238b)**, subject to conditions, through the adoption of the draft Resolution No. R-11-16 titled:

RESOLUTION NO. R-11-16: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING AN ARCHITECTURAL & SITE PLAN REVIEW FOR A PROPOSED WIRELESS TELECOMMUNICATION FACILITY, INCLUDING A NEW 59-FOOT HIGH ANTENNAE TOWER STEALTHED AS A FAUX EUCALYPTUS TREE, OUTDOOR EQUIPMENT ENCLOSURE, AND RELATED SITE MODIFICATIONS, WITH A PRELIMINARY FUTURE ADDRESS OF 1968 WEST VALLEY BOULEVARD AND VARIANCES TO REGULATIONS REGARDING ANTENNA TOWERS WITH MORE THAN ONE SPIRE, TOWERS THAT EXCEEDS THE MAXIMUM ALLOWED HEIGHT OF 50 FEET, AND MINIMUM LANDSCAPE AND BUILDING SETBACKS, ON A ~12.2-ACRE MULTIPLE-TENANT COMMERCIAL SITE LOCATED AT 1900 & 1930 WEST VALLEY BOULEVARD DESIGNATED “B-P, BUSINESS PARK” BY THE COLTON’S HUB CITY CENTRE SPECIFIC PLAN. (FILE INDEX NO. DAP-001-238a & DAP-001-238b).



Prepared by:  
Jay Jarrin, AICP, Senior Planner



Reviewed By:  
Mark R. Tomich, AICP, Director

**ATTACHMENTS**

1. Aerial Photograph- Existing Site
2. Draft Resolution
  - a. Proposed Recommended Conditions
  - b. Plans – 8-1/2” by 11” size
3. Photo Simulations – 11” x 17” size
4. Plans – 11” x 17” size

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**Attachment 1 – DAP-001-238-1900- & 1930 W Valley  
2015 Aerial Photo**



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**RESOLUTION NO. R-11-16**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING AN ARCHITECTURAL & SITE PLAN REVIEW FOR A PROPOSED WIRELESS TELECOMMUNICATION FACILITY, INCLUDING A NEW 59-FOOT HIGH ANTENNAE TOWER STEALTHED AS A FAUX EUCALYPTUS TREE, OUTDOOR EQUIPMENT ENCLOSURE, AND RELATED SITE MODIFICATIONS, WITH A PRELIMINARY FUTURE ADDRESS OF 1968 WEST VALLEY BOULEVARD AND VARIANCES TO REGULATIONS REGARDING ANTENNA TOWERS WITH MORE THAN ONE SPIRE, TOWERS THAT EXCEEDS THE MAXIMUM ALLOWED HEIGHT OF 50 FEET, AND MINIMUM LANDSCAPE AND BUILDING SETBACKS, ON A ~12.2-ACRE MULTIPLE-TENANT COMMERCIAL SITE LOCATED AT 1900 & 1930 WEST VALLEY BOULEVARD DESIGNATED "B-P, BUSINESS PARK" BY THE COLTON'S HUB CITY CENTRE SPECIFIC PLAN. (FILE INDEX NO. DAP-001-238a & DAP-001-238b).**

**WHEREAS**, an application was filed with the City of Colton by Spectrum Services, Inc. (hereinafter "Applicant") for an **Architectural & Site Plan Review (File Index No. DAP 001-238a)** for a proposed wireless telecommunication facility, including a new 59-foot high antennae tower stealthed as a faux eucalyptus tree, outdoor equipment enclosure, and related site modifications, with a preliminary future address of 1968 West Valley Boulevard (hereinafter "Proposed Use") on a ~12.2-acre multiple-tenant commercial site located at 1900 & 1930 West Valley Boulevard identified as Assessors Parcel No. 0254-171-07 & 0254-181-17 (hereinafter "Subject Property) designated "B-P, Business Park" by the Colton's Hub City Centre Specific Plan; and

**WHEREAS**, the application was reviewed concurrently with a related application for a **Variances (File Index No. DAP-001-238b)** to regulations regarding (a) antenna towers with more than one spire, (b) towers that exceeds the maximum allowed height of 50 feet, and (c) minimum landscape and building setbacks, related to the proposed facility on the subject property.

**WHEREAS**, the staff report accompanying this resolution is found to be true, adopted as Findings and incorporated in this Resolution; and

**WHEREAS**, on April 12, 2016, the Planning Commission of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

**WHEREAS**, pursuant to the Guidelines for the California Environmental Quality Act ("CEQA"), the proposed project is Categorically Exempt under Article 19, Section 15332 (In-Fill Development Projects), Class 32 of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLTON:

**SECTION 1.** Based on the entire record before the Planning Commission and all written

1 and oral evidence presented, including the staff report, the Planning Commission, in accordance  
2 with the Colton Municipal Code, makes the following findings for approval of the **Architectural**  
3 **& Site Plan Review**:

- 4 a. **The provisions for vehicular parking and for vehicular and pedestrian circulation on the**  
5 **site, and onto adjacent public right-of-way will not create safety hazards** since the  
6 facility does not require permanent on-site personnel and vehicular and pedestrian  
7 traffic will be limited to occasional visits by personnel for repairs and service. The site  
8 design and adjacent public right-of-ways (streets) can accommodate the anticipated  
9 limited pedestrian and vehicular traffic by providing a paved vehicular path from public  
10 streets to the proposed facility, providing a parking space for service personnel, and  
11 providing a pedestrian path from that space to the facility.
- 12 b. **The bulk, location and height proposed will not be detrimental or injurious to other**  
13 **development in the neighborhood or will result in the loss of or damage to unique**  
14 **natural or topographic features of the site that are important to the environmental**  
15 **quality of life for the citizens of Colton, and the project is feasible in a manner that will**  
16 **avoid such detrimental or injurious results or such loss or damage** since the facility is  
17 proposed to be located at the southwest corner of the site where its visibility will be  
18 partially screened from the adjacent freeway (Interstate 10) and properties to the west  
19 by existing landscaped berms, and from the street (Valley Boulevard) and properties to  
20 the east by long distances of over 400 feet. The proposed 59-foot high antennae tower  
21 will be stealthed as a faux eucalyptus tree whose height and appearance (bulk) will be  
22 complemented by existing live eucalyptus trees of similar or greater height located  
23 within the bermed planters to the south within the right-of-way of the abutting freeway  
24 (Interstate 10).
- 25 c. **The provisions for on-site landscaping provides adequate protection to neighboring**  
26 **properties from detrimental features of the proposed project that could be avoided by**  
27 **adequate landscaping** since landscaping will be provided along the facility's perimeter  
28 on all four sides including the addition of new proposed planting areas along the north  
and east face of the facility where it is visible from the rest of the subject property, and  
the maintenance of existing planting berms along lot lines to the south and west.
- d. **The provisions for exterior lighting are adequate for human safety and will not**  
**diminish the value and/or usability of adjacent property** since adequate lighting is  
already provided on the subject property.
- e. **The exterior design of the buildings and structures will not be injurious or detrimental**  
**to the environmental or historic features of the immediate neighborhood in which the**  
**proposed project is located and will cause irreparable damage to property in the**  
**neighborhood, to the City and to its citizens** since the proposed antennae tower will  
have a faux eucalyptus tree design to camouflage the tower with its surroundings and  
minimize impacts to visual aesthetics by not being readily apparent among existing live  
eucalyptus trees of similar or greater height, and the equipment enclosure will be  
partially screened from the adjacent freeway (Interstate 10) and properties to the west  
by existing landscaped berms, and from the street (Valley Boulevard) and properties to  
the east by long distances of over 400 feet, and new planting and walls are proposed so  
that the facility further complements the site.

1 The proposed tower

2 f. **The proposed project will not impose an undue burden upon off-site public services,**  
3 **including sewer, water and streets, which conclusion shall be based upon a written**  
4 **report of the City Engineer and there is no provision in the capital works program of**  
5 **the City to correct the specific burden within a reasonable period after the project will**  
6 **be completed** since the proposed facility requires no on-site personnel and, thus, will not  
7 create an undue burden on off-site services.

8 **SECTION 2.** Based on the entire record before the Planning Commission and all written  
9 and oral evidence presented, including the staff report, the Planning Commission, in accordance  
10 with the Colton Municipal Code, makes the following findings for approval of the **Variances:**

- 11 1. **There are exceptional or extraordinary circumstances or conditions applicable to the**  
12 **property involved, or to the intended use of the property, which do not apply generally**  
13 **to other property in the same zoning district and neighborhood in which the property**  
14 **is located** since the property is already developed and may accommodate the proposed  
15 facility with minimal disruption compared to other properties in the vicinity within the  
16 same specific plan area which cannot accommodate the proposed facility without  
17 potentially encumbering future development and making the facility readily apparent.  
18 The property is adjacent to a freeway right-of-way with existing live eucalyptus trees  
19 which will make the variances for the proposed tower, with more than one spire  
20 necessary to provide the proposed faux eucalyptus design and the height greater than  
21 that allowed for structures, less apparent. The variances for building and landscape  
22 setbacks are necessary to be consistent with the layout of the existing development at  
23 the site.
- 24 2. ***That such Variances are necessary for the preservation and enjoyment of a substantial***  
25 ***property right of the applicant*** in that strict application of the development standards  
26 would not allow the applicant to (a) propose a tower with more than one spire with a  
27 faux eucalyptus design that effectively stealths the tower due to its location among live  
28 eucalyptus trees; (b) provide wireless telecommunications service to the city's residents,  
businesses, and emergency services that could not be effectively provided with a tower  
at the maximum allowed height of 50 feet; and (c) provide building and landscape  
setbacks for the proposed facility that are consistent with the existing setbacks provided  
at the site.
3. **That the granting of the Variances will not be materially detrimental to the public**  
**welfare or injurious to property and improvements in the zoning district and**  
**neighborhood in which the property is located** since the facility will have minimal  
impacts since it does not require permanent on-site personnel and vehicular and  
pedestrian traffic will be limited to occasional visits by personnel for repairs and service.  
The Variances for the proposed tower, with more than one spire necessary to provide  
the proposed faux eucalyptus design and height greater than that allowed for structures,  
will allow for the proposed tower to be stealthed as a faux eucalyptus tree among  
existing live eucalyptus trees of similar or greater height making it less readily apparent

1 from other properties in the neighborhood. The additional height will meet all building  
2 code requirements, including required wind loads, and seismic design requirements. The  
3 variances for building and landscape setbacks are necessary to be consistent with the  
4 layout of the existing development at the site.

4 **4. That the granting of such Variances will not be contrary to the objectives of the**  
5 **General Plan** in that it will allow a wireless telecommunication facility that provides  
6 improved communication services, which is an important element for City's  
7 infrastructure to continue to grow and attract new businesses and provide service to  
8 residents and visitors of the community. The approval of the Variances will allow for the  
9 proposed tower to be less readily apparent from the adjacent freeway, which is a  
10 gateway into the community, and be consistent with the existing development on the  
11 site and the surrounding Specific Plan properties, which is consistent with the following  
12 General Plan goals and policies:

- 10 • General Plan- Land Use Element Policy LU-1.6: *"Ensure that new development projects are compatible with permitted, well maintained uses and buildings in the surrounding neighborhood or district"*
- 11 • General Plan- Land Use Element Policy LU-2.1: *"Pay critical attention to the appearance of properties at the City's major gateways..."*
- 12 • General Plan- Land Use Element Policy LU-9.3: *"Encourage a unified architectural character in commercial areas, and vigorously enforce commercial land use standards, including but not limited to landscaping, signage, and property maintenance to enhance the visual appearance of the city's commercial areas."*

14 **SECTION 3.** Based on the entire record before the Planning Commission and all written  
15 and oral evidence presented, including the staff report, the Planning Commission makes the  
16 following findings required by Section 18.39.040.E of the Colton Municipal Code specifically  
17 required for the allowance of new freestanding communication towers:

- 17 1. The communication Tower is camouflaged to look like a feature that blends with the  
18 surrounding area.
- 18 2. The communication tower is located at least five hundred feet from residentially  
19 zoned Property.
- 20 3. Existing towers and buildings do not afford the applicant the technological ability to  
21 provide service to the service area of the service provider.
- 22 4. It is not technologically possible to bifurcate the geographical boundaries of the  
23 proposed service area in order to avoid the necessity for a freestanding  
24 communication tower.

23 **SECTION 4.** The Planning Commission of the City of Colton, in accordance with the  
24 California Environmental Quality Act, has found that the project will not have a significant  
25 impact on the environment and is Categorical Exempt from CEQA under Article 19, Section  
26 15332 - In-Fill Development Projects, Class 32 of the CEQA Guidelines. This section pertains to  
27 in-fill development consistent with the city general plan and zoning that would not result in any  
28 significant effects relating to traffic, noise, air quality, or water quality and can be adequately  
served by required public utilities and services on sites of no more than five acres, substantially  
surrounded by urban uses, which has no value as habitat for endangered, rare, or threatened  
species.

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**SECTION 5.** Based upon the findings set forth in Sections 1, 2, 3, and 4 of this Resolution, the Planning Commission hereby approves the requested **Architectural & Site Plan Review** and **Variances**, subject to the conditions of approval listed on the attached sheet labeled Exhibit "A".

**SECTION 6.** This action by the Planning Commission shall be final unless an appeal of the action is filed with the City Clerk's office in writing, pursuant to Section 18.58.100 of the Colton Municipal Code.

**SECTION 6.** This land use entitlement shall become null and void if not exercised within one (1) year of this approval and the applicant has not been granted an extension of time by the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code.

**SECTION 7.** The Secretary shall certify the adoption of this Resolution.

1  
2 **PROPOSED CONDITIONS OF APPROVAL**

3 THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF  
4 APPROVAL.

5 **HOLD HARMLESS**

6 The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers,  
7 employees, and agents from and against any claim, action, or proceeding against the City of  
8 Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or  
9 condition of approval of the City of Colton concerning this project, including but not limited to  
10 any approval or condition of approval of the city council, planning commission, or development  
11 services director. The City shall promptly notify the Applicant of any claim, action, or proceeding  
12 concerning the project and the City shall cooperate fully in the defense of the matter. The City  
13 reserves the right, at its own option, to choose its own attorney to represent the City, its  
14 officers, employees, and agents in the defense of the matter.

15  
16 1. This approval is for (1) **Architectural & Site Plan Review (File Index No. DAP 001-238a)**  
17 for a proposed wireless telecommunication facility with a preliminary future address of  
18 1968 West Valley Boulevard and including (a) a new 59-foot high antennae tower  
19 stealthed as a faux eucalyptus tree as described by the following conditions and allowing  
20 for future co-location of antennae on the tower by at least one additional service  
21 provider, (b) an 18-foot by 18-foot outdoor equipment enclosure, (c) new landscape  
22 areas with new planting and irrigation, (d) removal of two parking spaces; (e) new paving  
23 and curbing, and (f) modifications to existing berms relating to drainage and ground  
24 cover; and (2) **Variances (File Index No. DAP-001-238b)** to regulations regarding (a)  
25 antenna towers with more than one spire to allow a maximum of three spires, (b) towers  
26 that exceeds the maximum allowed height of 50 feet to allow a maximum height of 59  
27 feet, and (c) minimum landscape and building setbacks to allow a rear setbacks of not  
28 less than 10 feet, on a ~12.2-acre multiple-tenant commercial site located at 1900 &  
1930 West Valley Boulevard identified as Assessors Parcel No. 0254-171-07 & 0254-181-  
17, as shown on the plans stamped received on March 31, 2016 by the Development  
Services Department and stamped approved on \_\_\_\_, except as amended by the following  
conditions.

2. The proposed tower shall have a faux eucalyptus tree design to provide the appropriate  
stealth treatment to camouflage the tower with its surroundings and minimize impacts to  
visual aesthetics, as determined by the Development Services Director. The design of the  
faux eucalyptus shall mimic a real eucalyptus tree as close as possible with the trunk and  
three spires provided full simulated bark exterior from the ground up. Simulated foliage shall  
begin at a height not less than fifteen (15') feet, with the span of the foliage (north end to  
south end and east end to west end) at its widest point shall be a minimum of fifteen feet  
(15'). The simulated foliage shall be installed at a ratio of 2.5 branches per linear foot,  
starting at 15 feet high and ending at fifty-nine (59) feet, plus a five-foot crown with the  
bottom crown branches a minimum of six feet in length for simulation of a real eucalyptus,  
plus small branches along all main branches to provide thick foliage for concealment of

- 1 antennas, dishes, or an amount and appropriate screening method as determined  
2 appropriate by the Development Services Director. The antenna panels/sectors and  
3 supports shall be painted to match the simulated foliage and shall not project beyond the  
4 branches.
- 5 3. Any requests for modifications, including any deviation from the approved plans and/or  
6 conditions of approval, shall be submitted to the Development Services Director for  
7 review, prior to implementation of the modification. Significant deviations from the  
8 approved plans or conditions of approval shall be subject to review and approval by the  
9 Planning Commission. The applicant requesting the modification shall supply information  
10 deemed necessary by the Director and/or Commission to make a determination.
- 11 4. This approval shall not be effective and no permit or approvals issued or granted, unless  
12 the applicant signs an 'Acknowledgment of Conditions" form and the original executed  
13 form is received by the Development Services Department.
- 14 5. The Applicant and/or Property Owner shall comply with all requirements of all reviewing  
15 agencies and shall comply with all applicable local, state, and federal rules, laws and  
16 regulations.
- 17 6. The Applicant and/or Property Owner shall, at all times, maintain the property so as not  
18 to constitute a nuisance in the community.
- 19 7. The Applicant and/or Property Owner shall have graffiti removed from any structures  
20 within 24 hours upon notification by the City.
- 21 8. Prior to implementation of modifications to the site (including walls or fences), the  
22 applicant shall contact the Development Services to determine if permits are required.
- 23 9. Any plans submitted for building plan check and construction plans for this Project shall  
24 contain an exact reproduction of these conditions of approval on one of its sheets.
- 25 10. Prior to the start of operations, the applicant/operator shall:
  - 26 a. Obtain a business license from the Development Services Department, or show  
27 evidence of a business license in good standing to the Development Services  
28 Department.
  - b. Obtain final approval (issuance) of a business occupancy permit (BOP) from the  
Development Services Department.
11. Prior to filing an application for a business occupancy permit (BOP), as required by  
Section 18.58.020 of the Colton Municipal Code, from the Development Services  
Department, the following shall be obtained:
  - a. Obtain from the Building Division a construction permit and other appropriate  
permits, upon plan check submittal and approval, for proposed construction to  
match this approval and approved plans. The tower shall be engineered and

- 1 constructed to accommodate a minimum of one additional Communication  
2 Service provider, as required by Section 18.39.050.L.
- 3 b. Obtain from the Building Division a separate wall permit, upon plan check  
4 submittal and approval, for the proposed wall, fences, and gates.
- 5 c. Obtain approval from the Development Services Department of a landscape and  
6 irrigation plan, prepared by a licensed landscape architect or architect, for the  
7 modified and new planting. Plans shall conform to water conservation  
8 regulations. Submit an application to the Development Services Department.
- 9 d. Obtain approval from the Public Works Department for required permits and  
10 plans where applicable for proposed modifications to paving (drainage, curbing,  
11 etc) and other site improvements.
- 12 e. Provide Federal Communications Commission (FCC) license agreement or other  
13 document to verify American National Standards Institute (ANSI) and Institute of  
14 Electrical and Electronics Engineers (IEEE) compliance, pursuant to CMC  
15 18.39.060.B.
- 16 f. Provide verification of compliance with the Federal Aviation Administration (FAA),  
17 pursuant to CMC 18.39.060.C.
- 18
- 19 12. Prior to the final approval (issuance) of a business occupancy permit (BOP) , as required  
20 by Section 18.58.020 of the Colton Municipal Code, from the Development Services  
21 Department, the following shall be obtained:
  - 22 a. Confirm that the appearance of the faux eucalyptus tree matches stealthing  
23 requirements to the satisfaction of the Development Services Director.
  - 24 b. Pass inspections from the various City departments.
  - 25 c. Conform to the conditions of this approval.
  - 26 d. Correct any code violations present at the site.
  - 27 e. Complete work as shown on approved permits and plans.
  - 28 f. Install landscaping and irrigation to match approved plans.
13. The site operation shall be subject to the following:
  - a. The site shall be developed and maintained consistent with the approved plans  
and the conditions of approvals.
  - b. The operator shall allow for applications for an Architectural & Site Plan Review  
application for future co-location of antennae on the tower by at least one  
additional service provider.
  - c. The applicant shall provide signage, not to exceed 6 square feet, with phone  
numbers of the utility provider(s) for use in case of an emergency. The signs shall  
be posted at the facility enclosure gate.
  - d. The tower shall be maintained to retain the original color, shape, condition, and  
appearance for the duration of the life of its use.
  - e. The facility, including walls, gates, fencing, paving, planting, and cabinets, shall be  
maintained by the operator in good repair, free from trash, debris, litter and  
graffiti and other forms of vandalism. Any damage from any cause shall be  
repaired as soon as reasonably possible to minimize occurrences of dangerous  
conditions or visual blight.

- 1 f. The premises shall be kept clean and the operator of the establishment shall  
2 ensure that no trash or litter originating from the premises is deposited onto  
3 other parts of site, neighboring properties or onto the public right-of-way.
- 4 14. Comply with the requirements of the City of Colton **Building Division** including, but not  
5 limited, to the following:  
6 a. The project shall comply with the current California Codes (CBC, CEC, CMC and  
7 the CPC) as well as city ordinances, where applicable.  
8 b. The tower shall be engineered and constructed to accommodate a minimum of  
9 one additional Communication Service provider, as required by Section  
10 18.39.050.L.  
11 c. Specifically, address the following:  
12 1) Provide specification on the proposed type of gutter at the toe of slope  
13 next to the proposed enclosure wall.  
14 2) Verify that the location of the proposed gutter in terms of distance to  
15 proposed enclosure wall.  
16 3) Extend the ends of the gutter to show whether the gutter will discharge  
17 drain into the planters (as a bioswale) or into the paved parking lot.  
18 4) Design gutters with appropriate drop (2%) to properly discharge.
- 19 15. Comply with the requirements of the **City of Colton Public Works Department**, where  
20 applicable.
- 21 16. Conform with the requirements of the **City of Colton Electric Department**, including the  
22 following:  
23 a. It has been determined that the project is within the City of Colton. The City of  
24 Colton will provide service to this project. The developer shall meet all City of  
25 Colton Electric Utility service requirements and pay all applicable fees.  
26 b. The project developer/applicant shall comply with all customer service policies of  
27 the City of Colton Electric Utility Department. The developer shall provide the  
28 Electric Utility with all information necessary to determine the project's electric  
service requirements; and if necessary and at their own expense, install all  
conduit and vault systems associated with underground primary/service line  
extensions and street-lighting as per the Electric Utility's approved design. The  
developer shall pay all charges associated with the Electric Utility's cost to  
construct underground and overhead line extensions and street-lighting.
17. Comply with requirements of the **Colton Fire Department**, including the following:  
a. The proposed facility's use and/or operations shall be designed and maintained in  
accordance with the 2012/2013 editions of the International Fire and Building  
Codes / California Fire and Building Codes (Title 24).

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18. Comply with the requirements of the City of Colton **Code Enforcement/Police**, including the following:
- a. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, and replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.
  - b. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior. No exterior pay telephones.
  - c. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which they have control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.
  - d. The applicant shall grant “right of access” by the city or agent to remove graffiti.
  - e. Exterior Lighting: All lightning will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, insuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.) Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be properly shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, property management will have the lighting repaired within 72 hours.
  - f. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner’s expense, references Vehicle Code 22658, and must be a minimum of 17”X 22” with a minimum of 1” letters. In addition, the sign will indicate the name of the

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private towing company and phone number above the police department name and phone.

- g. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1.) blue wheel stop and/or curb, 2.) blue sign with white wheelchair symbol at head of space, and 3.) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).
- h. Storage: Parking and trash areas will not be used for storage of hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles. Property manager or tenant shall promptly abate hazardous materials or inoperable vehicles. General exterior storage areas will be screened from public view.
- i. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to code for additional signage permitting and requirements.
- j. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.
- k. Special Events: Per Colton Municipal Code section 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.
- l. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape and grass areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.
- m. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to

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respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.

- n. Right of Access: Permittee shall grant “right of access” to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditional Use Permit conditions, patrolling, investigating crimes, and enforcing laws and ordinances on the subject property. Permittee shall grant “right of access” to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

###





NO.	DATE	DESCRIPTION	BY
1	05/27/15	ISSUE DRAWING	R.C.
2	06/03/15	ISSUE DRAWING	V.H.
3	10/26/15	PLANNING REVISION	P.S.
4	01/13/16	PLANNING REVISION	D.C.
5	02/10/16	PLANNING REVISION	D.C.
6	03/01/16	PLANNING REVISION	V.H.

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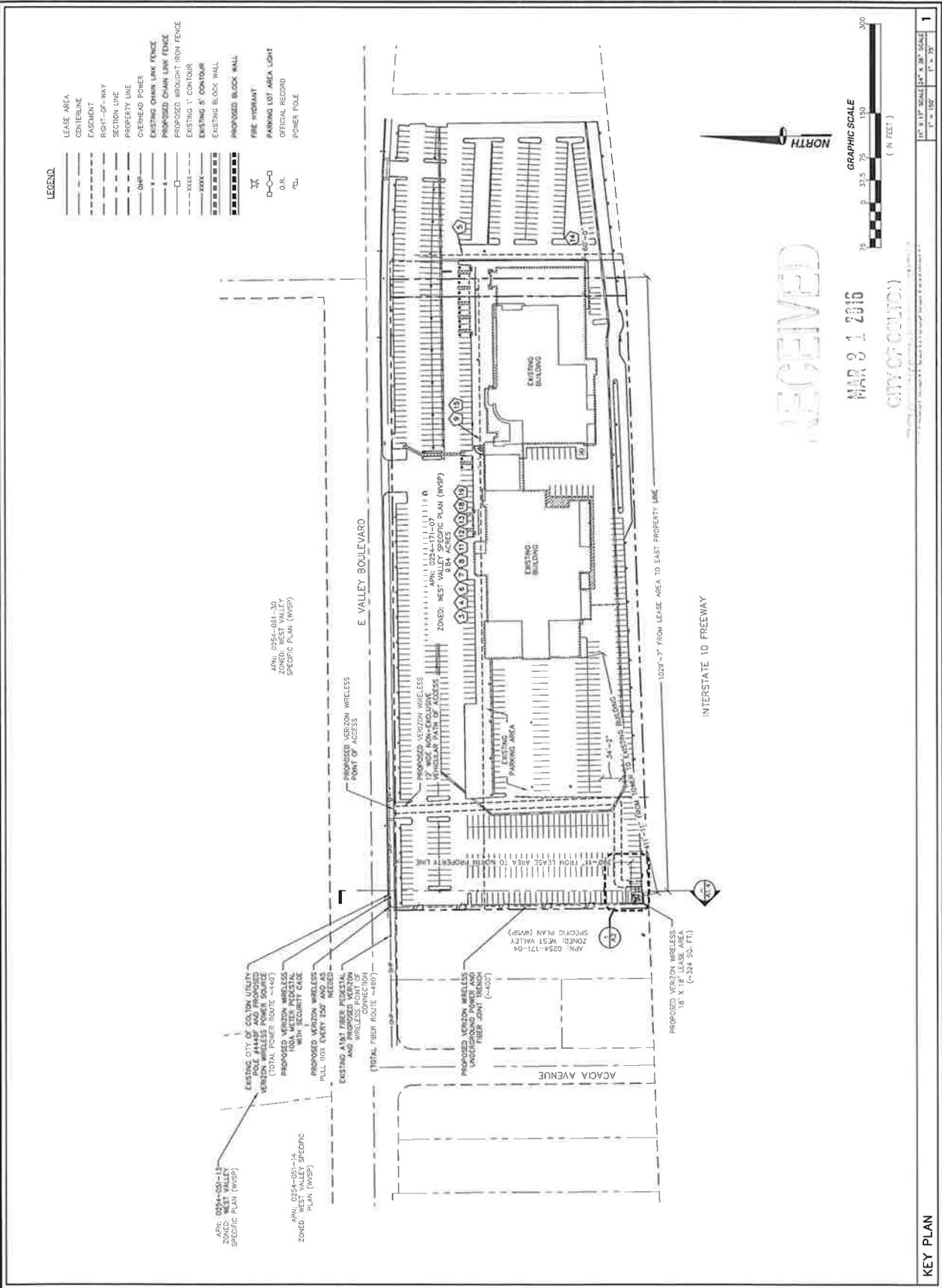
**Verizon**  
15505 SAND CANYON AVENUE, D1  
IRVINE, CALIFORNIA 92618

ADMRAL  
MTX-45 / BSC-19  
MCE  
1968 WEST VALLEY BOULEVARD  
COLTON, CALIFORNIA 92324

SHEET TITLE:  
KEY PLAN

REVISION:  
**5**

**A1.1**  
LAX-301-C



NO.	DATE	DESCRIPTION	BY
1	05/27/15	ISSUE DRAWING	R.C.
2	06/03/15	ISSUE DRAWING	V.H.
3	10/26/15	PLANNING REVISION	P.S.
4	01/13/16	PLANNING REVISION	D.C.
5	02/10/16	PLANNING REVISION	D.C.
6	03/01/16	PLANNING REVISION	V.H.

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SHEET TITLE:  
KEY PLAN

REVISION:  
**5**

**A1.1**  
LAX-301-C

GRAPHIC SCALE  
1" = 100'  
0 37.5 75 150 300  
( IN FEET )

RECEIVED  
MAR 31 2016  
CITY OF COLTON

KEY PLAN

NO.	DATE	DESCRIPTION	BY
1	02/27/14	DATE ZONING	RE C
2	06/03/14	DATE ZONING	RE C
3	10/29/15	PLANNING REVISION	RE C
4	01/13/16	PLANNING REVISION	RE C
5	03/09/16	PLANNING REVISION	RE C
6	03/07/16	PLANNING REVISION	RE C

**SPECTRUM**  
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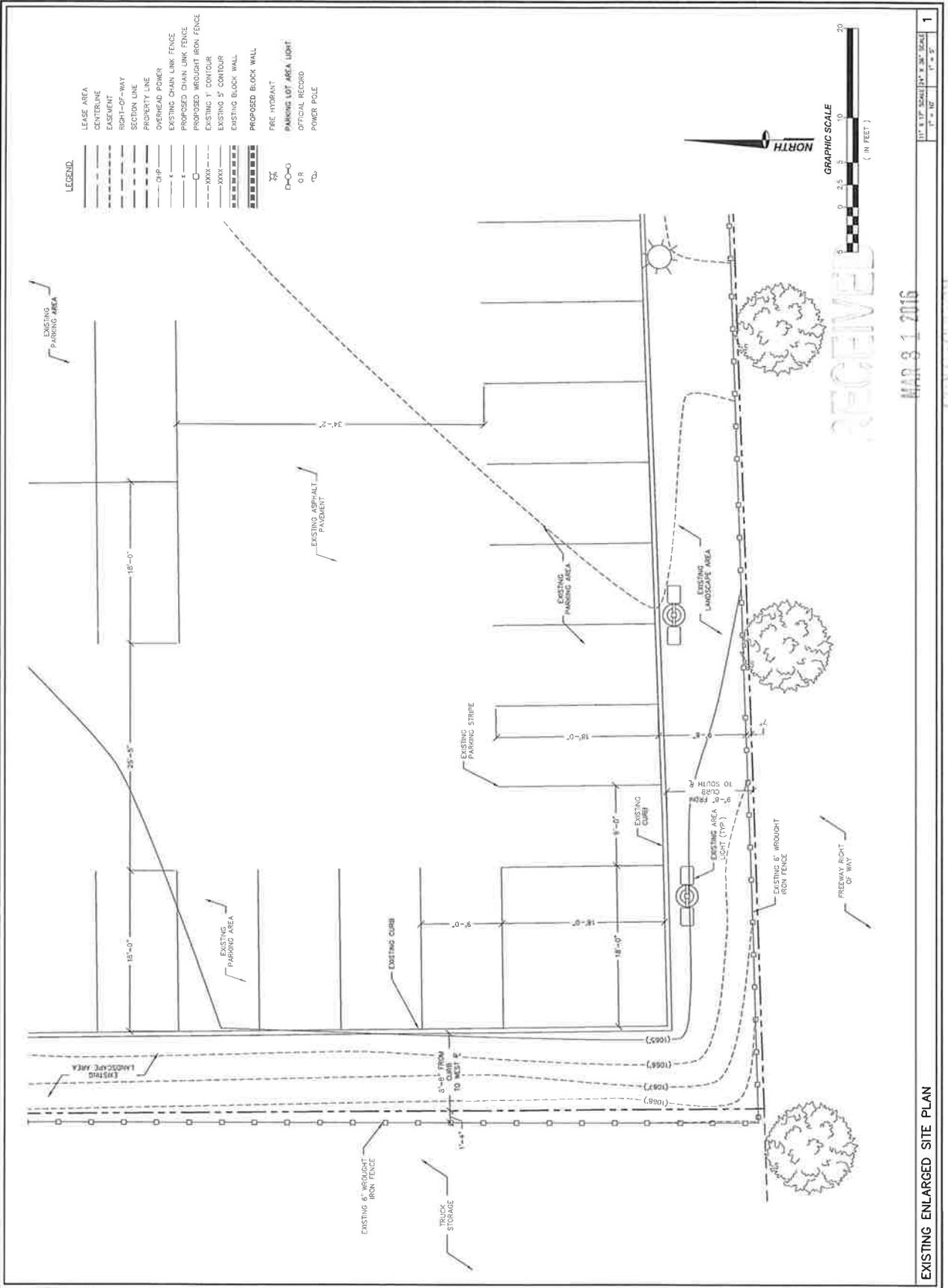
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**ADMIRAL**  
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 MCE

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 COLTON, CALIFORNIA 92324

SHEET TITLE:  
 EXISTING ENLARGED  
 SITE PLAN

REVISION:  
**A1.2**  
**5**  
 LAX-301-C



- LEGEND:**
- LEASE AREA
  - CENTERLINE
  - EASEMENT
  - RIGHT-OF-WAY
  - SECTION LINE
  - PROPERTY LINE
  - OVERHEAD POWER
  - EXISTING CHAIN LINK FENCE
  - PROPOSED CHAIN LINK FENCE
  - EXISTING 1" CONTOUR
  - EXISTING 5' CONTOUR
  - EXISTING BLOCK WALL
  - PROPOSED BLOCK WALL
  - FREE HYDRANT
  - PARKING LOT AREA LIGHT
  - OPTICAL RECORD
  - POWER POLE

EXISTING ENLARGED SITE PLAN



REV.	DATE	DESCRIPTION	BY
0	05/27/15	SOIL ZONING	N.C.
1	05/27/15	USE ZONING	V.H.
2	10/26/15	PLANNING REVISION	S.S.
3	01/13/16	PLANNING REVISION	D.C.
4	03/19/16	PLANNING REVISION	D.C.
5	03/23/16	PLANNING REVISION	V.H.

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 FAX: (949) 455-8408

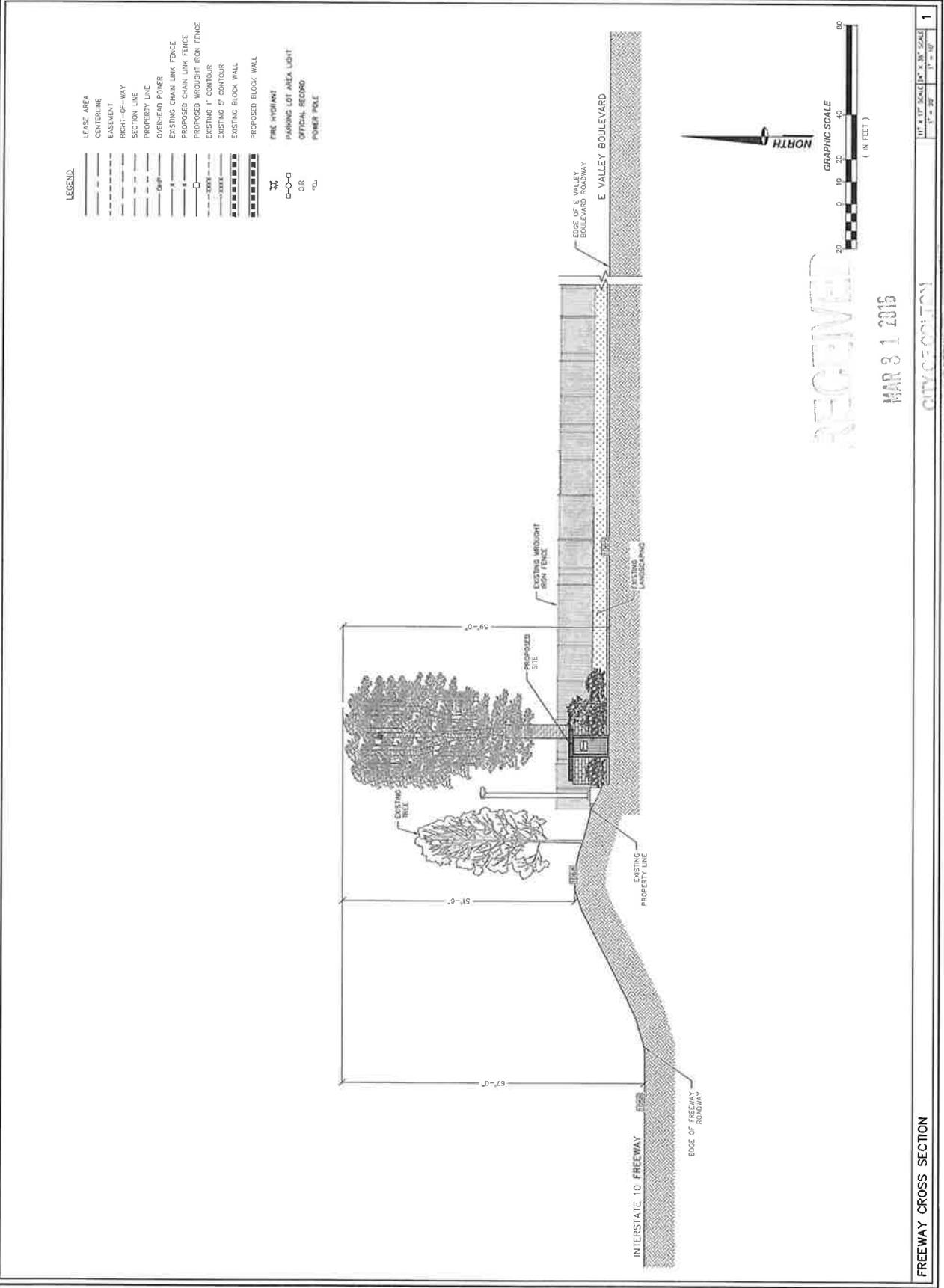
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 1968 WEST VALLEY BOULEVARD  
 COLTON, CALIFORNIA 92324

SHEET TITLE:  
**FREEWAY CROSS SECTION**

REVISION:  
**5**  
 LAX-301-C



- LEGEND**
- LEASE AREA
  - CENTERLINE
  - EASEMENT
  - RIGHT-OF-WAY
  - SECTION LINE
  - PROPERTY LINE
  - OVERHEAD POWER
  - EXISTING CHAIN LINK FENCE
  - PROPOSED CHAIN LINK FENCE
  - PROPOSED WROUGHT IRON FENCE
  - EXISTING 1" CONTOUR
  - EXISTING 5' CONTOUR
  - EXISTING BLOCK WALL
  - PROPOSED BLOCK WALL
  - FIRE HYDRANT
  - PARKING LOT AREA LIGHT
  - OFFICIAL RECORD
  - POWER POLE

REV.	DATE	DESCRIPTION	BY
0	05/27/15	ISSUE FOR PERMITS	J.R.C.
1	06/23/15	ISSUE FOR PERMITS	J.R.C.
2	10/26/15	PLANNING REVISION	J.R.C.
3	01/13/16	PLANNING REVISION	J.R.C.
4	03/09/16	PLANNING REVISION	J.R.C.
5	03/23/16	PLANNING REVISION	J.R.C.

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 MCE  
 1968 WEST VALLEY BOULEVARD  
 COLTON, CALIFORNIA 92324

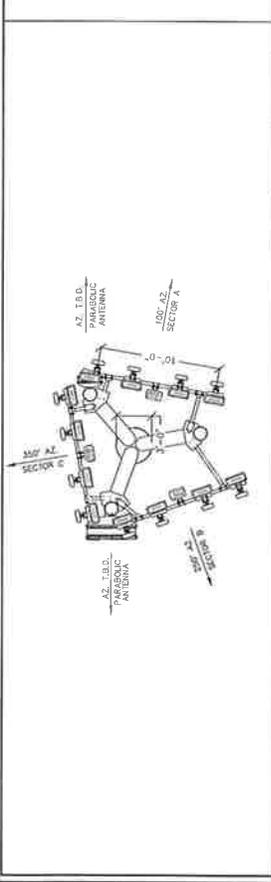
**ISSUE STATUS**

SHEET TITLE:  
 SITE DETAIL, ANTENNA &  
 CABLE SCHEDULE AND  
 ANTENNA LAYOUT

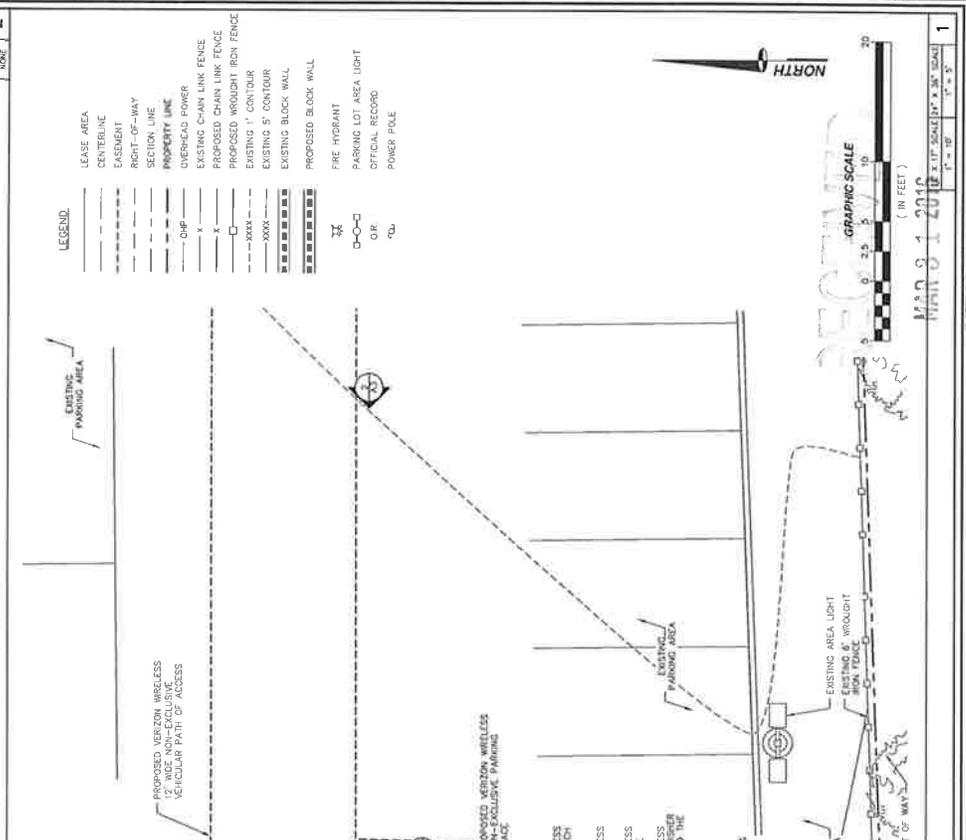
REVISION:  
**A2** 5  
 LAX-301-C

ANTENNA SECTOR	AZIMUTH ANTENNAE BRUS	# OF ANTENNAE BRUS	CENTERLINE BRUS	DOWNLINE CABLE LENGTH	CABLE SIZE	COLOR CODE	TOP BUFLER LENGTH	SECTION JUMPER LENGTH	COMMENTS
SECTOR A	100°	4	50'	75'	FED FROM BRU	RED/GREEN RED/RED	5'	15'	
SECTOR B	250°	4	50'	75'	FED FROM BRU	BLUE/GREEN BLUE/RED	5'	15'	
SECTOR C	350°	4	50'	75'	FED FROM BRU	YELLOW/GREEN YELLOW/RED	5'	15'	
MISC	N/A			75'	(3) 1/2" COAX SUBFEED				
PARABOLIC ANTENNA	100°	2							
GPS	N/A	2			1/2" COAX	GRAY			

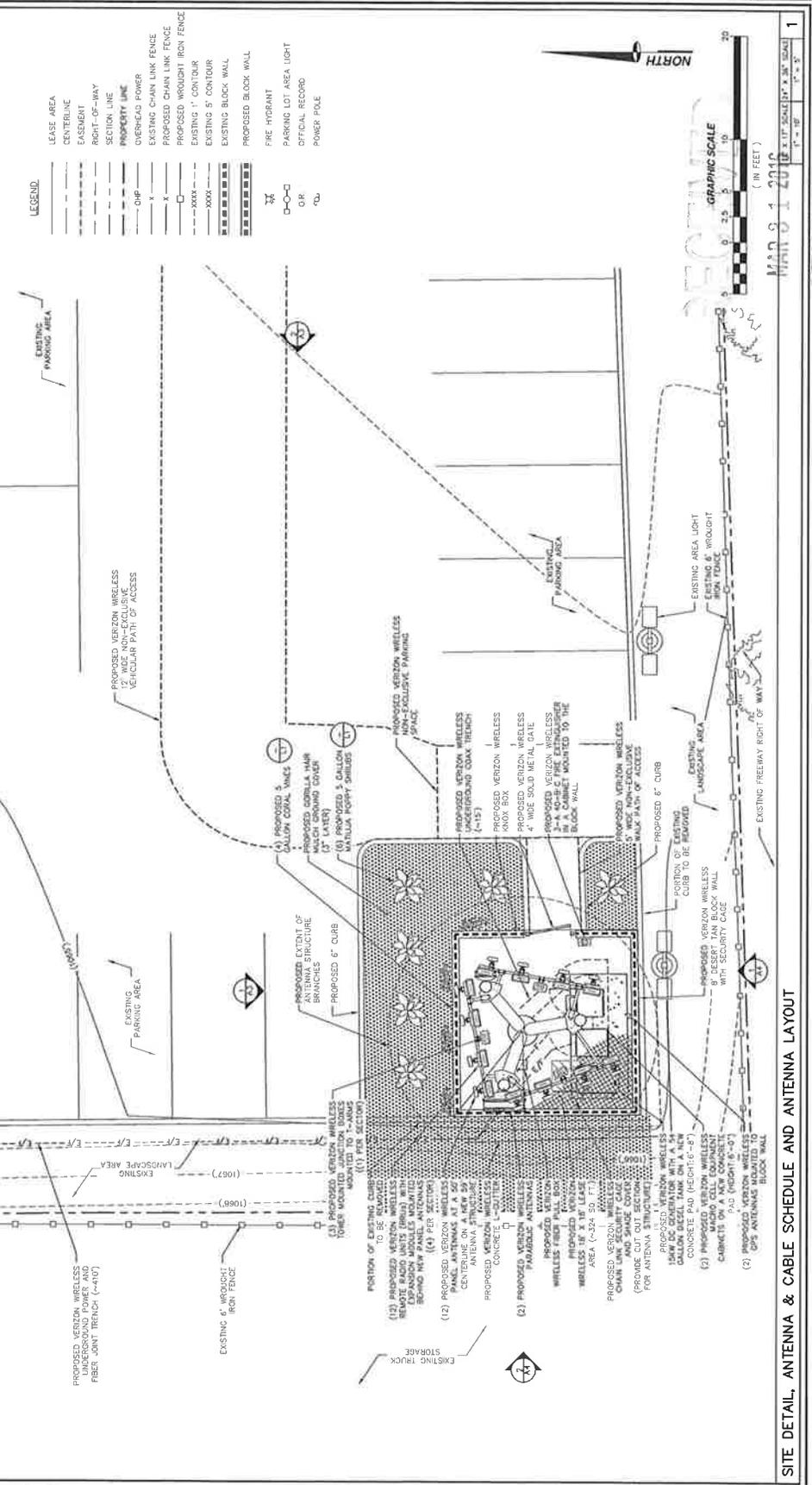
NOTE: CONTRACTOR TO FIELD VERIFY CABLE LENGTHS PRIOR TO ORDERING, FABRICATION, OR INSTALLATION OF CABLES.



**ANTENNA LAYOUT**



**ANTENNA AND CABLE SCHEDULE**



**SITE DETAIL, ANTENNA & CABLE SCHEDULE AND ANTENNA LAYOUT**





NO.	DATE	DESCRIPTION	BY
1	05/27/15	ISSUE	S.C.
2	06/03/15	ISSUE	Y.H.
3	10/26/15	PLANNING REVISION	S.C.
4	01/13/16	PLANNING REVISION	S.C.
5	03/10/16	PLANNING REVISION	S.C.
6	03/21/16	PLANNING REVISION	Y.H.

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MCE  
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COLTON, CALIFORNIA 92324

SHEET TITLE:  
**SOUTH & WEST  
ELEVATIONS**

REVISION:  
**5**  
A4  
LAX-301-C

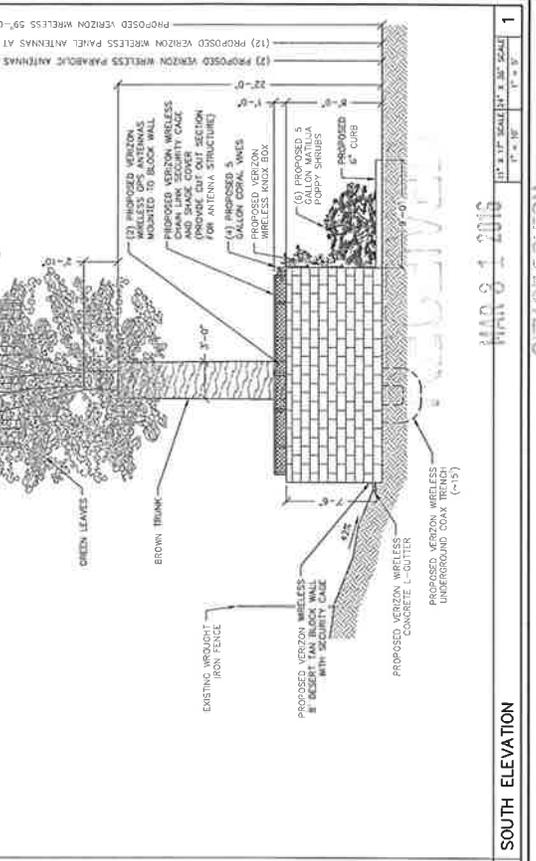
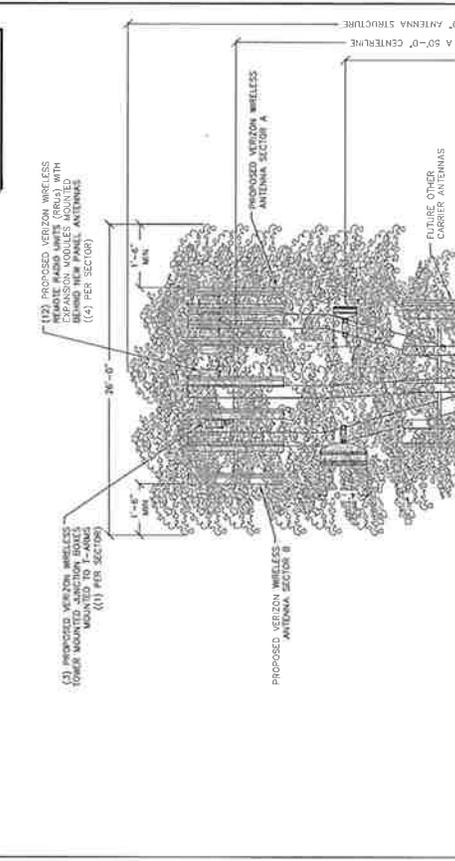
**NOTE:** ALL PROPOSED ANTENNAS AND APPEARANCES TO BE INSTALLED SHALL BE MAINTAINED WITHIN THE ANTENNA STRUCTURE AND COVERED WITH RF FRIENDLY LEAF SPOOLS.

2. NO GROUND-MOUNTED OR CONCEALED CONNECTIONS TO EXCEED 6'.

3. BRANCHES TO BE INSTALLED AT A MINIMUM DENSITY OF 25 BRANCHES PER FOOT.

4. BRANCHES SHALL EXCEED AT A MINIMUM OF 18" BEYOND THE ANTENNA STRUCTURE.

5. ANTENNA STRUCTURE TO HAVE A MINIMUM OF 147 BRANCHES.



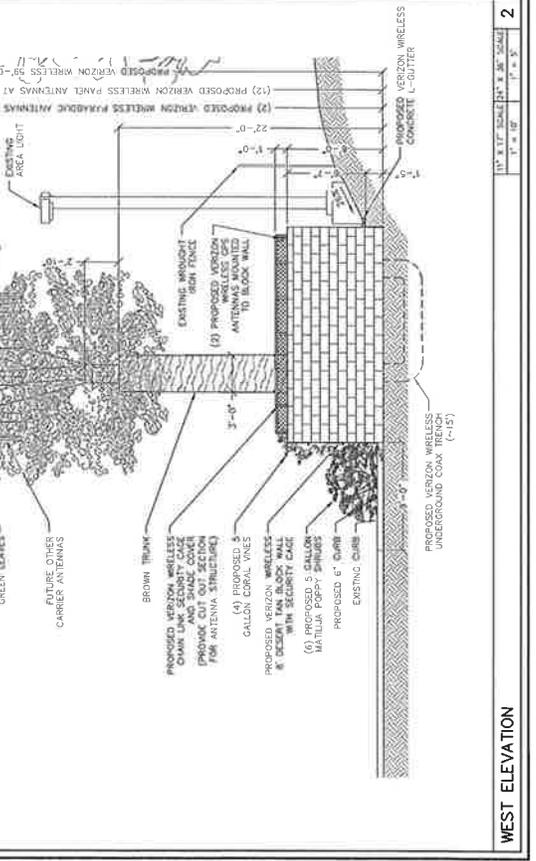
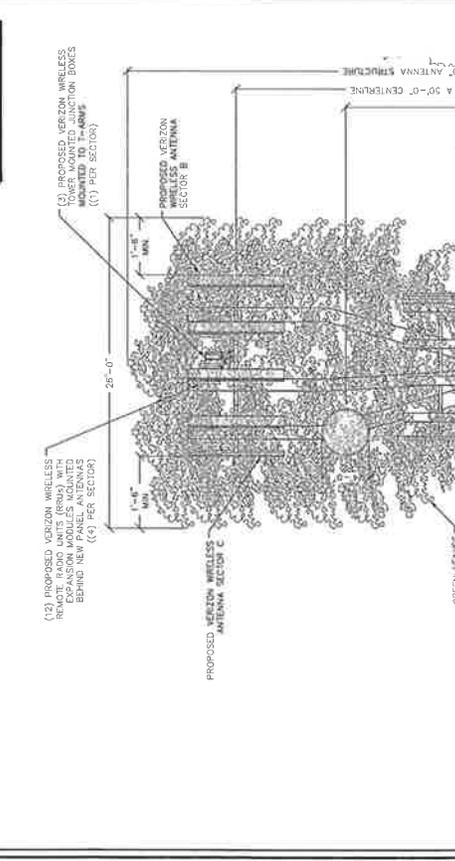
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4. BRANCHES SHALL EXCEED AT A MINIMUM OF 18" BEYOND THE ANTENNA STRUCTURE.

5. ANTENNA STRUCTURE TO HAVE A MINIMUM OF 147 BRANCHES.



WEST ELEVATION

SOUTH ELEVATION

REV.	DATE	DESCRIPTION	BY
0	05/27/15	SOC. ZONING	M.L.
1	05/27/15	ISSUE ZONING	M.H.
2	10/28/15	PLANNING REVISION	M.S.
3	07/13/16	PLANNING REVISION	D.C.
4	03/10/16	PLANNING REVISION	D.C.
5	03/31/16	PLANNING REVISION	M.H.

**SPECTRUM**  
 SPECTRUM SERVICES, INC.  
 4405 E. AIRPORT DRIVE, SUITE 100  
 IRVINE, CALIFORNIA 92714  
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 FAX: (949) 452-8108

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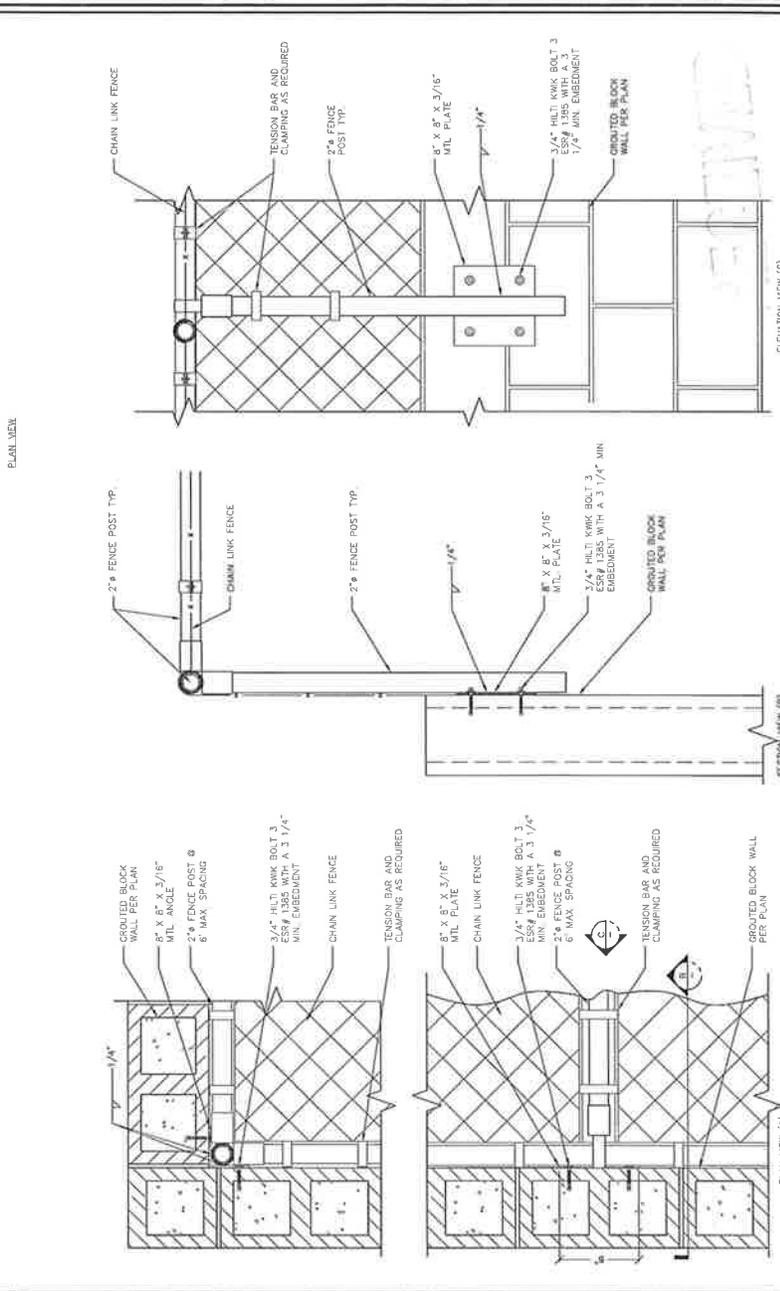
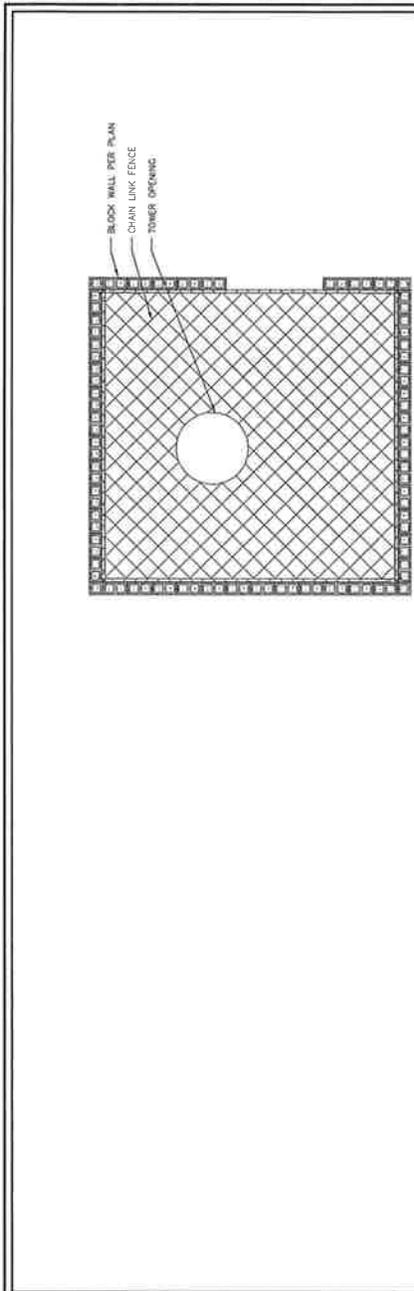
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 IRVINE, CALIFORNIA 92618

ADMIRAL  
 MTX-45 / BSC-19  
 MCE  
 COLTON, CALIFORNIA 92324

SHEET TITLE  
 CONSTRUCTION  
 DETAILS

REVISION:  
**5**

**D1**  
 LAY-301-C



SCALE: NONE  
 1  
 18 10 3 1 2015  
 HALL 3 1015  
 CITY OF COLTON  
 1000 COLTON AVENUE, COLTON, CA 92324  
 (951) 261-1000

NOT USED  
 SCALE: NONE  
 4

NOT USED  
 SCALE: NONE  
 3

NOT USED  
 SCALE: NONE  
 2  
 BLOCK WALL ENCLOSURE DETAIL





NO.	DATE	DESCRIPTION	BY
1	05/27/15	ISSUE	MLC
2	05/27/15	ISSUE	MLC
3	10/29/15	PLANNING REVISION	MLC
4	10/29/15	PLANNING REVISION	MLC
5	10/29/15	PLANNING REVISION	MLC
6	10/29/15	PLANNING REVISION	MLC
7	10/29/15	PLANNING REVISION	MLC

**SPECTRUM**  
SPECTRUM SERVICES, INC.  
4425 E. UNIVERSITY AVENUE, SUITE 100  
IRVINE, CALIFORNIA 92718  
PHONE: (949) 456-8101  
FAX: (949) 456-8108

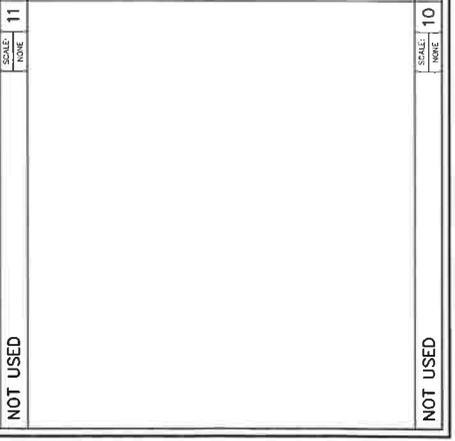
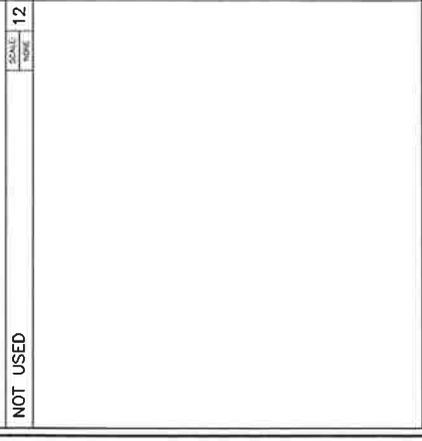
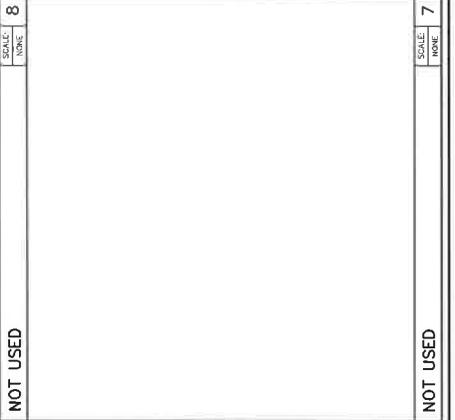
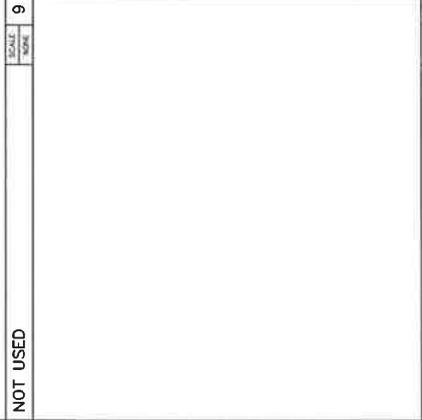
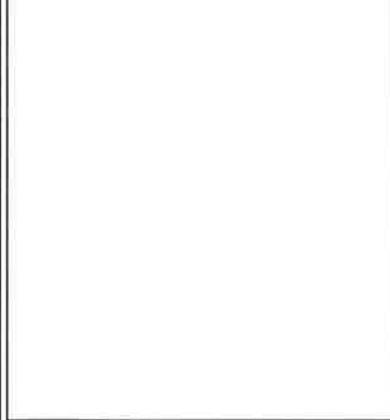
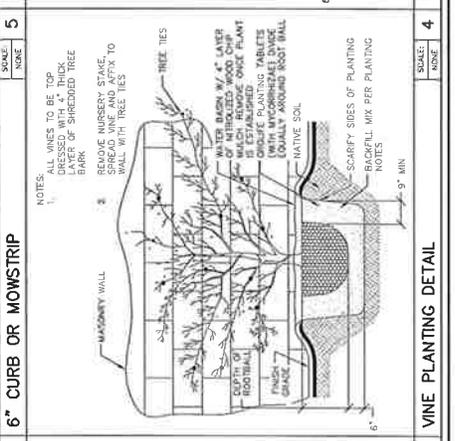
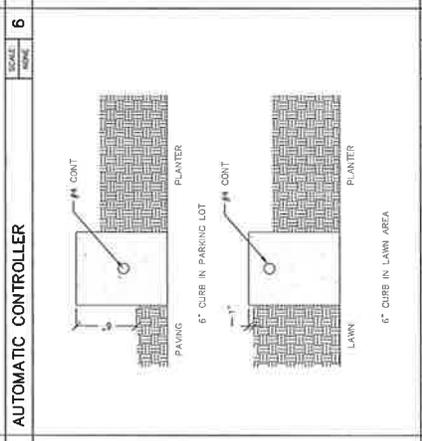
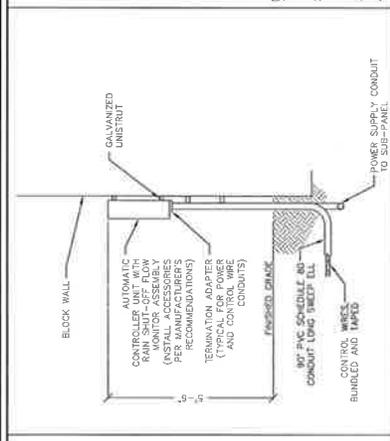
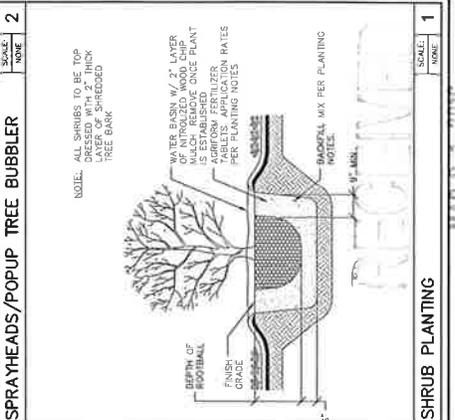
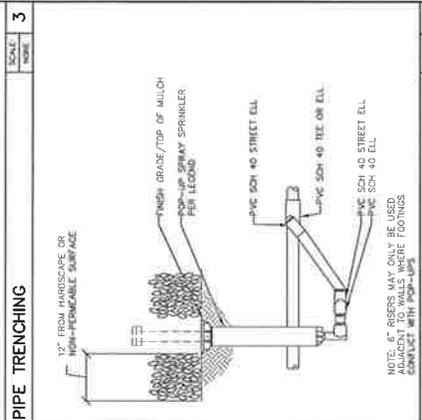
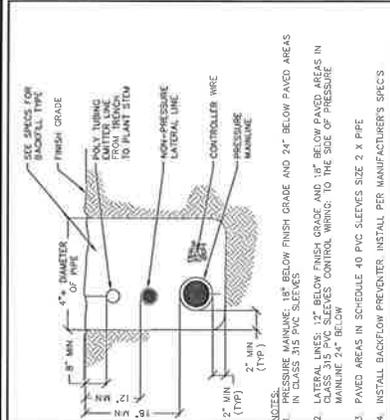
PROPRIETARY INFORMATION  
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**Verizon**  
15505 SAND CANYON AVENUE, D1  
IRVINE, CALIFORNIA 92618

**ADMIRAL**  
M7X-45 / BSC-19  
MCE  
1968 WEST VALLEY BOULEVARD  
COLTON, CALIFORNIA 92324

SHEET TITLE:  
**LANDSCAPE DETAILS**

REVISION:  
**L3**  
**5**  
LAX-301-C



NO.	SCALE	NAME
1	SCALE NONE	SHRUB PLANTING
2	SCALE NONE	SPRAYHEADS/POPOP TREE BUBBLER
3	SCALE NONE	PIPE TRENCHING
4	SCALE NONE	VINE PLANTING DETAIL
5	SCALE NONE	6" CURB OR MOWSTRIP
6	SCALE NONE	AUTOMATIC CONTROLLER
7	SCALE NONE	NOT USED
8	SCALE NONE	NOT USED
9	SCALE NONE	NOT USED
10	SCALE NONE	NOT USED
11	SCALE NONE	NOT USED
12	SCALE NONE	NOT USED

# PHOTOGRAPHIC SIMULATION

## PROPOSED WIRELESS COMMUNICATIONS FACILITY



SITE NAME: ADMIRAL  
SITE ADDRESS: 1900 W. VALLEY BLVD.  
COLTON, CA 92324  
DATE: 4/10/2015  
APPLICANT: VERIZON WIRELESS  
15505 SAND CANYON AVE.  
BUILDING D, 1ST FLOOR  
IRVINE, CA 92618  
(949) 286-7000  
CONTACT: CHRIS COLTEN

SITE LOCATION MAP



2015 GOOGLE MAPS

The included Photograph Simulation(s) are intended as visual representations only and should not be used for construction purposes. The materials represented within the included Photograph Simulation(s) are subject to change.





ADMIRAL



EXISTING -  
LOOKING SOUTH  
VIEW 1

PHOTOGRAPHIC SIMULATION -  
LOOKING SOUTH  
VIEW 1



PROPOSED INSTALLATION OF A 59' MONOEUCALYPTUS WITH AN TENNA ARRAY.  
ADDITION OF EQUIPMENT COMPOUND, SURROUNDED BY A CMU WALL.



SPECTRUM SERVICES, INC. - 4405 EAST AIRPORT DRIVE , STE.100 ONTARIO, CA 91761 - 909.456.8401



ADMIRAL



EXISTING -  
LOOKING EAST  
VIEW 2

PHOTOGRAPHIC SIMULATION -  
LOOKING EAST  
VIEW 2



PROPOSED INSTALLATION OF A 59' MONOEUCALYPTUS WITH ANTENNA ARRAY.  
ADDITION OF EQUIPMENT COMPOUND, SURROUNDED BY A CMU WALL  
(COMPOUND NOT VISIBLE FROM THIS VIEWPOINT).



SPECTRUM SERVICES, INC. - 4405 EAST AIRPORT DRIVE, STE.100 ONTARIO, CA 91761 - 909.456.8401

3/5





ADMIRAL



EXISTING -  
LOOKING NORTH  
VIEW 3

PHOTOGRAPHIC SIMULATION -  
LOOKING NORTH  
VIEW 3



PROPOSED INSTALLATION OF A 59' MONOEUCALYPTUS WITH ANTENNA ARRAY.  
ADDITION OF EQUIPMENT COMPOUND, SURROUNDED BY A CMU WALL.



SPECTRUM SERVICES, INC. - 4405 EAST AIRPORT DRIVE , STE.100 ONTARIO, CA 91761 - 909.456.8401

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MAR 31 2016

CITY OF OAKLAND

COMMUNITY DEVELOPMENT



ADMIRAL



EXISTING -  
LOOKING WEST  
VIEW 4

PHOTOGRAPHIC SIMULATION -  
LOOKING WEST  
VIEW 4



PROPOSED INSTALLATION OF A 59' MONOCALYPTUS WITH ANTENNA ARRAY,  
ADDITION OF EQUIPMENT COMPOUND, SURROUNDED BY A CMU WALL.



SPECTRUM SERVICES, INC. - 4405 EAST AIRPORT DRIVE, STE. 100, ONTARIO, CA 91761 - 909.456.8401

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MAR 31 2016

CITY OF ONTARIO  
PLANNING DEPARTMENT



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** April 12, 2016

**FILE INDEX NUMBER:** DAP-001-289

**APPLICANT:** Peter Smirniotakis, business owner, P & G BURGER

**PROPERTY OWNER:** Louis Liu (Yum Yum Restaurant)

**REQUEST:** **Architectural & Site Plan Review** for an addition/remodel to an existing restaurant and a new drive-through lane totaling 2,485 square feet, and a **Conditional Use Permit** to allow for the operation of a drive-through lane for an eating establishment on property measuring approximately 21,400 sf (0.49 acre) located in the C-2 (General Commercial) Zone.

**ACTIONS:**

**APPLICATION FILED:** 01/19/16  
**APPLICATION REVIEW COMMITTEE:** 02/17/16 (provision of comments and conditions)  
**PLANNING COMMISSION:** 04/12/16; Decision \_\_\_\_\_  
**ENVIRONMENTAL DETERMINATION:** Recommendation: Exempt under CEQA, Section 15301 (Existing Facilities), Class 1. This section pertains to existing facilities, categorically exempting from CEQA proposed projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**PROPERTY INFORMATION:**

1. Location: 2726 S. Iowa; APN 1167-111-26
2. Lot Size(s): 21,400 square feet (0.49 acre)
3. Existing/Previous Land Use: Restaurant
4. General Plan Land Use Designation: General Commercial
5. Zoning: C-2 (General Commercial)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	I-215 Freeway	-----	-----
<b>South</b>	Industrial	C-2 (General Commercial)	General Commercial
<b>East</b>	Service Station	C-2 (General Commercial)	General Commercial
<b>West</b>	Restaurant	C-2 (General Commercial)	General Commercial

7. Past Actions:

- a. BOP-115-713 – Business Occupancy Permit for “Yum Yum Restaurant”. Issued 10/18/05.
- b. FDO-000-211 – Fire hood permit issued on 8/18/05.
- c. 000-010-560 – Miscellaneous Plumbing Building Permit issued on 10/25/89.

Site Aerial



Current Perimeter View of existing Restaurant looking south from 215 Freeway



**PROPERTY DESCRIPTION**

The property is located southeast of the I-215 Freeway. The subject property is improved with one commercial building that is currently a restaurant. The site topography is relatively flat and measures approximately 21,400 square feet. The site is fully paved and landscaped. Access to the site is by an existing 25’ drive entry at the west side of the property and a 12’ egress drive-way on the east side of the site located off of Iowa Avenue. The subject property is adjacent to an existing fast food restaurant to the west, a service station to the east and an industrial building to the south. Building permits for the building could not be located within City records.

The driveway access point off of Iowa Avenue leads to parking spaces in front of the restaurant and to parking along the south side of the restaurant.

**PROPOSAL**

The applicant is proposing to establish a family friendly convenience drive-thru diner with an indoor dining room and some outdoor seating. The restaurant will be open for breakfast, lunch, and dinner. The restaurant is known as “P and G Burger” and the proposed restaurant will be the second location within the City of Colton. Currently “P and G Burger” operates at the original location, 190 W. Valley Blvd. The original location has been in operation for 19 years.

The proposed project will include remodeling the interior of the existing building, remodeling the exterior façade of the building, and providing site improvements to the property including landscaping and parking. In addition, the restaurant will include a new drive-thru lane as part of the operation which requires approval of a Conditional Use Permit. There has never been a drive-thru lane for the existing restaurant.

**Hours of Operation** – The applicant’s Operation Statement indicates the proposed hours of operation for the restaurant will be from 8:00 a.m. to 10:00 p.m., seven days a week, which is the same as the current location. The applicant has estimated of a total of 25 employees, with approximately 10 employees during the largest shift.

**CODE COMPLIANCE** C-2 (General Commercial) Zone regulations

<b>Standard</b>	<b>Required/ Allowed</b>	<b>Project</b>	<b>Compliance?</b>
Min. Lot Area	10,000 sf	21,400 sf	Yes
Min. Lot Depth	100’	Approximately 220’	Yes
Min. Lot Width	80’	Approximately 100’	Yes
Max. Building Coverage (CMC 18.14.050)	Max F.A.R. – 1.0	9%	Yes
Building Height	Max 3 stories or 40’	1 Story – Approx. 20’	Yes
Setback, Front	20’	82’	Yes
Setback, Side	0’	East PL-10’ West PL-50’	Yes Yes

<b>Standard</b>	<b>Required/ Allowed</b>	<b>Project</b>	<b>Compliance?</b>
Setback, Rear	0'	52'	Yes
Parking	1/space/100 sf – 26 spaces required	19 on site, 11 existing reciprocal – Total 30	Yes
Driveways (one-way on-site)	10' minimum	Min. 10'-4" (drive-thru only)	Yes
(two-way on site)	20' minimum	Min. 24'	Yes
Lighting (parking)	Minimum of one foot candle of light on the parking surface (CMC 15.11.130.L)	Photometric lighting plan not submitted	Conditioned to comply
Parking Space Dimensions	9' x 20' minus 2 foot overhang (9' x 20' without overhang)	9' x 19	Yes
Mechanical Equipment	Must be screened from public view	Equipment will be screened from view	Yes
Handicapped Accessible Parking	1 for each 25 parking spaces – 2 spaces	2	Yes
Trash areas (CMC 18.22.140)	Enclosed by 6' wall with visually solid gates	One provided	Yes
Landscape Coverage (CMC 18.16.190)	Min. 15% of Site	20%	Yes

**ANALYSIS**

**Parking**

Pursuant to the City's parking requirements, the restaurant is required to provide a total of 26 parking spaces based on one (1) parking space for every 100 gross square footage. The parcel with the existing restaurant is proposing to provide 19 parking spaces. A reciprocal parking and common use drive way easement has been recorded between the subject property and the abutting parcel (Jack-in-the Box restaurant) to the west that includes an additional 11 parking spaces to be utilized for the subject property. The additional 11 parking spaces are located on the east side of the Jack-in-the Box restaurant and across from the parking spaces along the west elevation of the proposed restaurant. The common use driveway provides access to all the parking spaces. With the additional 11 parking spaces, a total of 30 parking spaces are provided for the proposed restaurant. Therefore, the proposed restaurant exceeds the parking requirement by 4 parking spaces.

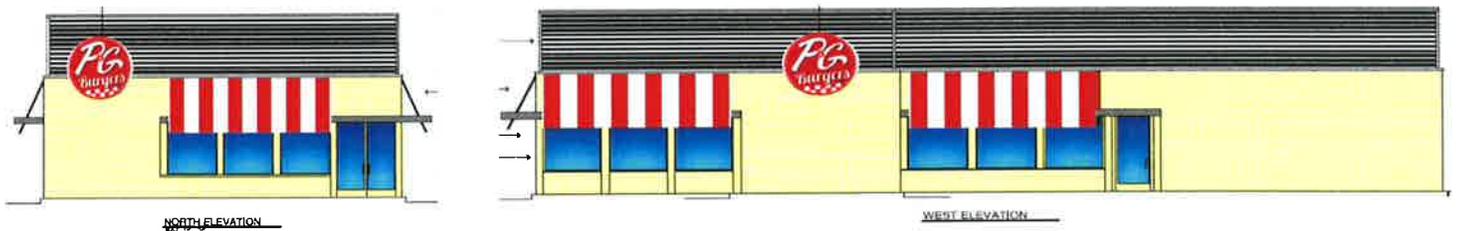
In addition, the existing Jack-in-the Box restaurant is required to maintain 26 parking spaces and the Jack-in-the Box property provides 39 parking spaces which exceeds their parking requirement by 13. Overall, the subject property and the abutting Jack-in-the Box property are required to maintain 52 parking spaces and with the proposed restaurant, a total of 58 parking spaces are provided.

### Site Plan and Exterior Remodel

The applicant is proposing to improve the site by adding new landscaping along the front, rear, and along the west elevation of the building and will measure approximately 20% which exceeds the minimum requirement of 15%. The site will also be improved with a new drive-thru lane that measures 10'-4" meeting the minimum 10' width requirement of a one-way aisle. The drive-thru will wrap around the east elevation of the restaurant. As a condition of approval, staff is recommending the ordering menu board be move up further to allow for better stacking of vehicles to prevent possible blocking of parking spaces along the west side of the building. The site has been designed with ingress/egress onto Iowa Avenue. The site improvements will also include a new trash enclosure at the southwest corner of the site to meet Code requirements. The project is required to meet all parking lot lighting requirements and is include with Condition of Approval No. 6 of the resolution.

The existing building exterior will be remodeled and will incorporate a new more modern style architecture that will be a significant improvement from the dated and tired elevations of the existing restaurant. The new façade will include clean lines and flat roof design. The design will include a corrugated metal façade at the top portion on the building and will wrap around all elevations. The elevations will also include new metal canopies that will support new canvas awnings above the existing windows. The awning will incorporate red and white stripe that is part of the P & G Burger logo colors and the walls will be a soft cream color.

### Proposed front (facing Iowa Ave.) and West Building Elevations (Viewed from Freeway and Iowa Ave.)



### Compatibility with Surrounding Properties

The site is located within a corridor with mostly commercial and some industrial uses. The subject property is adjacent to an existing fast food restaurant on the west and gas station to the east. Due to the commercial nature of the surrounding uses, the project is not expected to have adverse impacts since the proposed use creates similar impacts on those surrounding uses.

### ENVIRONMENTAL DETERMINATION

The subject project was also analyzed for compliance with CEQA. It was found that because the project involves a relatively small building square footage, the project will have no impacts beyond those that existed at the time of the environmental determination and may be exempted from further review as a Categorical Exemption under Article 19, Section 15301, Class 1 of the CEQA Guidelines, pertaining to existing facilities.

### CONDITIONAL USE PERMIT FINDINGS:

A key goal of land use rules is for nearby land uses to be compatible with one another. One way cities do this is to say that certain kinds of uses are allowed only under certain conditions through

a conditional use permit (CUP). The CUP process allows decision-makers to avoid, minimize or mitigate anticipated problems.

The Planning Commission has authority to conduct public hearings to consider CUP applications pursuant to Colton Municipal Code Section 18.58.060 which states in part: *“In considering a Conditional Use Permit, the Commission shall affix those conditions which it determines will tend to safeguard the public health, safety and general welfare in the zone.”* Therefore, in approving a Conditional Use Permit, the Commission should consider the findings as prescribed below.

1. ***That the proposed Use is in accord with the General Plan, the objectives of this title, and the purposes of the zone in which the site is located;*** The proposed restaurant with a drive-thru are consistent with the following General Plan Update goals and objectives:
  - A. General Plan Update **Goal LU-9.** *“Maintain a diverse mix of commercial uses that benefit the community in terms of needed commercial services, tax revenue, and employment opportunities.”* The proposed restaurant with a drive-thru will provide a dining experience that will provide a choice of dining-in or a convenient take-out option that will complement other commercial uses in the area. The proposed drive-thru restaurant will provide a convenience that is not over abundant in the south part of the City and will generate tax revenue.
  - B. General Plan Update **Policy LU-3.1:** *“Provide for land uses that allow a variety of retail, service, manufacturing, institutional, office, and recreational businesses to locate in Colton.”* The proposed restaurant with a drive-thru will provide for an expansion of a variety of retail uses within the C-2 (General Commercial) Zone and is compatible with surrounding uses at this specific location.
2. ***That the proposed Use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*** The proposed restaurant with a drive-thru will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for the following reasons:
  - A. The proposed business hours are from 8:00 a.m. to 10:00 p.m., seven days a week. The hours are acceptable for the commercial location of the subject site and the surrounding properties adjacent to the 215 Freeway.
  - B. The proposed businesses are located in an area of the City consisting of mostly of commercial uses such as hotel, fast food restaurant, gasoline/convenient service station, auto repair and equipment rental uses.
  - C. Conditions have been placed on the proposed use which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community such as, with parking, signage and landscaping/maintenance of the subject site.

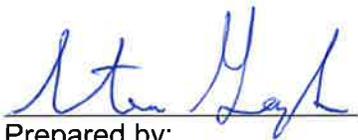
D. All exterior lighting is subject to conformance with the lighting standards of the City (i.e., non-flashing and directed away so as to eliminate objectionable glare) in conformance with Chapters 18.40 and 18.42 of the Colton Municipal Code.

3. ***That the proposed Use complies with each of the applicable provisions of this title;*** the use conforms with the requirements of the Colton Zoning Code, as conditioned. The subject property is zoned C-2 (General Commercial), which permits restaurants with a drive-thru, subject to a Conditional Use Permit. The C-2 Zone is intended to permit a wide range of retail and commercial services. The C-2 Zone also supports higher-intensity commercial uses and since many of these uses tend to be large in scale, appropriate locations provide regional exposure, high traffic visibility, and contain sites capable of accommodating expansive floor area and customer parking.

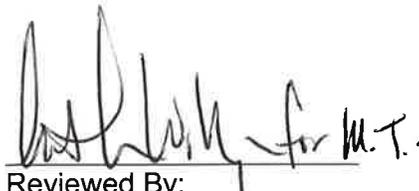
### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the Architectural & Site Plan Review and Conditional Use Permit through the adoption of attached Resolution titled:

**RESOLUTION NO. R-10-16** - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING ARCHITECTURAL AND SITE PLAN REVIEW FOR AN ADDITION/REMODEL TO AN EXISTING RESTAURANT AND A NEW DRIVE-THROUGH LANE TOTALING 2,485 SQUARE FEET, AND A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A DRIVE-THROUGH LANE FOR AN EATING ESTABLISHMENT ON PROPERTY MEASURING APPROXIMATELY 21,400 SF (0.49 ACRE) LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-289).



Prepared by:  
Steve Gonzales, Associate Planner



Reviewed By:  
Mark R. Tomich, AICP, Director

### **ATTACHMENTS**

1. Operations Statement
2. Draft PC Resolution for R-10-16
3. Plans

Operations Statement

# **Attachments 1**

## Operations Statement Letter

Proposed Use: Expansion/Opening of Second P&G Burgers Drive-Thru Location.

P&G Burgers has been a family oriented and operated business since 1977, with 5 different locations, spanning from West Covina to Colton. Our family run locations have always been operated one location at a time. We are finally expanding to our proposed 2<sup>nd</sup> location, 'Yum Yum Restaurant' 2726 South Iowa Avenue, Colton, CA. 92324, which will operate simultaneously with our original Colton store, located at 190 W. Valley Blvd. location. P&G Burgers has always strived in emphasizing community involvement at all of our locations, as we have been involved in all available aspects at our current Colton location for the duration of our 19 years in this city. We look forward to continuing this effort, as we hope to promote commuters to visit our new family restaurant and the rest of the city, from all adjacent southerly cities with this new beautified and inviting building at Colton's most southern tip. We look forward to helping the beautification of the Southern entrance of our blossoming City, with the strategic beautifying and remodeling of the current outdated 'Yum Yum' location. The need for the Conditional Use Permit, will be to obtain a convenience 'Drive-Thru', which is essential for the expansion to this new location. Our current business model will remain identical for the proposed expansion site; a family oriented, convenience drive-thru diner, open for breakfast lunch, and dinner, with an indoor dining room and outdoor seating. We anticipate employing similar staffing numbers to our current location, 20-25 people, with approximately 10 employees during the largest shift, with hours of operation to be approximately 8am to 10pm.

Thank You,

Peter and Georgia (P&G) Smirniotakis

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JAN 19 2016

CITY OF COLTON  
DEVELOPMENT SERVICES DEPARTMENT

Draft PC Resolution R-10-16

## **Attachment 2**

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**RESOLUTION NO. R-10-16**

**RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING AN ARCHITECTURAL & SITE PLAN REVIEW FOR AN ADDITION/REMODEL TO AN EXISTING RESTAURANT AND A NEW DRIVE-THROUGH LANE TOTALING 2,485 SQUARE FEET, AND A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A DRIVE-THROUGH LANE FOR AN EATING ESTABLISHMENT ON PROPERTY MEASURING APPROXIMATELY 21,400 SF (0.49 ACRE) LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-289).**

**WHEREAS**, an application (File Index No. DAP 001-289) was filed with the City of Colton by Peter Smirniotakis of P&G Burger (hereinafter "Applicant") for an Architectural & Site Plan Review for an addition/remodel to an existing restaurant and a new drive-through lane totaling 2,485 square feet, and a Conditional Use Permit to allow for the operation of a drive-through lane for an eating establishment on property measuring approximately 21,400 sf (0.49 acre) at 2726 S. Iowa Avenue, Located in the C-2 (General Commercial) Zone.

**WHEREAS**, the staff report accompanying this resolution is found to be true, adopted as Findings and incorporated in this resolution; and

**WHEREAS**, on April 12, 2016, the Planning Commission of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

**WHEREAS**, pursuant to the Guidelines for the California Environmental Quality Act ("CEQA"), the proposed project is Categorically Exempt under Article 19, Section 15301 (Existing Facilities), Class 1 of the State CEQA Guidelines.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLTON:**

**SECTION 1.** Based on the entire record before the Planning Commission and all written and oral evidence presented, and the findings made for architectural and site plan review in this Resolution, the Planning Commission hereby finds that:

- a. *The provisions for vehicular parking and for vehicular and pedestrian circulation on the site, and onto adjacent public Right-of-Way will not create safety hazards; The proposed restaurant with a drive-thru will provide adequate circulation and meets the parking requirement per the Colton Zoning. The proposed drive-thru meets the required minimum 10' width for a one-way aisle and the parking has been designed with ingress/egress onto Iowa Avenue. .*
- b. *The bulk, location and height proposed will not be detrimental or injurious to other Development in the neighborhood or will result in the loss of or damage to unique natural or topographic features of the site that are important to the environmental quality of life for the citizens of Colton, and the Development is feasible in a manner*

1            *that will avoid such detrimental or injurious results or such loss or damage; The*  
2            *proposed use is the same use that is currently operation on the subject property with the*  
3            *addition of drive-thru and meets the requirements of the C-2 (General Commercial)*  
4            *Zone so no additional negative impacts are to be expected. The site is located within a*  
5            *commercial and industrial corridor. Conditions have been placed on the project that*  
6            *will address potential impacts, if any should occur.*

7            *c. The provisions for on-site landscaping do provide adequate protection to neighboring*  
8            *properties from detrimental features of the proposed development that could be avoided*  
9            *by adequate landscaping; The proposed project is within an existing commercial*  
10           *building development site and the proposed landscaping meets the Zoning code*  
11           *requirements. The proposed project includes approximately 20% landscaping within the*  
12           *site which exceeds the minimum of 15% required by the Zoning Code..*

13           *d. The provisions for exterior lighting are adequate for human safety and will not diminish*  
14           *the value and/or usability of adjacent property; The proposed project is required to meet*  
15           *all lighting standards and requirements of the City of Colton for all proposed exterior*  
16           *lighting including new lighting for the new drive-thru area. Condition of Approval No.*  
17           *6 requires proper shielding to not interfere with adjoining properties..*

18           *e. The exterior design of the buildings and structures will not be injurious or detrimental*  
19           *to the environmental or historic features of the immediate neighborhood in which the*  
20           *proposed development is located and will not cause irreparable damage to property in*  
21           *the neighborhood, to the City and to its citizens; The proposed project is to establish a*  
22           *new restaurant with a drive-thru within an existing restaurant building, which is*  
23           *compatible with the surrounding commercial neighborhood and is required to meet all*  
24           *the requirements of the Uniform Building Code and Fire Code requirements prior to*  
25           *issuance to occupancy.*

26           *f. The proposed Development will not impose an undue burden upon off-site public*  
27           *services, including sewer, water and streets, which conclusion shall be based upon a*  
28           *written report of the City Engineer; and there is no provision in the capital works*  
29           *program of the City to correct the specific burden within a reasonable period after the*  
30           *development will be completed. The proposed project is required to meet all*  
31           *requirements of the Colton Public Works and Electric Departments with respect to*  
32           *Sewer, Water, and Electric Services.*

33           **SECTION 2.** Based on the entire record before the Planning Commission and all written  
34           and oral evidence presented, and the findings made for Conditional Use Permit in this Resolution,  
35           the Planning Commission hereby finds that:

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1. ***That the proposed Use is in accord with the General Plan, the objectives of this title, and the purposes of the zone in which the site is located;*** The proposed restaurant with a drive-thru are consistent with the following General Plan Update goals and objectives:
  - A. General Plan Update **Goal LU-9.** *“Maintain a diverse mix of commercial uses that benefit the community in terms of needed commercial services, tax revenue, and employment opportunities.”* The proposed restaurant with a drive-thru will provide a dining experience that will provide a choice of dining-in or a convenient take-out option that will complement other commercial uses in the area. The proposed drive –thru restaurant will provide a convenience that is nor over abundant in the south part of the City and will generate tax revenue.
  - B. General Plan Update **Policy LU-3.1:** *“Provide for land uses that allow a variety of retail, service, manufacturing, institutional, office, and recreational businesses to locate in Colton.”* The proposed restaurant with a drive-thru will provide for an expansion of a variety of retail uses within the C-2 (General Commercial) Zone and is compatible with surrounding uses at this specific location.
2. ***That the proposed Use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*** The proposed restaurant with a drive-thru will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for the following reasons:
  - A. The proposed business hours are from 8:00 a.m. to 10:00 p.m., seven days a week. The hours are acceptable for the commercial location of the subject site and the surrounding properties adjacent to the 215 Freeway.
  - B. The proposed businesses are located in an area of the City consisting of mostly of commercial uses such as hotel, fast food restaurant, gasoline/convenient service station, auto repair and equipment rental uses.
  - C. Conditions have been placed on the proposed use which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community such as, with parking, signage and landscaping/maintenance of the subject site.
  - D. All exterior lighting is subject to conformance with the lighting standards of the City (i.e., non-flashing and directed away so as to eliminate objectionable glare) in conformance with Chapters 18.40 and 18.42 of the Colton Municipal Code.
3. ***That the proposed Use complies with each of the applicable provisions of this title;*** the use conforms with the requirements of the Colton Zoning Code, as

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conditioned. The subject property is zoned C-2 (General Commercial), which permits restaurants with a drive-thru, subject to a Conditional Use Permit. The C-2 Zone is intended to permit a wide range of retail and commercial services. The C-2 Zone also supports higher-intensity commercial uses and since many of these uses tend to be large in scale, appropriate locations provide regional exposure, high traffic visibility, and contain sites capable of accommodating expansive floor area and customer parking.

**SECTION 3.** The Planning Commission of the City of Colton, in accordance with the California Environmental Quality Act, has found that the project will not have a significant impact on the environment and is Categorical Exempt from CEQA under Article 19, Section 15301, Class 1 of the CEQA Guidelines. This section pertains to existing facilities that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

**SECTION 4.** Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby approves Architectural and Site Plan Review and Conditional Use Permit (DAP-001-289), subject to the attached conditions of approval (Exhibit "A").

**SECTION 5.** This action by the Planning Commission shall be final unless an appeal of the action is filed with the City Clerk's office in writing, pursuant to Section 18.58.100 of the Colton Municipal Code.

**SECTION 6.** This land use entitlement shall become null and void if not exercised within one (1) year of this approval and the applicant has not been granted an extension of time by the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code.

**SECTION 7.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of April 2016.

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Planning Commission Chairperson  
Richard Prieto

ATTEST:

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Planning Commission Secretary  
Mark R. Tomich, AICP

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 April 12, 2016, by the following vote of the Planning Commission:

AYES:

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NOES:  
ABSENT:  
ABSTAIN:

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Planning Commission Secretary  
Mark R. Tomich, AICP

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-289.

**HOLD HARMLESS**

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter

**PLANNING DIVISION (909) 370-5079**

2. This approval is for an Architectural & Site Plan Review for an addition/remodel to an existing restaurant and a new drive-through lane totaling 2,485 square feet, and a Conditional Use Permit to allow for the operation of a drive-through lane for an eating establishment on property measuring approximately 21,400 sf (0.49 acre) at 2726 S. Iowa Avenue, Located in the C-2 (General Commercial) Zone, as shown on plans stamped April 4, 2016 by the Development Services Department, except as modified herein.
3. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets.
4. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to scheduling for Planning Commission meeting.
5. The ordering menu board located at the rear of the building shall be move up further in the drive-thru lane to allow for better stacking of vehicles to prevent possible blocking of parking spaces along the west side of the building. The location of the menu board shall be subject review and approval of Development Services.
6. Exterior Lighting: All lightning will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, insuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.) Lighting level will be a minimum of 1 foot-candle as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be properly shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the

- 1 event a lighting fixture becomes inoperable, property management will have the lighting  
2 repaired within 72 hours.
- 3 7. Any proposed signs shall conform to the Sign Code.
- 4 8. The Applicant and/or Property Owner shall comply with all requirements of all reviewing  
5 agencies and shall comply with all applicable local, state, and federal rules, laws, and  
6 regulations.
- 7 9. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so  
8 as not to constitute a nuisance in the community.
- 9 10. All parking provided shall meet the requirements of Chapter 18.36 of the Colton Zoning Code.
- 10 11. During construction phases, the construction manager shall serve as the contact person in the  
11 event that dust or noise levels become disruptive to surrounding businesses. A sign shall be  
12 posted at the project site with the contact phone number.
- 13 12. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical  
14 equipment installed by the developer shall be inconspicuously located and screened, as  
15 approved by the Development Services Director. Location of this equipment shall be clearly  
16 noted on landscape construction documents.
- 17 13. Electrical and other service facilities shall be located within an interior electrical room or  
18 approved comparable location. All electrical service facilities shall be totally screened from  
19 public view, as approved by the Planning Division.
- 20 14. The applicant shall underground all new utilities and utility drops.

21 **BUILDING**

- 22 15. The above project shall comply with the current California Codes (CBC, CEC, CMC and the  
23 CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall  
24 be submitted to the Building & Safety Division as a separate submittal. The 2013 edition of the  
25 California Codes will become effective for all permit applications submitted after January 1,  
26 2014.
- 27 16. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification.  
28 Plans will include “as built” plans, revisions and changes. The CD will also include Title 24  
energy calculations, structural calculations and all other pertinent information. It will be the  
responsibility of the developer and or the building or property owner(s) to bear all costs required  
for this process. The CD will be presented to the Building & Safety Division for review prior  
to final inspection and building occupancy. The CD will become the property of the Colton  
Building & Safety Division at that time. In addition, a site plan showing the path of travel from  
public right of way and building to building access with elevations will be required.

1     **ELECTRIC DEPARTMENT:**

2     17. General Conditions and Requirements: The project developer/applicant shall comply with all  
3     customer service policies of the City of Colton Electric Utility Department. The developer shall  
4     provide the Electric Utility with all information necessary to determine the project's electric  
5     service requirements; and if necessary and at their own expense, install all conduit and vault  
6     systems associated with underground primary/service line extensions and street-lighting as per  
7     the Electric Utility's approved design. Existing and proposed utility owned electric lines within  
8     the project property will require utility easements. The developer shall pay all charges  
9     associated with the Electric Utility's cost to construct underground and overhead line extensions  
10    and street-lighting.

11    **FIRE DEPARTMENT**

12    None.

13    **CODE ENFORCEMENT/POLICE**

14    18.    Comply with the requirements of the City of Colton **Code Enforcement/Police**, including  
15    the following:

- 16    a.    Landscaping: Property manager or tenant will maintain all approved landscaping in  
17    good condition, including but not limited to adequate irrigation, mowing of grass, and  
18    replacing dead trees and shrubs. Above ground landscaping controls or backflow valves  
19    will be secured in a locked metal cage to prevent theft or vandalism.
- 20    b.    Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or  
21    furnishings at or adjacent to the location that encourage loitering and nuisance behavior.
- 22    c.    Litter/Graffiti: The exterior of the business and areas adjacent to the business over which  
23    they have control, including all signs and accessory buildings and structures, shall be  
24    maintained free of litter and graffiti at all times. The owner or operator shall provide for  
25    daily removal of trash, litter and debris from the premises and on all abutting sidewalks  
26    and parking lots within twenty (20) feet of the premises. Graffiti shall be completely  
27    removed or covered with a color-matching paint within forty-eight (48) hours. The  
28    expectation for graffiti cover up is to produce an appearance the graffiti never existed.
- 29    d.    The applicant shall grant "right of access" by the City or agent to remove graffiti.
- 30    e.    General Parking: Parking lot shall be maintained in accordance with Title 18 of the  
31    Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking  
32    shall include the required amount of Disabled parking to ADA specifications and  
33    dimensions. All parking lot entrances will be posted in compliance with Vehicle Code  
34    22658 which minimally includes: A substantive statement prohibiting public parking,  
35    states vehicles will be towed at owner's expense, references Vehicle Code 22658, and  
36    must be a minimum of 17"X 22" with a minimum of 1" letters. In addition, the sign  
37    will indicate the name of the private towing company and phone number above the  
38    police department name and phone.

- 1 f. Disabled Parking: All disabled parking spaces will comply with Americans with  
2 Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled  
3 parking will be clearly indicated by all three indicia: 1.) blue wheel stop and/or curb, 2.)  
4 blue sign with white wheelchair symbol at head of space, and 3.) blue field with  
5 wheelchair symbol and blue striping painted on the ground. All parking lot entrances  
6 will be posted in accordance with Vehicle Code 22511.8(d).
- 7 g. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign  
8 Ordinance as amended. Temporary promotional signs require a permit and must be  
9 authorized by Development Services prior to display. Refer to code for additional  
10 signage permitting and requirements.
- 11 h. Advertisements: Handbills or advertisements may be distributed in public places  
12 person-to-person but will not be placed or left upon unoccupied vehicles or otherwise  
13 left unattended in public places.
- 14 i. Special Events: Per Colton Municipal Code Section 5.44, applicant shall not conduct,  
15 operate, maintain, organize, advertise, or sell or furnish tickets for a special event or  
16 permit the subject property to be used for any special event without first obtaining a  
17 special event permit. Special events include, but are not limited to, sales events where  
18 merchandise, goods, or vehicles are displayed for sale on the property, political  
19 functions, fundraising events by non-profit entities, and events featuring motivational  
20 or educational speakers. The Special Event Committee may expressly grant a minor  
21 variance of conditions specific to individual special events.
- 22 j. Surveillance Monitoring: Should permittee install a video surveillance monitoring  
23 system, the video system shall be capable of recording a clear view of all areas of the  
24 subject property including, but not limited to, parking lots, walkways, corridors, all sides  
25 of buildings, the perimeter landscape and grass areas. Recordings shall be retained for  
26 a minimum of 30 days. Copies of recordings will be provided to the Colton Police  
27 Department upon request.
- 28 k. After Hours Contact Information: Permittee will ensure after hours contact person  
information is kept current and on file with the Colton Police Department dispatch  
center. Ideally there should be several responsible persons available to respond in case  
of emergency; each should be a key holder with knowledge of alarm reset codes,  
available to respond within 20-30 minutes, and of sufficient authority to facilitate a  
board up or other emergency repair measures.
- l. Right of Access: Permittee shall grant "right of access" to the City of Colton and its  
employees or agents for the purposes of monitoring compliance with these Conditional  
Use Permit conditions, patrolling, investigating crimes, and enforcing laws and  
ordinances on the subject property. Permittee shall grant "right of access" to the City  
of Colton and its employees or agents to remove graffiti and to determine if the applicant  
is in compliance with these conditions.
- m. Private Security Guards: Permittee and/or licensee will ensure that any security guard,  
security patrol, or other such persons employed for the purpose of protecting the safety

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of persons or property, or preserving the peace, shall be a bona fide, trained, uniformed security guard(s), certificated with the California Department of Consumer Affairs Bureau of Security and Investigative Services (BSIS), operating under the direct supervision of a bona fide Private Patrol Operator certificated with the California Department of Consumer Affairs and permitted as required by Colton Municipal Code.

- n. All security guards must be in possession of a BSIS issued guard card, and a California identification card or driver's license. Guards must be employed by and operating under the direction of a licensed State of California Consumer Affairs Bureau of Security and Investigative Services Private Patrol Operator (PPO) which has registered with the City of Colton as required by Colton Municipal Code section 5.50. Security guards are to be unarmed. Guards may not carry baton or firearm, but may carry a chemical agent if issued a BSIS approved training certificate for the use of the chemical agent.
- o. The permittee and/or licensee shall ensure that any security guard company initiates registration with the Colton Police Department at least 30 days in advance of security services being performed in the City of Colton in order to facilitate City licensing per Colton Municipal Code section 5.50.

Plans

# **Attachment 3**





