

# CITY OF COLTON

## PLANNING COMMISSION AGENDA

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

**REGULAR MEETING – Tuesday, October 25, 2016 – 5:30 P.M.**

October 25, 2016 Agenda

Documents:

[PC AGENDA 10-25-16\\_.PDF](#)

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MEETING MINUTES

. August 9, 2016 PC Draft Minutes

Documents:

[2016\\_08-09\\_PC MINUTES\\_ CORRECTED.PDF](#)

. . October 11, 2016 PC Draft Minutes

Documents:

[2016\\_10-11 PC MINUTES.PDF](#)

. . E. PUBLIC COMMENTS

F. BUSINESS ITEMS

. Item F-1\_DAP-001-364\_Time Extension

Documents:

[ITEM F-1\\_DAP-001-364.PDF](#)

. . Item F-2\_DAP-001-365\_Time Extension

Documents:

[ITEM F-2\\_DAP-001-365\\_STAFF REPORT.PDF](#)

. G. PUBLIC HEARINGS

. . . Item G-1\_DAP-001-347\_Modification Of CUP

Documents:

[ITEM G-1\\_STAFF REPORT\\_DAP-001-347\\_FINAL.PDF](#)

. . . . Item G-2\_DAP-001-324\_Conditional Use Permit

Documents:

[ITEM G-2\\_PC STAFF REPORT\\_DAP-001-324.PDF](#)

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

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

. . . . I. COMMISSION COMMENTS

. . . . . J. ADJOURNMENT

**Next Scheduled Meeting: Tuesday, November 8, 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.



**COUNTY ASSESSOR PARCEL NO.:** 0162-107-026

**REQUEST: One-Year Time Extension Request (First)** for approved Architectural and Site Plan Review (File Index No. DAP-001-244) to allow a private park – recreational facility – to include passive open space, picnic tables, open space area and walkways running along its eastern edge on property measuring approximately 8,167 net square feet located within the M-U/D (Mixed-Use/Downtown) Zone.

**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, setting a new expiration date of 10/25/2017.

**G. PUBLIC HEARINGS**

**1. FILE INDEX NUMBER: DAP-001-347**

**Sunoil Retail Group Inc.**

(Continued from October 11, 2016 Meeting)

**APPLICANT:** Sergey Vershinin

**PROJECT DESCRIPTION: Conditional Use Permit Modification** to upgrade from an existing Type 20 ABC alcohol license (off-sale beer and wine) to a Type 21 (off-sale beer, wine, and distilled spirits) and to remove barrier between market and dining area for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone.

**PROPERTY LOCATION:** 1703 E. Washington Street  
APN: 0164-263-46

**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 Resolutions:

**RESOLUTION NO. R-33-16 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT MODIFICATION (CUP) (DAP-000-894) TO REMOVE BARRIER BETWEEN MARKET AND DINING AREA FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-347).**

**RESOLUTION NO. R-37-16 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING A CONDITIONAL USE PERMIT MODIFICATION TO ALLOW OFF-SALE ALCOHOL SALES (TYPE 21) ABC LIQUOR LICENSE TO REPLACE AN EXISTING TYPE 20 LICENSE FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING**

**APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE  
LOCATED AT 1703 E. WASHINGTON STREET. (FILE INDEX NO: DAP-001-347).**

**2. FILE INDEX NUMBER: DAP-001-324**

**John Burr Cycles**

**APPLICANT:** Bob Gelfand

**PROJECT DESCRIPTION: A Conditional Use Permit (CUP)** to establish a retail sales lot for used motorcycles and new personal watercraft within an existing 6,180 square foot building on a lot that measures approximately 15,515 square feet located within the Hub City Center Specific Plan with a Land Use Designation of RMU (Retail Mixed Use) Zone.

**PROPERTY LOCATION:** 1295 W. Valley Boulevard  
APN: 0162-281-62

**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:

**RESOLUTION NO. R-36-16 A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT TO ESTABLISH A RETAIL SALES LOT FOR USED MOTORCYCLES AND NEW PERSONAL WATERCRAFT WITHIN AN EXISTING 5,460 SQUARE FOOT BUILDING ON A PORTION OF A LOT THAT MEASURES APPROXIMATELY 15,515 SQUARE FEET LOCATED WITHIN THE HUB CITY CENTER SPECIFIC PLAN WITH A LAND USE DESIGNATION OF RMU (RETAIL MIXED USE) ZONE (FILE INDEX DAP-001-324).**

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

1. Current Projects Update- Planning & Building.

**I. COMMISSION COMMENTS**

**J. ADJOURNMENT**

**Next Scheduled Meeting: Tuesday, November 08, 2016 at 5:30 p.m.**

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CITY OF COLTON  
PLANNING COMMISSION AGENDA MINUTES  
REGULAR MEETING – Tuesday, August 09, 2016– 5:30 P.M.

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

**B. ROLL CALL**

Commissioners Present:

Acting Chair Thomas Archuleta  
Angel Delgado  
Gilbert Arrieta  
Gary Grossich  
Rosa Granado-Dominguez

Commissioners Absent:

Chair Prieto - Excused  
Kirk Larson- Excused

City Staff:

Marco Martinez, City Attorney  
Mark Tomich, Development Services Director  
Mario Suarez, Senior Planner

**C. PLEDGE OF ALLEGIANCE**

Commissioner Grossich led the pledge of allegiance.

**D. APPROVAL OF MEETING MINUTES**

**1. July 12, 2016 Planning Commission Meeting Minutes**

Motion and second by Commissioner Grossich/Commissioner Delgado 5 to 0 to approve.  
Roll Call vote as follows: Ayes-Commissioner Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Granado-Dominguez, and Commissioner Grossich. Noes-None.  
Commissioner Larson and Chair Prieto,absent from vote.

**2. July 26, 2016 Planning Commission Meeting Minutes**

Motion and second by Commissioner Grossich/Commissioner Delgado 5 to 0 to approve.  
Roll Call vote as follows: Ayes-Commissioner Archuleta, Commissioner Arrieta, Commissioner Delgado, Granado-Dominguez, and Commissioner Grossich. Noes-None. Commissioner Larson and Chair Prieto,absent from vote.

Councilman Navarro and Mayor Pro Tem Suchil recognized by Acting Chair Archuleta.

**E. PUBLIC COMMENTS**

None.

**F. COMMISSION CONSIDERATION:**

- 1. 60 Day Status Report for 1235 S Lincoln St. - Pallet Use- City Council Resolution R-35-16 and R-36-16. (Continued from July 12, 2016)**

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

**PUBLIC COMMENTS:**

- Robert Krup- Applicant ( Rebbur LLC)

**STAFF RECOMMENDATION**

The Planning Commission to review and provide direction to staff.

Commission directed staff to allow applicant to post performance bond and work with applicant to modify conditions of approval and return to Planning Commission.

**G. PUBLIC HEARINGS**

- 1. FILE INDEX NUMBER: DAP-001-230**

**Southwest Regional Operations Center**

**(Continued from July 26, 2016)**

**PROPERTY LOCATION:** 602 Agua Mansa Road  
APN: 0275-041-36 and 0163-452-07

**PRESENTED BY** Mario Suarez, Senior Planner.

**PUBLIC COMMENTS:**

- Nicole Vermillion- Placeworks (Enviromental Consultant).
- Chris Patton- Kunzman & Associates (Traffic Consultant).
- Pat Meyer- Applicant's representative.
- Norm Timmermans- Consultant to Applicant.
- Barbara Santoya, representing 604 Agua Mansa.
- Owen Chang, Colton Unified School District.
- Barbara Webb, 606 Agua Mansa.
- Robert Will-Hunt, Applicant.
- Gary Miller, Architect for project.

- Benjamin Vargas, Cultural Resources Consultant.

**PROJECT DESCRIPTION:** A **Conditional Use Permit** to allow a truck and trailer storage use and **Architectural Site Plan Review** for a 19,913 square foot office building and ancillary uses including fuel station and truck washing facility on property measuring approximately 11.12 acres in an area located in the M-2 (Heavy Industrial) and M-1 (Light Industrial) Zones.

**ENVIRONMENTAL ASSESSMENT:** Notice is hereby given that the City of Colton is considering a recommendation that the project herein identified will have no significant environmental impact in compliance with Section 15070 of California Environmental Quality Act (CEQA) guidelines. The Project site is not on a list compiled pursuant to Government Code section 65962.5. A Mitigated Negative Declaration (MND) is being proposed in conjunction with the above proposal. Mitigation measures to reduce environmental impacts to less than significant levels have been provided in the following environmental categories: Biological Resources, Cultural Resources, Geology and Soils, Noise, and Transportation/Traffic.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission adopt Planning Commission Resolution No. R-28-16 approving DAP-001-230, subject to conditions imposed by PC Resolution titled below:

**RESOLUTION NO. R-28-16. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT TO ALLOW A TRUCK AND TRAILER STORAGE USE AND ARCHITECTURAL SITE PLAN REVIEW FOR A 19,913 SQUARE FOOT OFFICE BUILDING AND ANCILLARY USES INCLUDING FUEL STATION AND TRUCK WASHING FACILITY ON PROPERTY MEASURING APPROXIMATELY 11.12 ACRES IN AN AREA LOCATED IN THE M-2 (HEAVY INDUSTRIAL) AND M-1 (LIGHT INDUSTRIAL) ZONES. (FILE INDEX NO. DAP-001-230)**

Council Member Gonzalez and Mayor DeLaRosa recognized by Acting Chair Archuleta.

Motion and second by Commissioner Grossich\ Commissioner Archuleta 3 to 2 to approve. Roll call vote as follows: Ayes- Commissioner Archuleta, Commissioner Grossich, and Commissioner Delgado. Noes- Commissioner Arrieta, and Commissioner Granado-Dominguez. Chair Prieto and Commissioner Larson absent from vote.

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

- Update on SDA overlay action at City Council.

#### **I. COMMISSION COMMENTS:**

**Archuleta**

- Question regarding demolition and fence construction on property located south of CoPart, along S. La Cadena Dr.

**Arrieta**

- Comments regarding weeds at Colton Iron & Metal site on M Street.

**Delgado**

- Concerns regarding vehicle storage and possible sales at 125 East O St. (next to burned house).

**Granado-Dominguez**

- Compliments to staff for dealing with difficult issues.
- Comments regarding possible In-and-Out Restaurant near ARMC.

**Grossich**

- Question whether new industrial development on Fairway Drive is paying traffic mitigation fees.
- Concerns regarding tractor-trailers parked on Angelica near Jefferson.
- Question regarding State marijuana initiative.

**J. ADJOURNMENT**

The meeting adjourned at 8:42 p.m.

Approved by: \_\_\_\_\_  
Mark Tomich, AICP



CITY OF COLTON  
PLANNING COMMISSION AGENDA MINUTES  
REGULAR MEETING – Tuesday, October 11, 2016– 5:30 P.M.

**A. CALL TO ORDER at 5:31p.m.**

**B. ROLL CALL**

Commissioners Present:

Chair Prieto  
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  
Steve Gonzales, Associate Planner

**C. PLEDGE OF ALLEGIANCE**

Commissioner Larson led the pledge of allegiance.

**D. APPROVAL OF MEETING MINUTES**

**1. September 13, 2016 Planning Commission Meeting Minutes.**

Motion and second by Commissioner Grossich/ Commissioner Larson 6 to 0 to approve. Roll Call vote as follows; Ayes- Commissioner Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Grossich, Commissioner Prieto, and Commissioner Larson. Noes-none. Commissioner Granado-Dominguez abstained from vote.

**E. PUBLIC COMMENTS**

- Council Member Dr. Gonzalez.

**F. NEW BUSINESS:**

**1. FILE INDEX NUMBER: DAP-001-360**

**Ordinance Regulating Marijuana Use**

**APPLICANT:** City-initiated

**PROJECT DESCRIPTION:** Amendments to Section 18.48.130 of the Colton Municipal Code (“Zoning Code”) to regulate the personal, medical, and commercial use of marijuana. This Ordinance is in anticipation of the potential adoption of the Adult Use of Marijuana Act (“AUMA”), Proposition 64 on the November 8, 2016 ballot.

**PROPERTY LOCATION:** Citywide

**PRESENTED BY:** Marco Martinez, City Attorney.

**PUBLIC COMMENTS:**

- None.

**ENVIRONMENTAL DETERMINATION:** The proposed ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Furthermore, the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO SECTION 18.48.130 OF THE COLTON MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA.**

Motion and second by Commissioner Larson/ Commissioner Archuleta 7 to 0 to approve Resolution. Roll Call vote as follows; Ayes- Commissioner Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Granado-Dominguez, Commissioner Grossich, Commissioner Prieto, and Commissioner Larson. Noes- none.

**G. PUBLIC HEARINGS:**

**1. FILE INDEX NUMBER:** DAP-001-347 Sunoil Retail Group Inc.

**APPLICANT:** Sergey Vershinin

**PROJECT DESCRIPTION:** Conditional Use Permit Modification to upgrade from an existing Type 20 ABC alcohol license (off-sale beer and wine) to a Type 21 (off-sale beer, wine, and distilled spirits) and to remove barrier between market and dining area for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone.

**PROPERTY LOCATION:** 1703 E. Washington Street  
APN: 0164-263-46

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

**PUBLIC COMMENTS:**

- Sergey Vershinin, applicant.
- Kathy Dunsmore, business owner.
- Florence Cash, resident and works in area.
- Azmat D Baksh, business owner.
- Wayne Hoxie, resident.
- Pete Anagnostopoulos, resident.
- Ron Combado, resident.
- Darren Bradshaw, resident.

**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:

**RESOLUTION NO. R-33-16 A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT TO UPGRADE FROM AN EXISTING TYPE 20 ABC ALCOHOL LICENSE (OFF-SALE BEER AND WINE) TO A TYPE 21 (OFF-SALE BEER, WINE, AND DISTILLED SPIRITS) AND TO REMOVE BARRIER BETWEEN MARKET AND DINING AREA FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX DAP-001-347).**

Motion and second by Commissioner Archuleta /Commissioner Arrieta 6 to 0 to re-open public hearing, continue meeting to October 25, 2016, and direct staff to prepare Resolution of denial for consideration by the Commission. Roll call vote as follows: Ayes-Commissioner Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Granado-Dominguez, Commissioner Prieto, and Commissioner Larson. Commissioner Grossich recused himself from hearing due to potential conflict. Noes-None.

**2. FILE INDEX NUMBER: DAP-001-354**

**APPLICANT:** Tim Millington

**PROJECT DESCRIPTION:** **Major Variance** to allow for tandem parking on the existing driveway to meet the required parking for a property with an existing 1,136 square foot single-family home and a 780 square foot second dwelling unit on a lot measuring 8,000 sf and zoned as R-1 (Low Density Residential).

**PROPERTY LOCATION:** 840 Orange Grove Avenue  
APN: 0164-082-15

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

**PUBLIC COMMENTS:**

- Carolina Padilla.
- Tim Millington, Designer of project.
- Elena Contreras.

**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:

**RESOLUTION NO. R-34-16 A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING A MAJOR VARIANCE TO ALLOW FOR TANDEM PARKING ON THE EXISTING DRIVEWAY TO MEET THE REQUIRED PARKING FOR A PROPERTY WITH AN EXISTING 1,136 SQUARE FOOT SINGLE-FAMILY HOME AND A 780 SQUARE FOOT SECOND DWELLING UNIT ON A LOT MEASURING 8,000 SF AND ZONED AS R-1 (LOW DENSITY RESIDENTIAL) (FILE INDEX NO. DAP-001-354).**

Motion and second by Commissioner Granado-Dominguez/Commissioner Grossich 7 to 0 to approve. Roll call vote as follows: Ayes-Commissioner Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Granado-Dominguez, Commissioner Grossich, Commissioner Prieto, and Commissioner Larson. Noes-None.

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

- Work Plan for K St. & South 7<sup>th</sup> St. rezoning.
- Sign Code Amendment Status.
- South Colton grant application.

**I. COMMISSION COMMENTS**

**Archuleta**

- Comments regarding building renovation on S. La Cadena Dr., near La Loma.
- Expansion plans for Coparts.
- Block wall completed at former Deseret Industries Thrift Store (proposed CBM Motorsports).

**Arrieta**

- Comments regarding Choppers Tacos (Sports Bar).

**Delgado**

- Pleased with completion of road construction along Rancho Ave.
- Improvements at former Deseret Industries Thrift Store site.

- Comments regarding tire shop in South Colton (just north of Choppers Tacos) tires stored up against fence.

**Granado-Dominguez**

- Pleased that residents attended meeting to express opinions on alcohol CUP.
- Pleased that staff worked with family to approve variance for 2<sup>nd</sup> unit, and working with other applicants.

**Grossich**

- Question regarding means to notify neighbors /residents of new projects under consideration.
- Would like new updated Planning Status Report.
- Comments regarding Sports Complex status.

**Larson**

- Comments regarding the diverse causes of business problems.
- Thanks to staff; pleased with South Colton grant opportunity.

**Prieto**

- Comments regarding political signs (a lot of 4' x 8' illegal signs).
- Status & purpose of Wrights Air Conditioning building rehabilitation on East Valley Blvd.
- Is the storage of shipping containers from ports permitted in Colton?

**J. ADJOURNMENT**

Motion and second by Commissioner Larson and Commissioner Granado-Dominguez to adjourn the meeting at 8:04 p.m.

Approved by: \_\_\_\_\_  
Mark Tomich, AICP



# Planning Commission Staff Report

**CITY OF COLTON**  
**Development Services Department**

**TYPE OF ACTION:** Final Action

**MEETING DATE:** October 25, 2016

**FILE INDEX NUMBER:** DAP-001-364

**REQUEST:** **One-Year Time Extension Request (First)** for approved Architectural and Site Plan Review (File Index No. DAP-001-243) for a 23-compact lot subdivision including four common lots on property measuring approximately 1.15 acres located west of 11<sup>th</sup> Street between G and H Streets within the M-U/D (Mixed-Use/Downtown) Zone.

**APPLICANT:** John J. Reichel, SunWest Enterprises, LLC

**ACTIONS:**  
**APPLICATION FILED:** 10/13/16  
**APPLICATION REVIEW COMMITTEE:** N/A  
**PLANNING COMMISSION:** 10/25/16; 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: located west of 11<sup>th</sup> Street between G and H Streets  
Assessor's Parcel No: 0162-107-04 through 13)
2. Lot Size(s): 1.15 acres
3. Existing Land Use: Vacant Lot
4. General Plan Land Use Designation: Mixed-Use/Downtown
5. Zoning: M-U/D (Mixed-Use/Downtown)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
North	Printing Shop & Apartments	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
South	Vacant Commercial	C-2 (General Commercial)	General Commercial
East	Single Family Residential	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
West	Contractor's office/yard	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown

**7. Past Planning Actions:** None found for vacant/undeveloped site

## DISCUSSION

On October 27, 2016, the Architectural and Site Plan Review approval for the 23 compact lot subdivision expires (File Index Number DAP-001-243). Therefore, the request is for the Planning Commission to consider the first one year time extension of the compact lot subdivision proposal. The applicant has indicated the reasoning that they are requesting the extension to complete subdivision final maps and construction plans for the project.

To date the City has completed review of the final map plans. The applicant has indicated that corrections to the plans should be completed in approximately two weeks. The Tentative Tract Map for the project has a two year expiration date which is consistent with the Subdivision Map Act legislation. The final map should be completed within the two year period.

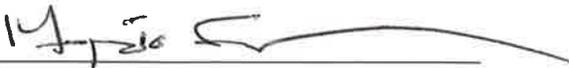
The Zoning Code allows for a maximum of four extensions that may be granted by the Planning Commission. The Planning Commission may grant the one-year extension if it finds there is “good cause,” which is the sole discretion of the Planning Commission pursuant to the Zoning Code cited in the box below.

**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 DAP-001-364 for DAP-001-243, which will set a new expiration date of October 25, 2017. Approved Planning Commission Resolutions shall remain in effect with this one-year time extension.



Prepared By:  
Mario Suarez, AICP, Senior Planner



Reviewed By:  
Mark Tomich, AICP, Director

## Attachments

1. Applicant's Request for Extension, 10/13/2016
2. P.C. Staff Report Cover Only dated October 27, 2015
3. P.C. Minutes, October 25, 2015
4. P.C. Resolution No: R-19-15

**ATTACHMENT 1**

**SunWest Enterprises**

*3Upper Newport Plaza*

*Newport Beach, CA 92660*



*Mario Suarez, Senior Planner*

*City of Colton*

*659N. La Cadena Drive*

*Colton, CA 92324*

**Subject:** Extension of Time of Resolution No. R-19-15 & Resolution No. R-20-15

Please extend the validity periods by one (1) year of:

- a) R-19-15 – Section 6 (DAP-001-243)- TTM 18738, Site Plan & Architectural for 23 homes in downtown Colton
- b) R-20-15 – Section 5 (DAP-001-244) – Private Park/ Recreational Facility.

This one (1) year extension period must be on the 10/25/16 Planning Commission Agenda in order for the extension to be in place prior to the current 10/27/16 expiration date.

At this time, Final Map 18738 & engineering plans for Grading , street, water, storm drain & electrical have been prepared & submitted to the appropriate city departments. Each department has completed their initial plan checks and the plans are about to be resubmitted for approval. Final approval of all required actions per the above Resolutions & Files will not be completed prior to the current validity dates and the requested extensions are required to complete the approval process.

In view of these constraints, I request a one (1) year extension of the above Resolutions. Please advise me if I any further actions are required by me to extend these Resolutions.

I thank you in advance for placing these actions on the 10/25/16 Planning Commission Agenda.

Thank You,

A handwritten signature in black ink that reads "John J. Reichel". The signature is written in a cursive, flowing style.

John J. Reichel, Owner & Applicant

**ATTACHMENT 2**



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** October 27, 2015

**FILE INDEX NUMBER:** DAP-001-243

**APPLICANT:** John J. Reichel, Garden Villas

**PROPERTY OWNER:** John J. Reichel, Revocable Trust

**REQUEST:** **DAP-001-243. Architectural and Site Plan Review and Tentative Tract Map No. 18738** for a 23-compact lot subdivision including four common lots on property measuring approximately 1.15 acres and construction of 11<sup>th</sup> Street between G and H streets located in the M-U/D (Mixed-Use Downtown) Zone.

**ACTIONS:**

**APPLICATION FILED:** 07/21/15

**CONSIDERATION OF Application Review Committee (ARC):** 08/17/2015;

**CONSIDERATION BY THE PLANNING COMMISSION:** 10/14/2015 **Decision** \_\_\_\_\_.

**ENVIRONMENTAL DETERMINATION: Exempt under CEQA, Section 15332 (Infill Development Projects), Class 32.** This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**PROPERTY INFORMATION:**

1. Location: NWC of Cottage Lane and H Street (APN: 0162-107-04-13)
2. Lot Size(s): 1.15 acres subdivided into 23 lots with common lots for access and open space.
3. Existing/Previous Land Use: Vacant/Undeveloped lot
4. General Plan Land Use Designation: Mixed-Use/Downtown
5. Zoning: M-U/D (Mixed-Use/Downtown)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Printing Shop & Apartments	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
<b>South</b>	Vacant Commercial	C-2 (General Commercial)	General Commercial
<b>East</b>	Single Family Residential	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
<b>West</b>	Contractor's office/yard	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown

**7. Past Planning Actions:** None found for vacant/undeveloped site

## **BACKGROUND**

The subject property is presently vacant and is located on the northwest corner of Cottage Lane and H Street. The aerial photograph below provides different outlines showing the general location of the project proposal and separate proposal for park project site. 11<sup>th</sup> Street is shown in blue which is adjacent to the residential area to the east and the existing paved alley.

On August 6, 2015, the applicant held a neighborhood meeting at the Hutton Center. Approximately 8 people attended the meeting from the neighborhood, City Council and Planning Commission. Concerns and heard from the public included: Maintenance of landscaping; and ensuring the alley area is seamless with newly constructed 11<sup>th</sup> Street between G and H Streets. There was positive feedback on the overall project layout and architecture.

The location of the subdivision, 11 Street and park site are outlined below:  
The location of the subdivision, 11 Street and park site are outlined below:



## **PROJECT PROPOSAL**

The proposed project site is 1.15 acres in area which is proposed to be developed with 23 compact lots, four private common lots consisting of drives, guest parking and development of 11<sup>th</sup> Street between G and H Streets. Density of the proposed project is 20 dwelling units per acre. The lots sizes range from 2,244 square feet to 2,865 square feet in size with an average lot size of 2,462 square feet. Lot sizes and their private yard areas are listed in the following table:

Lot Sizes / Private Yard (PY) Area for Garden Villas Subdivision

Lot 1: 2755 square feet / 995 square feet of PY	Lot 12: 2584 square feet / 900 square feet of PY
Lot 2: 2393 square feet / 914 square feet of PY	Lot 13: 2244 square feet / 699 square feet of PY
Lot 3: 2393 square feet / 848	Lot 14: 2244 square feet / 765
Lot 4: 2393 square feet / 914	Lot 15: 2244 square feet / 699
Lot 5: 2393 square feet / 848	Lot 16: 2244 square feet / 699
Lot 6: 2857 square feet / 1098	Lot 17: 2795 square feet / 1036
Lot 7: 2584 square feet / 824	Lot 18: 2594 square feet / 910
Lot 8: 2312 square feet / 810	Lot 19: 2399 square feet / 854
Lot 9: 2312 square feet / 742	Lot 20: 2399 square feet / 920
Lot 10: 2312 square feet / 810	Lot 21: 2399 square feet / 854
Lot 11: 2516 square feet / 781	Lot 22: 2399 square feet / 854
Private Parking to accommodate 5 guest parking spaces	Lot 23: 2865 square feet / 1107

The project also includes green belt consisting of 4,220 square feet in area.

Building Elevations – Side by Side:



Conceptual site plan below:



**Development Standards Table:**

<b>Standard</b>	<b>Code Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Project Size</b>	0.5 acres	1.15 Acres	Yes
<b>Density</b>	2-30 du/ac (20 minimum)	20.9 DU/Ac	Yes
<b>Lot Size</b>	1,950 square feet	2244-2865 square feet	Yes
<b>Lot Width</b>	30 feet	33-feet to 41.1-feet	Yes
<b>Lot Depth</b>	60 feet	68-feet to 72.7 feet	Yes
<b>Alley Width</b>	20 feet	20 feet	Yes
<b>Block Width</b>	300 feet maximum	211 feet	Yes
<b>Parking</b>	48 spaces (2 enclosed ea. Home)	48 Spaces in Garages	Yes
<b>Guest Parking</b>	5 parking spaces	5	Yes
<b>Front Setbacks along Street</b>	14 feet	14+	Yes
<b>Front Setbacks along Green Belt</b>	10 feet	13+	Yes
<b>Side Setback</b>	0-5 feet	3-11 feet	Yes
<b>Street Side Setback</b>	8 feet	14 feet	Yes
<b>Rear Setback</b>	3 feet	3 feet	Yes
<b>Lot Coverage</b>	75%	56%	Yes
<b>Building Height</b>	45 feet or 3 stories	24 feet, 2 stories	Yes
<b>Recreation Area</b>	Each home has private open space	Acceptable	Yes **
** Additional Conditions recommended for full-compliance with code based on project design			

**ANALYSIS**

**Parking:** The parking requirements are met for each unit with the provision of a two car, enclosed garage. However, 1 guest parking space is required for each 2 units that do not have a street frontage. Nine of the lots do not have street frontages. Therefore, a minimum of five guest parking spaces are required to be provided on site. The applicant is aware of this requirement and will be designing 5 guest parking spaces along 11 Street's edge. A condition of approval is included requiring the applicant to provide five (5) on-site guest parking spaces, subject to review and approval by the Development Services Director. In addition, a conditions of approval are recommended to for the applicant to install signage in front of the guest parking spaces notifying residents and users the on-site open parking spaces are for "guests only" and overnight parking is prohibited unless a permit is obtained from the homeowners' association. The bylaws shall include language requiring maintenance and upkeep of signage and homeowners' responsibility on the use of the "guest parking" spaces and maximum stay allowed by guests of the Garden Villas, subject to review and approval by the Development Services Director.

**Open Space Areas:** Each project is reviewed on a case by case basis on meeting adequate open space areas. In this case the applicant has provided adequate private and common open space area. Common areas are proposed within a 20 feet by 244 feet greenbelt area running in an east to west direction between lots 7 through 18. The applicant proposes grass/turf and walkways in the greenbelt area. In order to ensure appropriate design and landscaping, staff recommends a condition of approval for the applicant to provide a detailed landscape and irrigation plans for the proposed "green belt" area. The "green belt" area shall be lushly landscaped with drought-resistant planting and include garden type amenities to be enjoyed by the residents and other guests walking through the area, subject to review and approval by the Development Services Director.

**Perimeter Fence:** The applicant has proposed side yard vinyl fencing for each lot. The heights of the fence will vary from 4 to six feet high within side, street side and rear areas of lots. No fencing is proposed at the front of lots. 11<sup>th</sup> Street will be fully developed with new vinyl fencing on the southeast side of the street, south of the existing alley. The applicant will be installing a new vinyl fence be constructed along the southern half of the east side of 11<sup>th</sup> Street and the north side of 11<sup>th</sup> Street will remain with existing block wall. However, in

order to ensure compatible views driving south along newly developed 11<sup>th</sup> Street, the applicant is proposing lush desert landscaping along the east and west side of 11<sup>th</sup> Street to provide compatible views for automobile drives or pedestrians or others traveling along newly constructed 11<sup>th</sup> Street, which will be maintained by the homeowners' association.

**Lighting:** The Electric Department indicates that the proposed subdivision will be required to provide a minimum of two to four new street light standards on 11<sup>th</sup> Street. The plans do not identify detailed lighting within the greenbelt area. Staff is recommending security lighting along the entire path of the greenbelt pathway consisting of decorative light standards and low security lighting, subject to review and approval by the Development Services Director and Colton Electric Department.

**Amenities:** The pocket park is designed for the neighborhood families to enjoy as a recreation area, passive walking area, and as an overall landscaped amenity to the neighborhood. The design will take into account the use and enjoyment by homeowners' association members while ensuring that security is also on the forefront of design parameters. This is a separate proposal, but linked to the proposed 23 compact lot subdivision.

**Adjacent Park Maintenance:** Park maintenance will be addressed through homeowners' association fees. Staff has included a condition of approval for the applicant to provide a HOA stipulation for landscape and other common open space/green belt/adjacent private park landscape, infrastructure and amenities maintenance fees, subject to review and approval by the Development Services Department.

**11<sup>th</sup> Street and Perimeter Subdivision Improvements:** 11<sup>th</sup> Street will be fully developed with a one way street, street parking, sidewalks and landscaping. In addition, the east side will have a lushly landscaped buffer with drought-resistant landscaping and perimeter fencing, vinyl fence to match the other fence types of the project. With time, 11<sup>th</sup> Street will be an attractive, with landscaping, sidewalks on both sides of the street, adequate lighting and new perimeter fencing.

**Project Architecture:** The proposed architecture includes architectural elements from the Spanish Revival Style which is a very popular style, commonly used in California and in Colton. The Spanish Revival Architecture Style became popular in California during the 1920s. The exterior architectural features of this style includes:

- ❖ White color exterior
- ❖ Decorative wrought iron
- ❖ Painted tile elements on stair risers
- ❖ Wooden shutters
- ❖ Arches – on windows and doors
- ❖ Arcades
- ❖ Terracotta Tile flooring
- ❖ Dark Wood
- ❖ Inclusion of Smaller Windows

The Applicant's architect has submitted a more modern stucco example of a Spanish Revival. Several of the above mentioned detailed features are included. At minimum, the proposed architecture is acceptable, but each home should have the option of more classic upgrades available to a buyer. Staff recommends a condition of approval include an option for buyers to upgrade with inclusion of interior faux wood support beams and other architectural amenities such as built in niches and alcoves.

**ENVIRONMENTAL DETERMINATION**

Staff analyzed the proposal for California Environmental Quality Act (CEQA) compliance. The proposal is exempt under Article 19, Section 15332 (Infill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt Resolution No. R-19-15 titled:

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW AND TENTATIVE TRACT MAP NO. 18738 FOR A 23-COMPACT LOT SUBDIVISION INCLUDING FOUR COMMON LOTS ON PROPERTY MEASURING APPROXIMATELY 1.15 ACRES AND CONSTRUCTION OF 11<sup>TH</sup> STREET BETWEEN G AND H STREETS WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-243)**

Attachments:

- Attachment-1 Draft Planning Commission Resolution No. R-19-15
- Attachment-2 Applicant's Architectural Style Overview for Garden Villas
- Attachment-3 Plans and Tentative Tract Map No.18738



Prepared By:  
Mario Suarez, AICP, Senior Planner



Reviewed By:  
Mark Tomich, AICP, Director

**ATTACHMENT 3**



CITY OF COLTON  
PLANNING COMMISSION AGENDA MINUTES  
REGULAR MEETING – Tuesday, October 27, 2015 – 5:30 P.M.

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

**B. ROLL CALL**

Commissioners Present:

Chairperson Richard Prieto

Thomas Archuleta

Angel Delgado

Rosa Granado-Dominguez

Gary Grossich

Kirk Larson

Commissioners Absent:

Gilbert Arrieta

City Staff:

Marco Martinez, City Attorney

Mark Tomich, Development Services Director

Mario Suarez, AICP, Senior Planner

Steve Gonzales, Associate Planner

Reggie Torres, Assistant Engineer

**C. PLEDGE OF ALLEGIANCE**

Chair Prieto led the pledge of allegiance.

**D. APPROVAL OF MEETING MINUTES**

1. September 22, 2015 Planning Commission Meeting Minutes pulled/ deferred to next meeting to review Commission direction on Item G (Valley Pallets).

Chair acknowledged Council Member Gonzalez and Mayor Pro Tem Navarro.

**E. PUBLIC COMMENTS**

- None.

**F. BUSINESS ITEMS –None**

**G. PUBLIC HEARINGS:**

- 1. FILE INDEX NUMBER:** **DAP-001-243** **John Reichel (Garden Villas)**
- APPLICANT:** John Reichel, Revocable Trust
- PROPERTY LOCATION:** Northeast Corner of Cottage Lane and H Street (APN: 0162-107-04, 05,06,07,08,09,10,11,12,13 & 26)
- DESCRIPTION:** **Architectural and Site Plan Review and Tentative Tract Map No. 18738** for a 23-compact lot subdivision including four common lots on property measuring approximately 1.15 acres and construction of 11<sup>th</sup> Street between G and H streets located in the M-U/D (Mixed-Use Downtown) Zone.

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

**PUBLIC COMMENTS**

- John Reichel, Applicant

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Section 15332 (In-Fill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt Resolution No. R-19-15 titled:

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW AND TENTATIVE TRACT MAP NO. 18738 FOR A 23-COMPACT LOT SUBDIVISION INCLUDING FOUR COMMON LOTS ON PROPERTY MEASURING APPROXIMATELY 1.15 ACRES AND CONSTRUCTION OF 11<sup>TH</sup> STREET BETWEEN G AND H STREETS WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-243)**

Motion and second by Commissioner Larson/Commissioner Archuleta, 5 to 0 to adopt Resolution as amended to include Tentative Tract Map findings to G.P. consistency and provision for future passive and natural heating or cooling opportunities. . Roll Call vote as follows: ayes, Chair Prieto, Vice Chair Archuleta, Commissioner Larson, Commissioner Granado Dominguez, and Commissioner Delgado. Commissioner Grossich recused himself from voting and left the meeting room. Commissioner Arrieta absent from vote. Noes. None.

- 2. FILE INDEX NUMBER:** **DAP-001-244** **John Reichel (Park on G Street)**
- APPLICANT:** John Reichel, Revocable Trust
- PROPERTY LOCATION:** 400 E. G Street (APN: 0162-107-06)

**DESCRIPTION:** **Architectural and Site Plan Review** to allow a private park – recreational facility - to include passive open space, picnic tables, open space area and walkway running along its eastern edge on property measuring approximately 7,167 net square feet within the M-U/D (Mixed-Use/Downtown) Zone.

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

**PUBLIC COMMENTS**

- John Reichel, Applicant.
- John Anaya, Sr.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Section 15332 (In-Fill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt Resolution No. R-20-15 titled:

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW PRIVATE PARK – RECREATIONAL FACILITY - TO INCLUDE PASSIVE OPEN SPACE, PICNIC TABLES, OPEN SPACE AREA AND WALKWAY RUNNING ALONG IT’S EASTERN EDGE ON PROPERTY MEASURING APPROXIMATELY 7,167 SQUARE FEET IN NET AREA WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-244)**

Motion and second by Commissioner Archuleta/Commissioner Larson, 5 to 0 to adopt Resolution. Roll Call vote as follows: ayes, Chair Prieto, Vice Chair Archuleta, Commissioner Larson, Commissioner Delgado, and Commissioner Granado-Dominguez. Commissioner Grossich recused himself from the vote and left the meeting room. Commissioner Arrieta absent from vote.

**3. FILE INDEX NUMBER:** **DAP-001-223** **I and R Trailer and Lift Gate Co.**

**APPLICANT:** Irinio G. Gonzalez (I and R Trailer and Lift Gate Co.)

**PROPERTY LOCATION:** 151 Fogg Street (APN(s): 0163-292-13, 14, 15, 16, 17 and 20)

**DESCRIPTION:** **A Modification of Conditional Use Permit (CUP) (File Index No. DC-11-94)** to allow a truck repair use and reduction of an existing construction trucking operation (Corporation yard) and review of all conditions of approval from former Conditional Use Permit, File Index No. DC-

11-94, on a site on property measuring approximately 2.7 acres in area located in the M-1/SDA (Light Industrial/Sensitive Development Overlay) Zone.

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

**PUBLIC COMMENTS**

- Ron Debaise, Applicant’s representative and subtenant.
- Richard Carrion.
- Cindy Carrion.

**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 approve the Modification of Conditional Use Permit through the adoption of attached Resolutions No. R-23-15 titled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (CUP) (FILE INDEX NO. DC-11-94) TO ALLOW A TRUCK REPAIR USE AND REDUCTION OF AN EXISTING CONSTRUCTION TRUCKING OPERATION (CORPORATION YARD) AND REVIEW OF ALL CONDITIONS OF APPROVAL FROM FORMER CONDITIONAL USE PERMIT, FILE INDEX NO. DC-11-94 ON PROPERTY MEASURING APPROXIMATELY 2.7 ACRES IN AREA LOCATED IN THE M-1/SDA (LIGHT INDUSTRIAL/SENSITIVE DEVELOPMENT OVERLAY) ZONE.**

Motion and second by Commissioner Delgado/Commissioner Granado-Dominguez, 5 to 0 to continue public hearing to November 24, 2015. Roll Call vote as follows: ayes; Commissioner Delgado, Commissioner Granado-Dominguez, Vice Chair Archuleta, Chair Prieto, Commissioner Larson. Noes- None. Commissioner Arrieta, absent from vote. Commissioner Grossich recused himself from voting and left the meeting room.

- |                              |   |                          |
|------------------------------|---|--------------------------|
| <b>4. FILE INDEX NUMBER:</b> | <b>DAP-001-249</b>  | <b>Smart &amp; Final</b> |
| <b>APPLICANT:</b>            | Evergreen Devco. Inc.   |                          |
| <b>PROPERTY LOCATION:</b>    | 1023 N. Mt. Vernon Avenue (APN(s): 0161-221-03, 04, 05, 06, 07, 08, 09, 37, 67, and 70)   |                          |
| <b>DESCRIPTION:</b>          | <b>Architectural and Site Plan Review</b> to allow a 27,870 sf retail bulk grocery store and a 4,400 sf drive through restaurant pad and a <b>CUP</b> to allow off-sale alcohol sales (Type 21) and a <b>Tentative Parcel Map No. 19660</b> to consolidate 10 lots into 2 lot on property measuring |                          |

approximately 3.6 acres located in the C-2 (General Commercial) Zone.

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

**PUBLIC COMMENTS:**

- Jon Prystasz, Evergreen Development.
- Aurelio De La Torre.
- John Lay, Architect.
- Juan Carlos Lomeli, Reliable Properties.
- John Anaya, Sr.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Section 15332 (In-Fill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Architectural and Site Plan Review and Conditional Use Permit through the adoption of attached Resolutions No. R-21-15 and Resolution No. R-22-15 titled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW A 27,870 SF RETAIL BULK GROCERY STORE AND A TENTATIVE PARCEL MAP NO. 19660 TO CONSOLIDATE 10 LOTS INTO 2 LOT ON PROPERTY MEASURING APPROXIMATELY 3.55 ACRES LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-249).**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT UP TO ALLOW OFF-SALE ALCOHOL SALES (TYPE 21) FOR A 27,870 SF RETAIL BULK GROCERY STORE ON PROPERTY MEASURING APPROXIMATELY 3.6 ACRES LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE**

Motion and second by Commissioner Archuleta/Commissioner Delgado 6 to 0 to adopt Resolution as amended to include tentative Tract Map findings to G.P. consistency and provision for future passive and natural heating and cooling opportunities. Roll Call vote as follows: ayes Commissioner Granado-Dominguez, Commissioner Grossich, Commissioner Delgado, Vice Chair Archuleta, Chair Prieto, and Commissioner Larson. Commissioner Arrieta absent from vote. Noes; none.

## **H. PRESENTATION**

1. Public Works presentation on an update of the City of Colton’s Speed Humps Policy.

Presented by Reggie Torres, Associate Engineer

Planning Commission provided brief comments and was in support of the proposed policy.

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

- Update on California University of Science and Medicine.

**J. COMMISSION CONSIDERATION**

**Archuleta**

- WSS shoes and other new business observations.

**Prieto**

- Jet fuel line/ gas line- need to look at conflicts with land uses.
- Status of Colton Iron & Metal wall and other improvements.

**Granado-Dominguez**

- Ribbon cutting for Mt. Slover Mobile Home Park utility upgrade program.

**Grossich**

- Request to close meeting in memory of Cotoon Fire fighter David Lodarski.
- Thanks to staff, City attorney for keeping Commission on point regarding Smart & Final project.
- Moss Brothers stacking containers on site.
- New proposed gas line through Reche Canyon area.

**Larson**

- Sunstate Equipment Rental is open.
- Thanks to public for their participation.

**K. ADJOURNMENT**

Meeting closed in memory of David Lodarski at 9:13 p.m.

Approved by:   
Mark R. Tomich, AICP

**ATTACHMENT 4**

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

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW AND TENTATIVE TRACT MAP NO. 18738 FOR A 23-COMPACT LOT SUBDIVISION INCLUDING FOUR COMMON LOTS ON PROPERTY MEASURING APPROXIMATELY 1.15 ACRES AND CONSTRUCTION OF 11<sup>TH</sup> STREET BETWEEN G AND H STREETS WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-243)**

**WHEREAS, An Architectural and Site Plan Review and Tentative Tract Map No. 18738** for a 23-compact lot subdivision including four common lots on property measuring approximately 1.15 acres and construction of 11<sup>th</sup> Street between G and H streets located in the M-U/D (Mixed-Use Downtown) Zone; and

**WHEREAS,** on October 27 , 2015, the City of Colton Planning Commission conducted a 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, Class 32) 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 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;* In that the proposed 1.15 acre subject site has been adequately designed with two car garage for each dwelling with five “guest parking” spaces. In addition, the project includes 22 on-street parking areas fronting the project homes. The sites driveways and construction of 11<sup>th</sup> Street and street improvements made on Cottage Lane provide a residential subdivision that is adequately parked with safe circulation of pedestrians and vehicles.
- 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 that will avoid such detrimental or injurious results or such*

1                    *loss or damage;* in that the site is flat in topography with no unique natural or  
2                    topographic features. The proposed residential project will not be detrimental or  
3                    injurious to the surrounding neighborhood as grading, hydrology and adequate  
4                    infrastructure is available so as not to cause loss or damage to future residents and  
5                    existing residents of the area.

6                    *c        The provisions for exterior lighting are adequate for human safety and will not*  
7                    *diminish the value and/or usability of adjacent property;* in that, the proposed  
8                    lighting will be located with security in mind and as enhancement to the residential  
9                    project’s visibility and safety.

10                    *d.       The exterior design of the buildings and structures will not be injurious or*  
11                    *detrimental to the environmental or historic features of the immediate*  
12                    *neighborhood in which the proposed development is located and will not cause*  
13                    *irreparable damage to property in the neighborhood, to the City and to its citizens;*  
14                    The project has been conditioned to comply with all local, state and federal code  
15                    requirements. The project site is not located within a City of Colton Historic  
16                    District, but is proposed with a Spanish Revival Architectural style homes consistent  
17                    with Colton’s heritage and nearby historic homes of Colton’s Downtown.

18                    *e.       The proposed development will not impose an undue burden upon off-site public*  
19                    *services, including sewer, water and streets, which conclusion shall be based upon*  
20                    *a written report of the City Engineer; and there is no provision in the capital works*  
21                    *program of the City to correct the specific burden within a reasonable period after*  
22                    *the Development will be completed;* the development of the 23 compact lot  
23                    subdivision is within an urban area. All improvements, including electrical, sewer,  
24                    and water will be provided to adequately serve the project.

25                    **SECTION 2.** Based on the entire record before the Planning Commission and all written  
26                    and oral evidence presented, and the findings made for **Tentative Tract Map No. 18738** in this  
27                    Resolution, the Planning Commission hereby finds that:

28                    *a.       The subdivision is consistent with the city of Colton Plan. The map proposes 23 lot*  
29                    *compact lot subdivision with four common lots. The site is designated “Mixed*  
30                    *Use/Downtown” on the City’s General Plan Map and M-U/D (Mixed-*  
31                    *Use/Downtown in the City’s Zoning Map. The 23 compact lot subdivision proposed*  
32                    *by Map 18738 is consistent with both the General Plan and Zoning Ordinance*  
33                    *Compact Lot Subdivision Ordinance within Title 18, Section 18.48.180 of the*  
34                    *Zoning Code.*

35                    *b.       Development of the 23 compact lots subdivision proposed by the TTM No. 18738*  
36                    *provides future passive or natural heating or cooling opportunities since the map*

1                    *proposes the creation of larger lots to take advantage of the ability to orient*  
2                    *buildings in a way to maximize such opportunities.*

3                    **SECTION 3.** The Planning Commission of the City of Colton, in accordance with the  
4 California Environmental Quality Act, has found that the project will not have a significant impact  
5 on the environment and is Categorically Exempt from CEQA under Article 19, Section 15332,  
6 Class 32 (Infill Development) of the CEQA Guidelines. This section pertains to the proposed  
project which does not rise to a level of significant environmental impact and will not be detrimental  
to the health and welfare of the surrounding neighborhood.

7                    **SECTION 4.** Based upon the findings set forth in Sections 1 and 2 of this Resolution, the  
8 Planning Commission hereby approves **Architectural and Site Plan Review and Tentative Tract**  
**Map No. 18738 (DAP-001-243)**, subject to the attached conditions of approval (Exhibit "A").

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

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

14                    **SECTION 7.** Tentative Tract Map No. 18738 shall become null and void if not exercised  
15 within two (2) years of this approval and the applicant has not been granted an extension of time  
16 by the Planning Commission, pursuant to the Subdivision Map Act Term of Tentative Map  
Approvals.

17                    **SECTION 8.** The Secretary shall certify the adoption of this Resolution.

18                    PASSED, APPROVED, AND ADOPTED this 27th day of October 2015.

19  
20                    

21                    \_\_\_\_\_  
22                    Planning Commission Chairperson  
23                    Richard Prieto

24                    ATTEST:

25  
26                    

27                    \_\_\_\_\_  
28                    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 October 27, 2015, by the following vote of the Planning Commission:

AYES: Archuleta, Delgado, Dominguez, Grossich, Prieto, Larson  
ABSENT: Arrieta  
ABSTAIN:

  
\_\_\_\_\_  
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-001-243.

**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 for Architectural & Site Plan Review and Tentative Tract Map No. 18738, as conditioned and modified herein, for the construction of a 23-compact lot subdivision including four common lots on property measuring approximately 1.15 acres and construction of 11<sup>th</sup> Street between G and H streets ("Subject Site") and designated "Mixed-Use/Downtown" within the Mixed-Use/Downtown General Plan Land Use Designation (File Index DAP-001-243), as shown on plans stamped October 20, 2015 by the Development Services Department.
4. The applicant shall place a signed copy of these conditions of approval on the plan check sheet of the proposed project, subject to review and approval by the Development Services Director.
5. A fence permit will be required for any perimeter fencing of the residential subdivision, subject to review and approval by Development Services and the Building Department.
6. 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, if required.
7. The applicant shall install signage in front of the guest parking spaces notifying residents and users the on-site open parking spaces are for "guests only" and overnight parking is prohibited unless a permit is obtained from the home owners association, subject to review and approval by the Development Services Director.
8. The bylaws of the recorded CC&Rs (covenants, conditions and restrictions) shall include language requiring maintenance and upkeep of signage and homeowners responsibility on the use of the "guest parking" spaces and maximum stay allowed by guests of the Garden Villas, subject to review and approval by the Development Services Director.

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9. The applicant to provide a detailed landscape and irrigation plans for the proposed “green belt” area. The “green belt” area shall be lushly landscaped with drought-resistant planting and include garden type amenities to be enjoyed by the residents and other guests walking through the area, subject to review and approval by the Development Services Department.
10. 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.
11. The applicant and/or property owner and/or home owners association (HOA) shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.
12. The applicant shall submit a landscape and irrigation plan for all front yard and common area landscaped areas including street landscaping along 11<sup>th</sup> Street, subject to review and approval by the Development Services Department.
13. The applicant shall install a six-foot high vinyl fence on the southern half of the of newly created 11<sup>th</sup> Street, subject to review and approval by the Development Services Department.
14. The applicant shall provide a lighting plan along the entire path of the “green belt” pathway consisting of low security lighting consistent with the Spanish Revival Architecture style of the project, subject to review and approval by the Development Services Director.
15. The CC&Rs shall include specific language for continued maintenance and upkeep of adjacent private park and all landscaped areas facing the street, “greenbelt” area, 11<sup>th</sup> Street, or areas of any front yard, subject to review and approval by the Development Services Director.
16. During grading and construction phases, the construction manager shall serve as the contact person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact phone number.
17. The applicant shall provide permanent signage at various locations of the private park indicating private park, HOA reserves the right to revoke access, signage subject to review and approval by the Development Services Department.
18. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Department. (Location of this equipment shall be clearly noted on landscape construction documents.)
19. Electrical and other service facilities shall be located within an interior electrical room or approved comparable location. All electrical service facilities shall be fully screened from public view, as approved by the Planning Division.
20. The applicant shall underground all new utilities and utility drops.



1 a. The existing public fire hydrant located on the n/e corner of 11<sup>th</sup> and “H” noted as being  
2 removed shall be replaced with an approved equal meeting current City standards in a  
3 location as approved by the Fire Department.

4 b. An additional public fire hydrant shall be provided in an approved location on “G” street.

5 29. Residential automatic fire sprinkler systems designed and installed in accordance with NFPA  
6 13D are required for this project. Detailed drawings and calculations shall be submitted to the  
7 fire department for review, approval and permit issuance, and prior to installation.

8 30. Premise identification shall be provided in accordance with the City’s Security Ordinance #0-  
9 13-89, Section XIV (residential), Section XV (commercial).

10 31. If temporary fencing is used to enclose the construction site, at least two (2) means of  
11 unobstructed access must be installed, and maintained in locations as to give maximum access  
12 to all parts of the site, and in accordance with the Fire Departments' requirements.

13 32. The proposed project’s use and/or operations shall be designed and maintained in accordance  
14 with the 2012/2013 editions of the International Fire and Building Codes / California Fire and  
15 Building Codes (Title 24).

16 33. Deferred plan submittals and separate permits are required on the following:

- 17 ○ automatic fire suppression/sprinkler systems

18 **PUBLIC WORKS:**

19 **STREET IMPROVEMENTS**

20 34. Construct missing street improvements along the project frontage consisting of curb, gutter,  
21 sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street  
22 trees, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and  
23 City of Colton Standard Specifications.

24 35. Submit (3) sets of street improvement plans for the off-site improvements (including signing  
25 and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than  
26 1” = 40.’

27 36. An automatic sprinkler system shall be installed within any landscaped open space areas,  
28 including between the sidewalk and the tract at the right-of-way line.

37. 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.

38. The Developer shall construct improvements to mitigate traffic impacts as identified by the  
traffic impact study.

1     **DRAINAGE**

2     39. The property’s street and lot grading shall be designed in a manner that perpetuates the existing  
3     natural drainage patterns with respect to tributary drainage area, outlet points and outlet  
4     conditions; otherwise, a drainage easement shall be obtained from the affected property owners  
5     for the release of concentrated or diverted storm flows. A copy of the recorded drainage  
6     easement shall be submitted to the City of Colton for review prior to the recordation of the final  
7     map.

8     40. Submit to the City Engineer’s Office the Drainage and Erosion Control plans for review and  
9     approval. These plans to be prepared by a Civil Engineer register in the State of California.  
10    Provide plan and profile for all storm drainage work.

11   41. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and  
12   undeveloped conditions to the City of Colton for review and approval. All of the drainage from  
13   each individual lot shall drain into the public right-of-way and not impact surrounding  
14   properties, or a drainage easement acceptance letter from the adjacent landowner must be  
15   obtained.

16   42. Owner/Developer shall notify adjacent property owners about the impact of the proposed  
17   development on drainage configuration of existing adjacent properties. Such notification shall  
18   be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance  
19   of a grading permit.

20   43. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be  
21   contained within the street right-of-way. When either of these criteria is exceeded, additional  
22   drainage facilities shall be installed.

23   44. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the  
24   State Regional Water Quality Control Board and submit a copy of each to the Public Works  
25   Department. Ensure that Best Management Practices (BMPs) are followed, per NPDES  
26   requirements to reduce storm water runoff during, construction and thereafter. Temporary  
27   erosion control measures shall be implemented immediately following rough grading to prevent  
28   deposition of debris into the downstream properties or drainage facilities. Submit a Storm Water  
29   Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that  
30   will prevent all construction pollutants from contacting storm water and with the intent of  
31   keeping all products of erosion from moving off site into receiving waters for review.

32   **GRADING**

33   45. Submit to the City Public Works Department a separate grading plan of a scale of 1” = 20’  
34   prepared by a civil engineer registered in the State of California. The grading plan shall include  
35   a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot  
36   contour interval. This contour map shall be prepared within the last 12 months prior to a grading  
37   permit approval. The final grading plan shall be a 4 mil mylar, which the City Engineer will  
38   sign and retain at the City Engineer Office for record.

39   46. A note shall be placed on the plans that states “All block walls and fencing shall be shown on  
40   the grading plan for reference only and shall be separately permitted by the City Building  
41   Department.

- 1 47. Place City Standards grading and drainage notes, including NPDES requirements on the  
2 grading plan.
- 3 48. A pad certification prepared by a licensed Civil Engineer registered in the State of California  
4 shall be submitted prior to issuance of building permits.
- 5 49. Prior to final project acceptance, applicant to submit an as built of grading plans. No final will  
6 be authorized until as-builds are submitted to Public Works Department.
- 7 50. Owner/Developer shall notify adjacent property owners about the impact of the proposed  
8 development on the drainage configuration of existing adjacent properties. Such notification  
9 shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to the  
10 issuance of a grading permit.
- 11 51. Provide the Public Works Department with a separate Erosion Control plan of a scale of 1" =  
12 20'.
- 13 52. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying  
14 Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the  
15 storm drain system prior to issuance of grading permit. Forms are available at the City of Colton  
16 Public Works Department.

17 **WATER AND WASTEWATER REQUIREMENTS**

- 18 53. The development shall meet all the requirements as set forth by the water/wastewater  
19 department for water, sewer and pre-treatment facilities.
- 20 54. All construction shall conform to the current edition of the specifications for public works  
21 construction (green book), and the current standards and specifications of the City of Colton  
22 Water / Wastewater Department.
- 23 55. Colton municipal code 13.08.235 and 13.08.253, requires the installation of a grease interceptor  
24 for commercial or industrial generators of grease (restaurants, cafes, cafeterias, auto body  
25 shops, etc). Clearly show the connection to grease interceptor on plans if applicable.
- 26 56. All wastewater capacity fees must be paid prior to obtaining the certificate of occupancy.  
27 Additional capacity fees may apply if the actual discharge exceeds the estimated flow  
28 established during initial approval. Service will be terminated if the fees are not paid.
57. All connection fees and charges shall be levied at rate scheduled by City Council at the time of  
payment by developer.

**PROJECT DEVELOPMENT**

58. No final inspection will be performed until all Public Works Department requirements  
pertaining thereto are in compliance.

**STUDIES & REPORTS**

59. Submit a soils report prepared by a registered geologist or soils engineer. This report should be  
based on soil samples taken from the site and should analyze the existing geotechnical  
conditions of the site to determine if the existing soil is adequate for the development and safe

1 from hazardous or deleterious materials. The report should also satisfactorily address the  
2 compaction and soil stability characteristics of the site. The number of soil borings performed  
3 on the site shall be strategically located throughout the site.

4 60. Submit a Traffic Analysis for review and approval by the City. Traffic Study shall identify all  
5 traffic related impacts and mitigations from the project.

6 61. The applicant shall submit a Water Quality Management Plan (WQMP) (if applies) specifically  
7 identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants  
8 into the storm drain system prior to issuance of grading permit. Forms are available at the City  
9 of Colton Public Works Department.

10 62. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and  
11 undeveloped conditions to the City of Colton for review and approval. All of the drainage from  
12 each individual lot shall drain into the public right-of-way and not impact surrounding  
13 properties, or a drainage easement acceptance letter from the adjacent landowner must be  
14 obtained.

### 11 **FEES**

12 63. A Plan Check fee for all improvement plans and studies for the proposed development shall be  
13 paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time  
14 the fees are paid.

15 64. Sewer Connection fees shall be paid prior to the issuance of building permits, in accordance  
16 with the fee schedule in effect at the time the fees are paid.

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

19 66. Pay Plan Check Fee for the review of the site Hydrology Calc. Review

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

24 68. Pay plan check fee for the plan checking of street improvement plans. Submit a detailed cost  
25 estimate to determine the plan checking fee.

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

27 70. Pay Plan check Fee for the review of the Traffic Analysis.

### 28 **IMPROVEMENT PLANS AND FINAL MAP**

71. Improvement Plans for the proposed project shall be prepared as a separate set of drawings for  
each of the following categories:

- a. Rough Grading/ Precise Grading and Plot Plan
- b. Street and Storm Drain Plan

- 1 c. Striping Plan
- 2 d. Landscaping Plan
- 3 e. Water and Sewer Utility Plan
- 4 f. Final Map
- 5
- 6 72. A licensed traffic engineer shall prepare and submit a preliminary traffic analysis to the City of
- 7 Colton.
- 8
- 9 73. The Developer shall repair any areas of existing improvements that become damaged during
- 10 any phase of construction of the project, as determined by the Office of the City Engineer. The
- 11 contractor working in the right-of-way must submit proof of a Class “A” Contractor License,
- 12 City of Colton Business License, and liability insurance. The City Engineer shall determine if
- 13 any existing streets are damaged to the extent that a full 1 ½” A.C. overlay is required.
- 14
- 15 74. Submit a copy of the Title Report to the Public Works Department.
- 16
- 17 75. All plans, including grading plans shall be drawn on 24” x 36” 4 mil Mylar.
- 18
- 19 76. Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior
- 20 to final acceptance of the work by the City. Water service lines, water meters, sewer laterals
- 21 and electric, irrigation lines, etc., within the street right-of-way and 5’ outside of the street right-
- 22 of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas,
- 23 telephone, electric and cable TV etc., shall be submitted to the City for records.
- 24
- 25 77. A small index map shall be included on the title sheet of each set of plans, showing the overall
- 26 layout of the public improvements.
- 27
- 28 78. A map of the proposed development drawn to scale 1” = 200’, showing the outline of streets
- and street names, shall be submitted to the City to update the City wall atlas map.
79. An original mylar of the final map (after it is recorded) shall be provided to the City for the
- City’s map files.
80. The street name signs and traffic control devices shall be relocated or installed as required per
- the approved plans and City of Colton Standard Specifications.
81. Contact all affected agencies, (Army Corps of Engineers, California Department of Fish &
- Game, Regional Water Quality Control Board, and San Bernardino County Flood Control &
- Water Conservation District, etc.), and obtain the necessary approvals with regards to the
- proposed development, which. Submit copies of correspondence with the agencies to the Public
- Works Department.
82. Submit improvement plans to all affected utilities, including the Gas Company, Cable
- Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit
- correspondence to the Public Works Department.

1 **CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS**

2 83. All required water lines and fire hydrants shall be installed and made operable before any  
3 building permits for framing are issued. This may be done in phases if the construction work is  
4 in progress for emergency vehicles.

5 84. Vehicular access shall be maintained at all times to all parts of the proposed project, where  
6 construction work is in progress, for emergency vehicles.

7 85. All precautions shall be taken to prevent washouts, undermining and subsurface ponding,  
8 caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The  
9 Public Works Department may order repair, removal and replacement, extra compaction tests,  
10 load tests, etc. or any combination thereof for any such structure that was damaged or appears  
11 to have been damaged. All of the additional work, testing, etc., shall be at the expense of the  
12 developer.

13 86. All required public improvements for the project shall be completed, tested and approved by  
14 the Public Works Department prior to the issuance of any Certificate of Occupancy for such  
15 tract.

16 87. Prior to any street construction or relocation, when there are monuments in the project area  
17 which control the location of subdivisions, streets or highways, or provide survey control, the  
18 developer shall locate and reference the monuments and shall reset them after construction as  
19 required by Section 8771 of the Business and Professions Code, in a manner meeting the  
20 approval of the City Engineer.

21 **CODE ENFORCEMENT:**

22 88. Comply with the requirements of the City of Colton **Code Enforcement/Police**, including  
23 the following:

24 a. Landscaping: Property manager or tenant will maintain all approved landscaping in  
25 good condition, including but not limited to adequate irrigation, mowing of grass, and  
26 replacing dead trees and shrubs. Above ground landscaping controls or backflow valves  
27 will be secured in a locked metal cage to prevent theft or vandalism.

28 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.

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 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

1 as required by ordinance. The placement of the lighting fixtures shall be such that the  
2 angle of projected light does not interfere or hinder the vision of police officers or  
3 security personnel patrolling the areas. All lighting will be properly shielded so as to  
4 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.

- 5 f. Storage: Parking and trash areas will not be used for storage of hazardous materials,  
6 including but not limited to tires, waste oil, and inoperable or unregistered  
7 vehicles. Property manager or tenant shall promptly abate hazardous materials or  
inoperable vehicles. General exterior storage areas will be screened from public view.
- 8 g. Emergency Access: The business must be equipped with a Knox device to facilitate  
9 emergency access.
- 10 h. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign Ordinance  
11 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  
12 and requirements.
- 13 i. Advertisements: Handbills or advertisements may be distributed in public places  
14 person-to-person but will not be placed or left upon unoccupied vehicles or otherwise  
left unattended in public places.
- 15 j. Special Events: Per Colton Municipal Code section 5.44, applicant shall not conduct,  
16 operate, maintain, organize, advertise, or sell or furnish tickets for a special event or  
17 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  
18 merchandise, goods, or vehicles are displayed for sale on the property, political  
functions, fundraising events by non-profit entities, and events featuring motivational  
19 or educational speakers. The Special Event Committee may expressly grant a minor  
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  
subject property including, but not limited to, parking lots, walkways, corridors, all sides  
22 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  
23 Department upon request.
- 24 l. After hours Contact Information: Permittee will ensure after hours contact person  
25 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  
26 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  
27 board up or other emergency repair measures.
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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.



# Planning Commission Staff Report

**CITY OF COLTON**  
**Development Services Department**

**TYPE OF ACTION:** Final Action

**MEETING DATE:** October 25, 2016

**FILE INDEX NUMBER:** DAP-001-365

**REQUEST:** **One-Year Time Extension Request (First)** for approved Architectural and Site Plan Review (File Index No. DAP-001-244) to allow a private park – recreational facility – to include passive open space, picnic tables, open space area and walkways running along its eastern edge on property measuring approximately 8,167 net square feet located within the M-U/D (Mixed-Use/Downtown) Zone.

**APPLICANT:** John J. Reichel, SunWest Enterprises, LLC

**ACTIONS:**

**APPLICATION FILED:** 10/13/16

**APPLICATION REVIEW COMMITTEE:** N/A

**PLANNING COMMISSION:** 10/25/16; 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: located west of 11<sup>th</sup> Street south side of G Street  
Assessor's Parcel No: 0162-107-026)
2. Lot Size(s): 7,167 square feet
3. Existing Land Use: Vacant Lot
4. General Plan Land Use Designation: Mixed-Use/Downtown
5. Zoning: M-U/D (Mixed-Use/Downtown)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Printing Shop & Apartments	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
<b>South</b>	Vacant Commercial	C-2 (General Commercial)	General Commercial
<b>East</b>	Single Family Residential	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
<b>West</b>	Contractor's office/yard	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown

**7. Past Planning Actions:** None found for vacant/undeveloped site

## DISCUSSION

On October 27, 2016, the Architectural and Site Plan Review approval for the private pocket park expires (File Index Number DAP-001-244). Therefore, the request is for the Planning Commission to consider the first one year time extension of the private pocket park proposal of the compact lot subdivision project. The applicant has indicated the reasoning that they are requesting the extension to complete subdivision final maps and construction plans for the project.

To date the City has completed review of the final map plans. The applicant has indicated that corrections to the plans should be completed in approximately two weeks.

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 DAP-001-365 for DAP-001-244, which will set a new expiration date of October 25, 2017. Approved Planning Commission Resolutions shall remain in effect with this one-year time extension.



Prepared By:  
Mario Suarez, AICP, Senior Planner



Reviewed By:  
Mark Tomich, AICP, Director

## Attachments

1. Applicant's Request for Extension, 10/13/2016
2. P.C. Staff Report Cover Only dated October 27, 2015
3. P.C. Minutes, October 25, 2015
4. P.C. Resolution No: R-20-15

**ATTACHMENT 1**

**SunWest Enterprises**

*3Upper Newport Plaza*

*Newport Beach, CA 92660*



*Mario Suarez, Senior Planner*

*City of Colton*

*659N. La Cadena Drive*

*Colton, CA 92324*

**Subject:** Extension of Time of Resolution No. R-19-15 & Resolution No. R-20-15

Please extend the validity periods by one (1) year of:

- a) R-19-15 – Section 6 (DAP-001-243)- TTM 18738, Site Plan & Architectural for 23 homes in downtown Colton
- b) R-20-15 – Section 5 (DAP-001-244) – Private Park/ Recreational Facility.

This one (1) year extension period must be on the 10/25/16 Planning Commission Agenda in order for the extension to be in place prior to the current 10/27/16 expiration date.

At this time, Final Map 18738 & engineering plans for Grading , street, water, storm drain & electrical have been prepared & submitted to the appropriate city departments. Each department has completed their initial plan checks and the plans are about to be resubmitted for approval. Final approval of all required actions per the above Resolutions & Files will not be completed prior to the current validity dates and the requested extensions are required to complete the approval process.

In view of these constraints, I request a one (1) year extension of the above Resolutions. Please advise me if I any further actions are required by me to extend these Resolutions.

I thank you in advance for placing these actions on the 10/25/16 Planning Commission Agenda.

Thank You,

A handwritten signature in black ink that reads "John J. Reichel". The signature is written in a cursive style.

John J. Reichel, Owner & Applicant

**ATTACHMENT 2**



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** October 27, 2015

**FILE INDEX NUMBER:** DAP-001-244

**APPLICANT:** John J. Reichel, G Street Pocket Park (Private)

**PROPERTY OWNER:** John J. Reichel, Revocable Trust

**REQUEST:** **DAP-001-244. An Architectural and Site Plan Review** to allow a private park – recreational facility - to include passive open space, picnic tables, open space area and walkway running along its eastern edge on property measuring approximately 7,167 net square feet within the M-U/D (Mixed-Use/Downtown) Zone.

**ACTIONS:**

**APPLICATION FILED:** 07/21/15

**CONSIDERATION OF Application Review Committee (ARC):** 08/17/2015;

**CONSIDERATION BY THE PLANNING COMMISSION:** 10/27/2015 **Decision**\_\_\_\_\_.

**ENVIRONMENTAL DETERMINATION: Exempt under CEQA, Section 15332 (Infill Development Projects), Class 32.** This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**PROPERTY INFORMATION:**

1. Location: 400 E. G Street (APN: 0162-107-026)
2. Lot Size(s): 7,167 net square feet
3. Existing/Previous Land Use: Vacant/Undeveloped lot
4. General Plan Land Use Designation: Mixed-Use/Downtown
5. Zoning: M-U/D (Mixed-Use/Downtown)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Printing Shop and Apartments	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
<b>South</b>	Vacant Commercial	C-2 (General Commercial)	General Commercial
<b>East</b>	Single Family Residential	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown
<b>West</b>	Contractor's office/yard	M-U/D (Mixed-Use/Downtown)	Mixed-Use/Downtown

**7. Past Planning Actions:** None found for vacant/undeveloped site

## **BACKGROUND**

The subject property is presently vacant and is located on the south side of G Street east of Colton Avenue and west of proposed 11<sup>th</sup> Street. The proposed park is an alternative design to a proposed developed of Cottage Lane to be extended in a northerly direction to G Street. The park is an alternative selected by the City as a needed amenity for the area instead of development of Cottage Lane extension.

On August 6, 2015, the applicant held a neighborhood meeting at the Hutton Center. Approximately 8 people showed up to the meeting representing the neighborhood, City Council and Planning Commission. Concerns heard from the public included lighting and maintenance of the park. There was positive feedback on the overall project layout and amenities.

The location of the park is below:



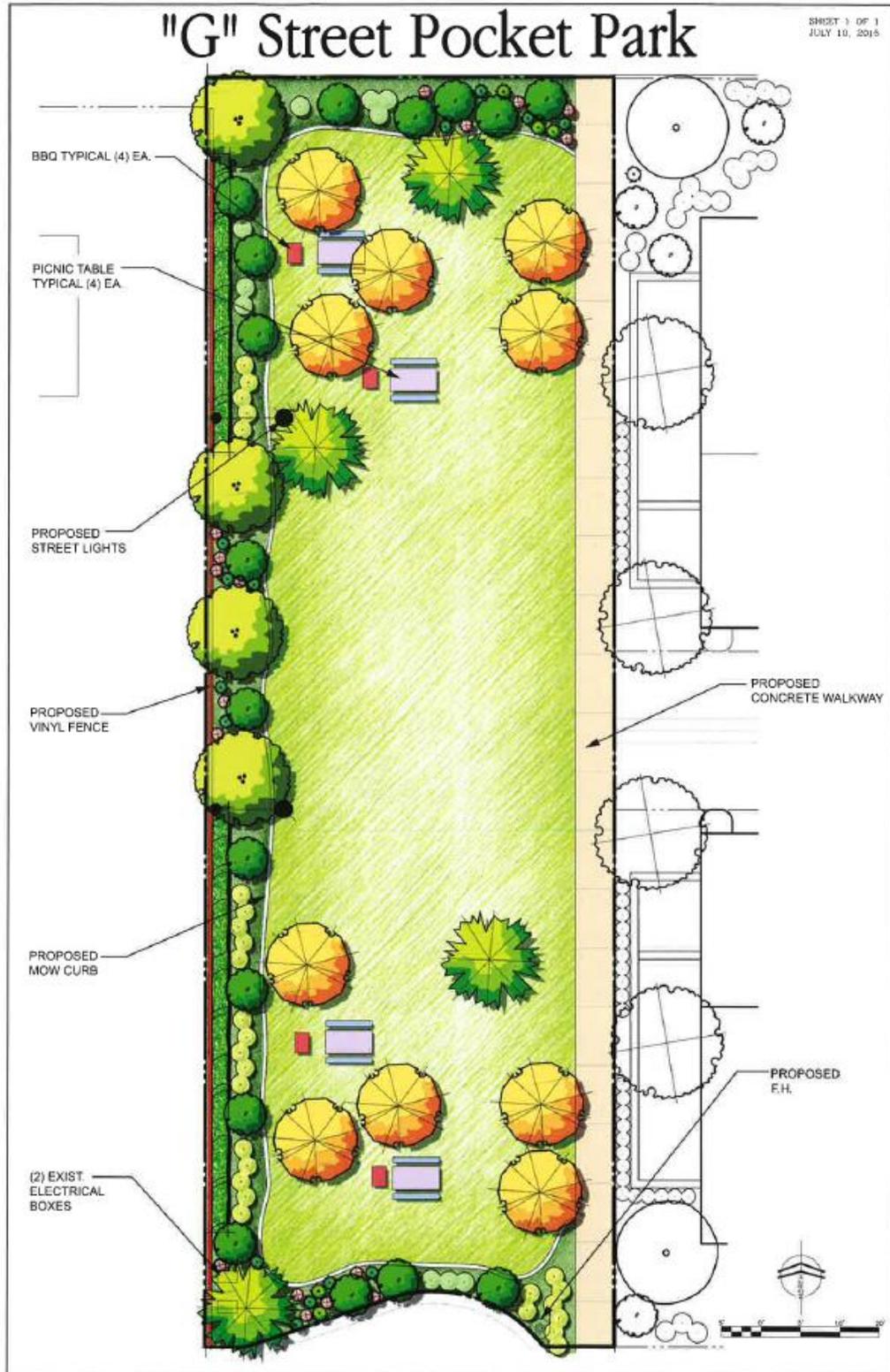
## **PROJECT PROPOSAL**

The project site presently measures 10,018 gross square feet, after street dedication/design and moving the east property boundary westward the final size of the project is 7,167 square feet in net area (8,024 gross area). The proposed pocket park will be developed along with a residential subdivision to the east of the subject site. The reduction in lot size takes into account street knuckle at Cottage Lane and property reduced in size for residential development to the immediate east of the project site. The site is adjacent to existing and future residential uses and a printing business at the north end of the project site.

The applicant's conceptual design includes a 5 to 6 foot perimeter landscape buffer along the north, south and west sides of the park. Along the west side property line, the applicant plans to construct a six foot vinyl fence abutting the existing contractor's office/yard areas. At this time, no fencing is proposed the other three property lines. The applicant has provided two light standards to help increase security in and around the park. The

applicant is working with the City in finalizing the perimeter fence areas, security lights, landscaped areas and final amenity furniture for the park.

Conceptual Site Plan for Proposed Pocket Park:



## **ANALYSIS**

**Parking:** The pocket park is a private neighborhood amenity, but is not planned to be gated for access. The park will be owned and maintained by the HOA established for the proposed 23 lot compact lot subdivision project. There is parking available along G Street and Cottage Lane. The majority of the visitors to the park are anticipated to be homeowners who will walk to the park. No formal parking lot has been planned for the pocket park because of its size and location.

**Landscape and Irrigation Requirement:** No specific amount of turf is required for the park. However, the pocket park will be a smart park in terms of a well-balanced drought resistant planting, and some turf to allow for visitors of all ages to enjoy a small open space area. The irrigation will be required to meet water conservation requirements as is with the majority of the drought resistant landscaping planned for the park.

**Perimeter Fence:** The site will be open to the public; the only planned perimeter fencing will be located on the western property line adjacent to the contractor's office and yard. The applicant is working on final fencing plans. This may include additional fencing along G Street and Cottage Lane to provide some privacy to the park. It is the developer's intent on keeping the design of the park as open as possible and as visible as possible.

**Lighting:** The site plan depicts two street light standards within the park. Staff recommends the installation of lower light standards also be included to address perimeter areas adjacent to the walkway and residential homes to increase security lighting span, subject to review and approval by the Development Services Department and Colton Electric Department.

**Amenities:** The pocket park is designed for the homeowners' association families to enjoy as a recreation area, passive walking area, and as an overall landscaped amenity to the neighborhood. The design will take into account the enjoyment to homeowners while ensuring that security is also on the forefront of design parameters.

**Park Maintenance, Restrooms and Disabled Access:** Park maintenance will be addressed through HOA fees. Because of the size of the park, no restrooms are required; however, compliance with the American with Disabilities Act will be designed for the project site.

**Construction Time-Frame:** The Applicant anticipates it will take approximately 10 to 12 months to complete the project.

## **ENVIRONMENTAL DETERMINATION**

Staff analyzed the proposal for California Environmental Quality Act (CEQA) compliance. The proposal is exempt under Article 19, Section 15332 (Infill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt Resolution No. R-20-15 titled:

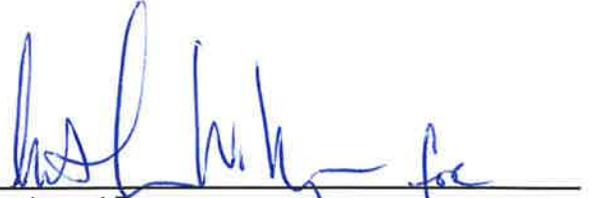
**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW PRIVATE PARK – RECREATIONAL FACILITY - TO INCLUDE PASSIVE OPEN SPACE, PICNIC TABLES, OPEN SPACE AREA AND WALKWAY RUNNING ALONG IT'S EASTERN EDGE ON PROPERTY MEASURING APPROXIMATELY 7,167 SQUARE FEET IN NET AREA WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-244)**

Attachments:

- Attachment-1 Draft Planning Commission Resolution No. R-20-15
- Attachment-2 Plans for the Proposed Pocket Park



Prepared By:  
Mario Suarez, AICP, Senior Planner



Reviewed By:  
Mark Tomich, AICP, Director

**ATTACHMENT 3**



CITY OF COLTON  
PLANNING COMMISSION AGENDA MINUTES  
REGULAR MEETING – Tuesday, October 27, 2015 – 5:30 P.M.

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

**B. ROLL CALL**

Commissioners Present:

Chairperson Richard Prieto

Thomas Archuleta

Angel Delgado

Rosa Granado-Dominguez

Gary Grossich

Kirk Larson

Commissioners Absent:

Gilbert Arrieta

City Staff:

Marco Martinez, City Attorney

Mark Tomich, Development Services Director

Mario Suarez, AICP, Senior Planner

Steve Gonzales, Associate Planner

Reggie Torres, Assistant Engineer

**C. PLEDGE OF ALLEGIANCE**

Chair Prieto led the pledge of allegiance.

**D. APPROVAL OF MEETING MINUTES**

1. September 22, 2015 Planning Commission Meeting Minutes pulled/ deferred to next meeting to review Commission direction on Item G (Valley Pallets).

Chair acknowledged Council Member Gonzalez and Mayor Pro Tem Navarro.

**E. PUBLIC COMMENTS**

- None.

**F. BUSINESS ITEMS –None**

**G. PUBLIC HEARINGS:**

- 1. FILE INDEX NUMBER:** **DAP-001-243** **John Reichel (Garden Villas)**
- APPLICANT:** John Reichel, Revocable Trust
- PROPERTY LOCATION:** Northeast Corner of Cottage Lane and H Street (APN: 0162-107-04, 05,06,07,08,09,10,11,12,13 & 26)
- DESCRIPTION:** **Architectural and Site Plan Review and Tentative Tract Map No. 18738** for a 23-compact lot subdivision including four common lots on property measuring approximately 1.15 acres and construction of 11<sup>th</sup> Street between G and H streets located in the M-U/D (Mixed-Use Downtown) Zone.

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

**PUBLIC COMMENTS**

- John Reichel, Applicant

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Section 15332 (In-Fill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt Resolution No. R-19-15 titled:

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW AND TENTATIVE TRACT MAP NO. 18738 FOR A 23-COMPACT LOT SUBDIVISION INCLUDING FOUR COMMON LOTS ON PROPERTY MEASURING APPROXIMATELY 1.15 ACRES AND CONSTRUCTION OF 11<sup>TH</sup> STREET BETWEEN G AND H STREETS WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-243)**

Motion and second by Commissioner Larson/Commissioner Archuleta, 5 to 0 to adopt Resolution as amended to include Tentative Tract Map findings to G.P. consistency and provision for future passive and natural heating or cooling opportunities. . Roll Call vote as follows: ayes, Chair Prieto, Vice Chair Archuleta, Commissioner Larson, Commissioner Granado Dominguez, and Commissioner Delgado. Commissioner Grossich recused himself from voting and left the meeting room. Commissioner Arrieta absent from vote. Noes. None.

- 2. FILE INDEX NUMBER:** **DAP-001-244** **John Reichel (Park on G Street)**
- APPLICANT:** John Reichel, Revocable Trust
- PROPERTY LOCATION:** 400 E. G Street (APN: 0162-107-06)

**DESCRIPTION:** **Architectural and Site Plan Review** to allow a private park – recreational facility - to include passive open space, picnic tables, open space area and walkway running along its eastern edge on property measuring approximately 7,167 net square feet within the M-U/D (Mixed-Use/Downtown) Zone.

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

**PUBLIC COMMENTS**

- John Reichel, Applicant.
- John Anaya, Sr.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Section 15332 (In-Fill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt Resolution No. R-20-15 titled:

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW PRIVATE PARK – RECREATIONAL FACILITY - TO INCLUDE PASSIVE OPEN SPACE, PICNIC TABLES, OPEN SPACE AREA AND WALKWAY RUNNING ALONG IT’S EASTERN EDGE ON PROPERTY MEASURING APPROXIMATELY 7,167 SQUARE FEET IN NET AREA WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-244)**

Motion and second by Commissioner Archuleta/Commissioner Larson, 5 to 0 to adopt Resolution. Roll Call vote as follows: ayes, Chair Prieto, Vice Chair Archuleta, Commissioner Larson, Commissioner Delgado, and Commissioner Granado-Dominguez. Commissioner Grossich recused himself from the vote and left the meeting room. Commissioner Arrieta absent from vote.

**3. FILE INDEX NUMBER:** **DAP-001-223** **I and R Trailer and Lift Gate Co.**

**APPLICANT:** Irinio G. Gonzalez (I and R Trailer and Lift Gate Co.)

**PROPERTY LOCATION:** 151 Fogg Street (APN(s): 0163-292-13, 14, 15, 16, 17 and 20)

**DESCRIPTION:** **A Modification of Conditional Use Permit (CUP) (File Index No. DC-11-94)** to allow a truck repair use and reduction of an existing construction trucking operation (Corporation yard) and review of all conditions of approval from former Conditional Use Permit, File Index No. DC-

11-94, on a site on property measuring approximately 2.7 acres in area located in the M-1/SDA (Light Industrial/Sensitive Development Overlay) Zone.

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

**PUBLIC COMMENTS**

- Ron Debaise, Applicant’s representative and subtenant.
- Richard Carrion.
- Cindy Carrion.

**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 approve the Modification of Conditional Use Permit through the adoption of attached Resolutions No. R-23-15 titled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING MODIFICATION OF CONDITIONAL USE PERMIT (CUP) (FILE INDEX NO. DC-11-94) TO ALLOW A TRUCK REPAIR USE AND REDUCTION OF AN EXISTING CONSTRUCTION TRUCKING OPERATION (CORPORATION YARD) AND REVIEW OF ALL CONDITIONS OF APPROVAL FROM FORMER CONDITIONAL USE PERMIT, FILE INDEX NO. DC-11-94 ON PROPERTY MEASURING APPROXIMATELY 2.7 ACRES IN AREA LOCATED IN THE M-1/SDA (LIGHT INDUSTRIAL/SENSITIVE DEVELOPMENT OVERLAY) ZONE.**

Motion and second by Commissioner Delgado/Commissioner Granado-Dominguez, 5 to 0 to continue public hearing to November 24, 2015. Roll Call vote as follows: ayes; Commissioner Delgado, Commissioner Granado-Dominguez, Vice Chair Archuleta, Chair Prieto, Commissioner Larson. Noes- None. Commissioner Arrieta, absent from vote. Commissioner Grossich recused himself from voting and left the meeting room.

- |                              |   |                          |
|------------------------------|---|--------------------------|
| <b>4. FILE INDEX NUMBER:</b> | <b>DAP-001-249</b>  | <b>Smart &amp; Final</b> |
| <b>APPLICANT:</b>            | Evergreen Devco. Inc.   |                          |
| <b>PROPERTY LOCATION:</b>    | 1023 N. Mt. Vernon Avenue (APN(s): 0161-221-03, 04, 05, 06, 07, 08, 09, 37, 67, and 70)   |                          |
| <b>DESCRIPTION:</b>          | <b>Architectural and Site Plan Review</b> to allow a 27,870 sf retail bulk grocery store and a 4,400 sf drive through restaurant pad and a <b>CUP</b> to allow off-sale alcohol sales (Type 21) and a <b>Tentative Parcel Map No. 19660</b> to consolidate 10 lots into 2 lot on property measuring |                          |

approximately 3.6 acres located in the C-2 (General Commercial) Zone.

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

**PUBLIC COMMENTS:**

- Jon Prystasz, Evergreen Development.
- Aurelio De La Torre.
- John Lay, Architect.
- Juan Carlos Lomeli, Reliable Properties.
- John Anaya, Sr.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Section 15332 (In-Fill Development Projects), Class 32. This section pertains to meeting conditions for exemption including finding no habitat for endangered, rare, or threatened species and the park will not result in any significant effects related to traffic, noise, air quality or water quality.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Architectural and Site Plan Review and Conditional Use Permit through the adoption of attached Resolutions No. R-21-15 and Resolution No. R-22-15 titled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW A 27,870 SF RETAIL BULK GROCERY STORE AND A TENTATIVE PARCEL MAP NO. 19660 TO CONSOLIDATE 10 LOTS INTO 2 LOT ON PROPERTY MEASURING APPROXIMATELY 3.55 ACRES LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-249).**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT UP TO ALLOW OFF-SALE ALCOHOL SALES (TYPE 21) FOR A 27,870 SF RETAIL BULK GROCERY STORE ON PROPERTY MEASURING APPROXIMATELY 3.6 ACRES LOCATED IN THE C-2 (GENERAL COMMERCIAL) ZONE**

Motion and second by Commissioner Archuleta/Commissioner Delgado 6 to 0 to adopt Resolution as amended to include tentative Tract Map findings to G.P. consistency and provision for future passive and natural heating and cooling opportunities. Roll Call vote as follows: ayes Commissioner Granado-Dominguez, Commissioner Grossich, Commissioner Delgado, Vice Chair Archuleta, Chair Prieto, and Commissioner Larson. Commissioner Arrieta absent from vote. Noes; none.

## **H. PRESENTATION**

1. Public Works presentation on an update of the City of Colton's Speed Humps Policy.

Presented by Reggie Torres, Associate Engineer

Planning Commission provided brief comments and was in support of the proposed policy.

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

- Update on California University of Science and Medicine.

**J. COMMISSION CONSIDERATION**

**Archuleta**

- WSS shoes and other new business observations.

**Prieto**

- Jet fuel line/ gas line- need to look at conflicts with land uses.
- Status of Colton Iron & Metal wall and other improvements.

**Granado-Dominguez**

- Ribbon cutting for Mt. Slover Mobile Home Park utility upgrade program.

**Grossich**

- Request to close meeting in memory of Cotoon Fire fighter David Lodarski.
- Thanks to staff, City attorney for keeping Commission on point regarding Smart & Final project.
- Moss Brothers stacking containers on site.
- New proposed gas line through Reche Canyon area.

**Larson**

- Sunstate Equipment Rental is open.
- Thanks to public for their participation.

**K. ADJOURNMENT**

Meeting closed in memory of David Lodarski at 9:13 p.m.

Approved by:

  
\_\_\_\_\_  
Mark R. Tomich, AICP

**ATTACHMENT 4**

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

**A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW PRIVATE PARK – RECREATIONAL FACILITY - TO INCLUDE PASSIVE OPEN SPACE, PICNIC TABLES, OPEN SPACE AREA AND WALKWAY RUNNING ALONG IT’S EASTERN EDGE ON PROPERTY MEASURING APPROXIMATELY 7,167 SQUARE FEET IN NET AREA WITHIN THE M-U/D (MIXED-USE/DOWNTOWN) ZONE. (FILE INDEX NO. DAP-001-244)**

**WHEREAS**, Architectural and Site Plan Review to allow a private park – recreational facility - to include passive open space, picnic tables, open space area and walkway running along it’s eastern edge on property measuring approximately 7,167 square feet in net area within the M-U/D (Mixed-Use/Downtown) Zone (APN: 0162-107-26); and

**WHEREAS**, on October 27, 2015, the City of Colton Planning Commission conducted a 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, Class 32) 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:

- 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;*** In that the proposed 7,167 net square foot pocket park is a neighborhood park and its patrons are anticipated to walk to the park. While on-site parking is not provided there is on-street parking if a visitor decides to drive to the pocket park. The adjacent pedestrian right-of-way will need to comply with disabled access requirements.
- 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 that will avoid such detrimental or injurious results or such loss or damage;*** in that the proposed pocket park is small in size and within scale to

1 the neighborhood. The landscaping will be drought resistant and irrigation system  
2 will be water conservation minded as required by local and California state water  
3 conservation laws. The proposed private park will not create any significant impacts  
4 related to air quality, water quality, noise, or traffic. The project does not include  
any unique natural or topographic features on the site.

5 *c. The provisions for exterior lighting are adequate for human safety and will not*  
6 *diminish the value and/or usability of adjacent property;* in that, the proposed  
7 lighting will be located with security in mind and as enhancement to the park’s  
visibility and safety.

8 *d. The exterior design of the buildings and structures will not be injurious or*  
9 *detrimental to the environmental or historic features of the immediate*  
10 *neighborhood in which the proposed development is located and will not cause*  
11 *irreparable damage to property in the neighborhood, to the City and to its citizens;*  
12 The project has been conditioned to comply with all local, state and federal code  
requirements. The project site is not located within a City of Colton Historic  
District.

13 *e. The proposed development will not impose an undue burden upon off-site public*  
14 *services, including sewer, water and streets, which conclusion shall be based upon*  
15 *a written report of the City Engineer; and there is no provision in the capital works*  
16 *program of the City to correct the specific burden within a reasonable period after*  
17 *the Development will be completed;* the development of the park is within an urban  
area. All improvements, including lighting and water will be provided.

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

22 **SECTION 3.** Based upon the findings set forth in Sections 1 and 2 of this Resolution, the  
23 Planning Commission hereby approves **Architectural and Site Plan Review DAP-001-244**,  
subject to the attached conditions of approval (Exhibit “A”).

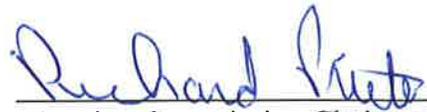
24 **SECTION 4.** This action by the Planning Commission shall be final unless an appeal of  
25 the action is filed with the City Clerk’s office in writing, pursuant to Section 18.58.100 of the Colton  
Municipal Code.

26 **SECTION 5.** This land use entitlement shall become null and void if not exercised within  
27 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.

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

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PASSED, APPROVED, AND ADOPTED this 27th day of October 2015.



Planning Commission Chairperson  
Richard Prieto

ATTEST:



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 October 27, 2015, by the following vote of the Planning Commission:

AYES: Archuleta, Delgado, Dominguez, Grossich, Prieto, Larson

ABSENT: Arrieta

ABSTAIN:



Planning Commission Secretary  
Mark R. Tomich, AICP



1 10. During grading and construction phases, the construction manager shall serve as the contact  
2 person in the event that dust or noise levels become disruptive to surrounding businesses. A  
3 sign shall be posted at the project site with the contact phone number.

4 11. The applicant shall provide permanent signage at various location of the private park indicating  
5 private park use, no loitering, permission to enter granted but may be revoked by Garden Villas  
6 HOA bn, signage subject to review and approval by the Development Services Director.

7 12. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical  
8 equipment installed by the developer shall be inconspicuously located and screened, as  
9 approved by the Development Services Director. Location of this equipment shall be clearly  
10 noted on landscape construction documents.

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

14 14. The applicant shall underground all new utilities and utility drops.

15 **BUILDING**

16 15. The above project shall comply with the current California Codes (CBC, CEC, CMC and the  
17 CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall  
18 be submitted to the Building & Safety Division as a separate submittal. The 2013 edition of the  
19 California Codes will become effective for all permit applications submitted after January 1,  
20 2014.

21 16. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification.  
22 Plans will include “as built” plans, revisions and changes. The CD will also include Title 24  
23 energy calculations, structural calculations and all other pertinent information. It will be the  
24 responsibility of the developer and or the building or property owner(s) to bear all costs required  
25 for this process. The CD will be presented to the Building & Safety Division for review prior  
26 to final inspection and building occupancy. The CD will become the property of the Colton  
27 Building & Safety Division at that time.

28 **ELECTRIC DEPARTMENT:**

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

18. The project developer/applicant shall comply with all customer service policies of the City of  
Colton Electric Utility Department. The developer shall provide the 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.

1 19. The project developer/applicant shall be responsible for all costs associated with the installation  
2 of street lighting for the development.

3 **PUBLIC WORKS:**

4 **STREET IMPROVEMENTS**

5 20. An automatic sprinkler system shall be installed within any landscaped open space areas,  
6 including between the sidewalk and the tract at the right-of-way line.

7 21. Construct street improvements consisting of curb, gutter, sidewalk, A.C. pavement, driveway  
8 approaches, handicap access ramps, streetlights, street trees, street signs, and roadway striping,  
etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications.  
The applicant shall delineate Public, Private and one way streets on the site plan.

9 22. The developer shall install and the Homeowner Association shall maintain at HOA expense the  
10 private park – recreational facility.

11 **GRADING**

12 23. Submit to the City a preliminary grading plan of a scale of  
13 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan  
14 shall include a topographic contour map of the site and 15 feet beyond the property lines, with  
15 a one-foot contour interval. This contour map shall be prepared within the last 12 months prior  
to a grading permit approval. The final grading plan shall be a 4 mil mylar, which the City  
Engineer will sign and retain at the City Engineer Office for record.

16 24. The property's street and lot grading shall be designed in a manner that perpetuates the existing  
17 natural drainage patterns with respect to tributary drainage area, outlet points and outlet  
18 conditions; otherwise, a drainage easement shall be obtained from the affected property owners  
for the release of concentrated or diverted storm flows. A copy of the recorded drainage  
easement shall be submitted to the City of Colton for review prior to the recordation of the final  
map.

19 **WATER AND WASTEWATER REQUIREMENTS**

20 25. The development shall meet all the requirements as set forth by the water/wastewater  
21 department for water, sewer and pre-treatment facilities.

22 26. All construction shall conform to the current edition of the specifications for public works  
23 construction (green book), and the current standards and specifications of the City of Colton  
24 Water / Wastewater Department.

25 **IMPROVEMENT PLANS**

26 27. Improvement Plans for the proposed project shall be prepared as a separate set of drawings for  
27 each of the following categories:

- 28 a) Rough Grading/ Precise Grading and Plot Plan

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28. Submit improvement plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

29. The HOA will be responsible for the maintenance and upkeep on the landscaping along G street. Owner/Contractor shall comply with these requirements and City Engineer’s directions during the course of construction.

**CODE ENFORCEMENT:**

30. 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.
- 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 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 vehicles. Property manager or tenant shall promptly abate hazardous materials or inoperable vehicles. General exterior storage areas will be screened from public view.

- 1           g. Emergency Access: The business must be equipped with a Knox device to facilitate  
2           emergency access.
- 3           h. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign Ordinance  
4           as amended. Temporary promotional signs require a permit and must be authorized by  
5           Development Services prior to display. Refer to code for additional signage permitting  
6           and requirements.
- 7           i. Advertisements: Handbills or advertisements may be distributed in public places  
8           person-to-person but will not be placed or left upon unoccupied vehicles or otherwise  
9           left unattended in public places.
- 10          j. Special Events: Per Colton Municipal Code section 5.44, applicant shall not conduct,  
11          operate, maintain, organize, advertise, or sell or furnish tickets for a special event or  
12          permit the subject property to be used for any special event without first obtaining a  
13          special event permit. Special events include, but are not limited to, sales events where  
14          merchandise, goods, or vehicles are displayed for sale on the property, political  
15          functions, fundraising events by non-profit entities, and events featuring motivational  
16          or educational speakers. The Special Event Committee may expressly grant a minor  
17          variance of conditions specific to individual special events.
- 18          k. Surveillance Monitoring: Should permittee install a video surveillance monitoring  
19          system, the video system shall be capable of recording a clear view of all areas of the  
20          subject property including, but not limited to, parking lots, walkways, corridors, all  
21          sides of buildings, the perimeter landscape and grass areas. Recordings shall be  
22          retained for a minimum of 30 days. Copies of recordings will be provided to the  
23          Colton Police Department upon request.
- 24          l. After hours Contact Information: Permittee will ensure after hours contact person  
25          information is kept current and on file with the Colton Police Department dispatch  
26          center. Ideally there should be several responsible persons available to respond in case  
27          of emergency; each should be a key holder with knowledge of alarm reset codes,  
28          available to respond within 20-30 minutes, and of sufficient authority to facilitate a  
29          board up or other emergency repair measures.
- 30          m. Right of Access: Permittee shall grant “right of access” to the City of Colton and its  
31          employees or agents for the purposes of monitoring compliance with these Conditional  
32          Use Permit conditions, patrolling, investigating crimes, and enforcing laws and  
33          ordinances on the subject property. Permittee shall grant “right of access” to the City  
34          of Colton and its employees or agents to remove graffiti and to determine if the applicant  
35          is in compliance with these conditions.



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** October 25, 2016 (Continued from October 11, 2016)

**FILE INDEX NUMBER:** DAP-001-347 Shell Circle K Store

**REQUEST:** A **Conditional Use Permit Modification (DAP-000-894)** to upgrade from an existing Type 20 ABC alcohol license (off-sale beer and wine) to a Type 21 (off-sale beer, wine, and distilled spirits) for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone.

**APPLICANT:** Sergey Vershinin

**PROPERTY OWNER:** Sunoil Retail Group Inc.

**ACTIONS:**

**APPLICATION FILED:** 08/08/16

**APPLICATION REVIEW COMMITTEE** 09/12/16 (provision of comments and conditions)

**CONSIDERATION BY THE PLANNING COMMISSION:** 10/11/16, continued to 10/25/16;  
**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.

**PROPERTY INFORMATION:**

1. Location: 1703 E. Washington Street
2. Lot Size(s): 1.04 acres
3. Existing/Previous Land Use: Commercial Building (gas station & convenience store, fast food restaurant)
4. General Plan Land Use Designation: General Commercial
5. Zoning: C-2 (Neighborhood Commercial)
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Commercial	C-2 (General Commercial)	General Commercial
<b>South</b>	Commercial	C-2 (General Commercial)	General Commercial
<b>East</b>	Commercial	C-2 (General Commercial)	General Commercial
<b>West</b>	Commercial	C-2 (General Commercial)	General Commercial

**7. Past Actions:**

- 04/25/2000 DCV-28-00 - Architectural & Site Plan Review, including gas station with convenience market and fast food restaurant, Major Variance for reduction of landscape area, CUP for auto service /underground fuel tanks.
- 10/28/2002 BOP-115-011: Business license issued for convenience market and pizza restaurant.
- 06/16/2004 BOP-115-432: Business License for Change of Ownership for convenience market (Circle K).
- 06/22/2010 DAP-000-894 – CUP for drive-thru for fast food restaurant. Resolution No. R-05-10

**BACKGROUND**

At the October 11, 2016 Planning Commission meeting, staff was directed by the Planning Commission to bring back a resolution for denial after hearing testimony in opposition of the request due to an overconcentration of Type 21 off-sale alcohol licenses in immediate surrounding area. In addition, because there are other on-site Type 21 licenses within ¼ mile or five minute walk, an additional license for reasons of “public convenience and necessity” is unwarranted and not supported by the Planning Commission.

A second issue of the applicant’s request is to modify the former CUP (DAP-000-894) to remove a barrier between the market and the dining area (Condition No. 11 of Resolution No. R-05-10). Staff has prepared a separate resolution with a recommendation to approve this request.

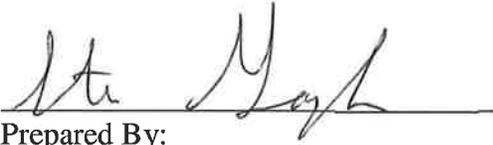
Please refer to Attachment #2 - Resolution No. R-37-16 for denial and Attachment #3 – Resolution No. R-33-16 for approval of CUP Modification.

**RECOMMENATION**

The following Resolutions have been drafted for the Commission’s consideration:

**RESOLUTION NO. R-37-16** - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING A CONDITIONAL USE PERMIT MODIFICATION TO ALLOW OFF-SALE ALCHOHOL SALES (TYPE 21) ABC LIQUOR LICENSE TO REPLACE AN EXISTING TYPE 20 LICENSE FOR AN EXIISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WTININ THE C-2 (GENERAL COMMERCIAL) ZONE LOCATED AT 1703 E. WASHINGTON STREET. (FILE INDEX NO: DAP-001-347).

**RESOLUTION NO. R-33-16** - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT MODIFICATION (CUP) (DAP-000-894) TO REMOVE BARRIER BETWEEN MARKET AND DINING AREA FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-347).



Prepared By:  
Steve Gonzales, Associate Planner



Reviewed By:  
Mark R. Tomich, AICP, Director

Attachments:

1. Planning Commission Staff Report (10/11/16 PC Meeting)
2. Planning Commission Resolution No. R-36-16 (Denial)
3. Planning Commission Resolution No. R-33-16 (Approval CUP Mod.)

PC Staff Report (10/11/16 PC Meeting)

# **Attachment 1**



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** October 11, 2016

**FILE INDEX NUMBER:** DAP-001-347 Shell Circle K Store

**REQUEST:** A **Conditional Use Permit Modification (DAP-000-894)** to upgrade from an existing Type 20 ABC alcohol license (off-sale beer and wine) to a Type 21 (off-sale beer, wine, and distilled spirits) and to remove barrier between market and dining area for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone.

**APPLICANT:** Sergey Vershinin

**PROPERTY OWNER:** Sunoil Retail Group Inc.

**ACTIONS:**  
**APPLICATION FILED:** 08/08/16  
**APPLICATION REVIEW COMMITTEE** 09/12/16 (provision of comments and conditions)  
**CONSIDERATION BY THE PLANNING COMMISSION:** 10/11/16; **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.

**PROPERTY INFORMATION:**

- 1. Location: 1705 E. Washington Street
- 2. Lot Size(s): 1.04 acres
- 3. Existing/Previous Land Use: Commercial Building (gas station & convenience store, fast food restaurant)
- 4. General Plan Land Use Designation: General Commercial
- 5. Zoning: C-2 (Neighborhood Commercial)
- 6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
<b>North</b>	Commercial	C-2 (General Commercial)	General Commercial
<b>South</b>	Commercial	C-2 (General Commercial)	General Commercial
<b>East</b>	Commercial	C-2 (General Commercial)	General Commercial
<b>West</b>	Commercial	C-2 (General Commercial)	General Commercial

## 7. Past Actions:

- 04/25/2000 DCV-28-00 - Architectural & Site Plan Review, including gas station with convenience market and fast food restaurant, Major Variance for reduction of landscape area, CUP for auto service /underground fuel tanks.
- 10/28/2002 BOP-115-011: Business license issued for convenience market and pizza restaurant.
- 06/16/2004 BOP-115-432: Business License for Change of Ownership for convenience market (Circle K).
- 06/22/2010 DAP-000-894 – CUP for drive-thru for fast food restaurant. Resolution No. R-05-10

## BACKGROUND AND PROPOSAL

On January 19, 2010, the City Council adopted Ordinance No. 0-08-09, which requires the review and approval of a Conditional Use Permit for premises engaged in the sale of beer, wine and other alcoholic beverages for on-premise or off-premise consumption. On August 2, 2016, the City Council adopted a new ordinance requiring a Minor CUP for new alcohol license requests. Since this is an existing CUP, it is a modification to the original CUP.

The existing gas station and market is located in a C-2 (General Commercial) Zone and is surrounded by C-2 (General Commercial) Zoning and existing commercial uses. The existing business operates as a gas station and convenience market that also includes a pizza fast food restaurant. The convenience store sells basic convenience items and beer and wine only. The existing alcohol permit for the site has been in effect since 2000 and is deemed to be nonconforming. The market is proposing to replace their existing Type 20 Alcohol license (off-sale beer and wine) with a Type 21 Alcohol license to allow off-sale of beer, wine and distilled spirits to provide a full choice of alcohol to their customers. In addition the applicant is proposing to remove a permanent barrier (low pony wall) between the pizza restaurant and the convenient store that was included as part of the CUP approval that was approved for the drive-thru in 2010. The applicant would like to remove the permanent wall to allow for more convenient access between the market and the pizza restaurant.

The existing market currently operates as follows and is not proposing to change:

- **Hours of Operation:** Gas station/convenience market – 24 hours 7 days a week  
Pizza restaurant – 7 am to 11 pm 7 days a week
- **Operation Personnel:** 10 employees

## PROPERTY INFORMATION/SITE PHOTO

The property is located at the northwest corner of Washington Street and Meadow lane. The existing convenience market with the pizza restaurant on the subject property measures approximately 3,700 square feet for the market and 1,000 for the pizza restaurant for a total of 4,700 square feet. The lot is also improved with a fueling canopy that measures approximately 65' by 62'. The lot measures approximately 1.04 acres. The lot is accessible from both Washington Street and Meadow Lane and parking is located in the front (south side) of the existing market.

The site's topography is flat and there are a total of 17 paved parking spaces within the subject property lines. One handicapped accessible parking space has been provided for the market site, which complies with Code requirements.

Existing Perimeter View (South, Front Elevation)



Aerial of the site



**ZONING COMPLIANCE: C-2 Zone**

<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Lot Area</b>	10,000 sf minimum	1.04 acres	No change	Yes
<b>Lot Depth</b>	100'	Approximately 190'	No change	Yes
<b>Lot Width</b>	80'	Approximately 230'	No change	Yes
<b>F.A.R.</b>	Max 0.5	10.4%	No change	Yes
<b>Building Height</b>	40' or 3 stories max	One story	No change	Yes
<b>Parking</b>	25 parking spaces	17 parking spaces	No change	Existing Non-conforming
<b>Accessible Parking</b>	1 parking space	1 parking space	No change	Yes
<b>Setback, Front</b>	25'	16' (Fuel Canopy)	No change	Existing Non-conforming
<b>Setback, Street (East) Side</b>	15'	13' (east elevation)	No change	Existing Non-conforming
<b>West Side</b>	0'	43' (west elevation)	No change	Yes
<b>Setback, rear</b>	0'	19'	No change	Yes
<b>Landscaping Area</b>	15% of lot area	Approximately 8.5%	No change	Legal Non-Conforming

**ANALYSIS**

**ABC License Type 21:** The Department of Alcoholic Beverage Control (ABC) provides a Type 21 License for Off Sale General – Package Store. The Type 21 ABC License allows the following:

- Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold.
- Minors are allowed on the premises.

**Occupancy of Tenant Space:** The existing market established the business and obtained a business license for the current configuration of a gas station with a convenient store with a fast food restaurant with a drive-thru in October of 2002. The existing owner of the market was issued the existing Type 20 liquor license on February 12, 2015 from a transfer of the original license that was issued in 1989. The market occupies a space that totals 3,700 square feet, which includes built-in coolers along the north wall of the building. The proposed distilled spirits will displayed behind the pay counter along the south building wall and will not be directly accessible to customers. The applicant has indicated that the sale of the proposed distilled spirits would account for approximately 10% of total sales for the market. The existing pizza restaurant is attached to the market and occupies approximately 1,000 square feet. The restaurant closes at 11 PM and that time a portable rope barrier will be placed between the restaurant and market. At no time during operation are alcoholic beverages served or allowed within the restaurant area. A Condition of Approval will be included to ensure hours of operation for the restaurant and that no alcoholic beverages are sold or consumed within the restaurant area.

**School Location:** Pursuant to Title 18 (Zoning Code), Section 18.48.140 (Alcoholic Beverage Sales), “*The separation requirement in subsection A shall not apply when the business conducting alcohol beverage sales and the church, school or park both are located within a commercial or industrial zone or land use classification.*” Therefore, the 500 feet separation distance to schools, day care, or other institutions does not apply because the subject site is located within a commercial zone.

**Compliance with existing Conditions of Approval:** Upon review of the existing Conditions of Approval, the existing business is in compliance at this time.

**Concentration Status of ABC Licenses:** The ABC website allows staff to determine the existing number of active ABC licenses in a Census Tract and also provides information as to the maximum number of on and off site licenses allowed per Census Tract. The subject property is located in U.S. Census Tract 71.09 with a population of 6,064 and is permitted four (4) on-sale license and four (4) off-sale license. Presently, there are three (6) on-sale alcohol licenses and two (9) off-sale alcohol licenses including the subject property in this Census Tract. The other off-sale licenses include a Stater Bros Market, a Rite Aid Store, a CVS Pharmacy, and other convenience stores. The on-sale licenses include sit-down restaurants. Although the Census Tract is currently over the limit of allowed licenses for off-sale alcohol (total 4 authorized, 9 existing), the proposed license is an upgrade from an already existing license in a Census tract that is currently over the limit and therefore the Planning Commission does not need to make the findings that public convenience or necessity would be served by the issuance of the license associated with this Conditional Use Permit (CUP).

The Colton Police Department does not object to the proposed Type 21 Alcohol License. Staff obtained service calls for the existing market for approximately the last 6 months which documented 36 service calls. Police indicated that after reviewing the call log, there was only two possible alcohol related incident. Regarding the other 34 calls, Police stated a third were generated by the business with the others being generated by patrol officers (business and area checks, traffic stops, and vehicle/pedestrian checks). Overall, the Police have indicated the existing market is in good standing and there has not been any problems in general with the operation of the business. We have included the standard conditions of approval from the Police Department in the attached Resolution No. R-33-16.

#### **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.

The proposed findings are provided below and within the attached draft Resolution No. R-33-16.

#### **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 Type 21 Alcoholic Beverage Control license for an existing market 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 addition of the sale of distilled spirits at an existing market will allow for the business to grow its business by expanding the diversity of its products which will lead to increased 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 existing market with a proposed Type 21 ABC License will provide for a greater variety of retail uses within the C-2 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 addition of the sale of distilled spirits at an existing market 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 the surrounding properties.
- B. Conditions have been placed on the alcoholic beverage control license which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.
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 on- and off-sale alcohol uses, subject to Conditional Use Permit. The C-2 (General Commercial) Zone is intended to provide areas for the development of commercial uses to serve the community and to establish those standards of development necessary to insure that such commercial areas will be compatible with adjoining land uses.

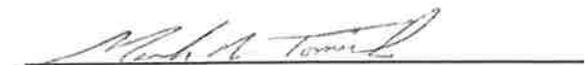
### **RECOMMENATION**

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

RESOLUTION NO. R-33-16 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT MODIFICATION (CUP) (DAP-000-894) TO ALLOW OFF-SALE ALCOHOL SALES (TYPE 21) ABC LIQUOR LICENSE TO REPLACE AN EXISTING TYPE 20 LICENSE AND TO REMOVE BARRIER BETWEEN MARKET AND DINING AREA FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-347).



Prepared By:  
Steve Gonzales, Associate Planner



Reviewed By:  
Mark R. Tomich, AICP, Director

#### Attachments:

- Attachment - 1 DCV-28-00 – Conditions of Approval
- Attachment - 2 DAP-000-894 – Resolution R-05-10
- Attachment - 3 Applicant's Operation Statement
- Attachment - 4 Draft Planning Commission Resolution No. R-33-16 (Conditional Use Permit)
- Attachment - 5 ABC License Query Results and ABC Common License Types
- Attachment - 6 Site Plan and Floor Plan

DVC-28-00 – Conditions of Approval

**Attachment 1**

CITY OF COLTON - FINAL APPROVED CONDITIONS  
**DESIGN REVIEW ACTION FORM**

APPLICANT: NASIM, LLC

FILE NUMBER: DCV-28-00

REQUEST: ENVIRONMENTAL REVIEW, CONDITIONAL USE PERMIT FOR UNDERGROUND FUEL TANKS, MAJOR VARIANCE FOR REDUCTION OF FRONT SETBACK FROM 20 FEET TO 10 FEET, AND REDUCTION OF REAR SETBACK FROM 15 FEET TO -0- FEET, AND THE REDUCTION OF LANDSCAPING FROM 25 PERCENT OF LOT COVERAGE TO 22.4 PERCENT OF LOT COVERAGE. SITE AND ARCHITECTURAL REVIEW OF PROPOSED AUTO SERVICE CENTER CONSISTING OF 6 BUILDINGS TO BE CONSTRUCTED IN 2 PHASES.

1. LOCATION: NORTHWEST CORNER WASHINGTON STREET AND MEADOW LANE      2. AREA: APPROXIMATELY 2.7 ACRES
3. GENERAL PLAN: GC      4. ZONING: C2
5. EXISTING USE: VACANT LAND      6. APN: 164-263-43

DRC ACTION: 04/03/00 - RECOMMEND NEGATIVE DECLARATION AND CONDITIONAL APPROVAL  
P.C. ACTION: 04/25/00 - NRGATIVE DECLARATION AND CONDITIONAL APPROVAL

ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION

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. THESE CONDITIONS OF APPROVAL SHALL BE ATTACHED BY THE APPLICANT 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. ALL UTILITIES FOR THE NEW CONSTRUCTION ARE TO BE PLACED UNDERGROUND.
6. ALL ELEVATIONS ARE REQUIRED TO PROVIDE ARCHITECTURAL FEATURES MEANT TO DISRUPT LONG EXPANSES OF PLAIN WALLS.

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7. INTERNALLY ILLUMINATED ADDRESSES SHALL BE INSTALLED ON THE FRONT OF ALL NEW CONSTRUCTION. THESE ADDRESSES SHALL BE VISIBLE FROM THE STREET.
8. THERE SHALL BE "RIGHT TURN ONLY" ONTO WASHINGTON STREET.
9. ALL DRIVEWAYS SHALL BE CITY STANDARD FOR COMMERCIAL.
10. THE SMOG INSPECTION SHOP SHALL HAVE OPERATING HOURS NOT TO EXCEED 9:00 AM TO 6:00 PM, . THIS CONDITION IS INTENDED TO REDUCE NOISE AND AIR QUALITY IMPACTS TO NEIGHBORING RESIDENTIAL UNITS.
11. THE APPLICANT/APPLICANT'S ENGINEER SHALL WORK WITH THE CITY OF COLTON ENGINEERING DEPARTMENT AND OMNITRANS TO DETERMINE THE FEASIBILITY OF CONSTRUCTING A BUS TURNOUT LANE ON THE SOUTH - WEST SIDE OF WASHINGTON STREET AT MEADOW LANE, TO LESSEN TRAFFIC IMPACT AND INCREASE SAFETY FOR VEHICULAR AND PEDESTRIAN TRAFFIC. IF A BUS "TURN-OUT" IS DETERMINED TO BE FEASIBLE, THE APPLICANT SHALL CONSTRUCT ACCORDING TO CITY SPECIFICATIONS AND OMNITRANS REQUIREMENTS.

**SIGNS:**

1. ALL SIGNS MUST BE REVIEWED BY THE COMMUNITY DEVELOPMENT DIRECTOR. THE DIRECTOR SHALL HAVE SOLE RESPONSIBILITY TO APPROVE OR DENY SAID SIGNS.
2. NO SIGNS SHALL BE ERECTED WITHOUT PROPER PERMITS.
3. THE APPLICANT MUST APPLY FOR AND RECEIVE APPROVAL OF A COMPREHENSIVE SIGN PROGRAM IN THE CASE OF A RETAIL OR OFFICE COMPLEX.

**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.

**AESTHETICS:**

1. THE APPLICANT SHALL MAINTAIN THE ENTIRE PROJECT AREA IN A NEAT, ORDERLY MANNER.
2. THE APPLICANT SHALL SUBMIT TO THE COMMUNITY DEVELOPMENT DIRECTOR, A LANDSCAPE PLAN PREPARED BY A LICENSED LANDSCAPE ARCHITECT OR LANDSCAPE ENGINEER. THE PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL, AND SHALL ALSO INCLUDE (BUT NOT BE LIMITED TO) THE FOLLOWING LANDSCAPE FEATURES AND REQUIREMENTS:
  - A. A PERMANENT IRRIGATION SYSTEM WITH ELECTRONIC CONTROLS FOR ALL LANDSCAPED AREAS INCLUDED IN THE SITE PLAN.
  - B. THREE TREES PER FIVE PARKING SPACES SHALL BE PLANTED. ALL TREES SHALL NOT BE LESS THAN 15 GALLON IN SIZE. TWENTY PERCENT (20%) OF THE TREES SHALL BE OF THE 36-INCH BOX SIZE, AND TWENTY PERCENT (20%) SHALL BE OF THE 24-INCH BOX SIZE. THESE TREES SHALL BE PLANTED IN THE COMMON AREAS. THIS REQUIREMENT SUPPLEMENTS THE STANDARD STREET TREE REQUIREMENT BY PUBLIC WORKS.  
  
ADDITIONALLY THE APPLICANT SHALL PROVIDE THE SAME NUMBER OF TREES, (OR PAYMENT FOR SAME), TO THE PUBLIC WORKS DEPARTMENT. SAID TREES SHALL BE PLANTED ALONG CITY RIGHT-OF-WAYS, WITHIN THE VICINITY OF THE PROJECT.
  - C. ALL LANDSCAPE IMPROVEMENTS, INCLUDING IRRIGATION SHALL BE INSTALLED PRIOR TO OCCUPANCY.
  - D. THE LANDSCAPING SHALL BE MAINTAINED AS ORIGINALLY APPROVED, IN A NEAT, HEALTHY MANNER FOR THE DURATION OF THE OCCUPANCY OF THIS BUILDING.
  - E. THE APPLICANT SHALL REPLACE ANY AND ALL TREES WHICH DIE DURING OCCUPANCY.
3. ALL LIGHT STANDARD DESIGNS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING DEPARTMENT.

4. AN 8 FOOT HIGH ROD IRON FENCE WITH DECORATIVE FEATURES OF ALIGNMENT TO PROVIDE VISUAL ENHANCEMENT. THE FENCE SHALL BE CONSTRUCTED ALONG THE WEST PROPERTY LINE OF THIS PROJECT AT THE TIME THAT PHASE 2 OF THE PROJECT IS CONSTRUCTED. THE FENCE SHALL BE CONTIGUOUS WITH THE EXISTING FENCING LOCATED ON THE ADJACENT APARTMENT COMPLEX PROPERTY. PLANS SHALL BE SUBMITTED TO THE COMMUNITY DEVELOPMENT DIRECTOR FOR REVIEW AND APPROVAL.
5. THE APPLICANT SHALL AGREE TO BE ANNEXED INTO THE CITY OF COLTON LANDSCAPE MAINTENANCE DISTRICT AT SUCH TIME DEEMED APPLICABLE BY THE CITY BY SIGNING THE CONSENT TO WAIVER FORM PROVIDED BY PUBLIC WORKS, PRIOR TO FINAL PROJECT APPROVAL BY THE PLANNING COMMISSION AND/OR CITY COUNCIL.

**GRADING:**

1. THE FINAL SITE IMPROVEMENT PLANS TO INCLUDE GRADING, DRAINAGE, PAVING, AND UTILITIES, SHALL BE PREPARED BY A LICENSED ENGINEER, AND SHALL CONFORM WITH THE APPROVED, PRELIMINARY SITE PLAN, AND ALL APPLICABLE PROVISIONS OF THE CITY'S ZONING ORDINANCE AND DEVELOPMENT STANDARDS.
2. A BOND IN THE AMOUNT OF 120 PERCENT OF THE COST TO IRRIGATE AND PLANT ALL GRADED AREAS SHALL BE POSTED AT GRADING PERMIT ISSUANCE IN ORDER TO ASSURE EROSION CONTROL.
3. THE APPLICANT SHALL PROVIDE AN EROSION CONTROL PLAN PRIOR TO FINAL APPROVAL OF PLAN/PROJECT.

**EROSION CONTROL: (FOR ALL VACANT LOT, NEW BUILDING CONSTRUCTION)**

1. A STAND-BY CREW FOR EMERGENCY WORK SHALL BE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON (NOVEMBER 1 - APRIL 15). NECESSARY MATERIALS SHALL BE AVAILABLE ON SITE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF EMERGENCY DEVICES WHEN RAIN IS IMMINENT.
2. EROSION CONTROL DEVICES SHOWN ON THE PLANS SHALL BE REMOVED WHEN APPROVED BY THE GRADING INSPECTOR, IF THE GRADING OPERATION HAS PROGRESSED TO THE POINT WHERE THEY ARE NO LONGER REQUIRED.
3. GRADED AREAS ADJACENT TO FILL SLOPES, LOCATED AT THE SITE PERIMETER MUST DRAIN AWAY FROM THE TOP OF SLOPE AT THE CONCLUSION OF EACH WORKING DAY.
4. ALL SITE AND DEBRIS SHALL BE REMOVED FROM ALL DEVICES WITHIN 24 HOURS AFTER EACH RAINSTORM.
5. A GUARD SHALL BE POSTED ON THE SITE WHENEVER THE DEPTH OF WATER IN ANY DEVICE EXCEEDS TWO FEET. THE DEVICE SHALL BE DRAINED OR PUMPED DRY WITHIN 24 HOURS AFTER EACH RAINSTORM.
6. EXCEPT AS OTHERWISE APPROVED BY THE GRADING INSPECTOR, ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY, OR ON WEEKENDS WHEN THE 5 DAY RAIN PROBABILITY FORECAST EXCEEDS 40%.
7. ALL LOOSE SOIL AND DEBRIS WHICH SHALL CREATE POTENTIAL HAZARD TO OFF-SITE PROPERTY SHALL BE REMOVED FROM THE SITE AS DIRECTED BY THE GRADING INSPECTOR.
8. THE PLACEMENT OF ADDITIONAL DEVICES TO REDUCE EROSION DAMAGE WITHIN THE SITE IS LEFT TO THE DISCRETION OF THE FIELD ENGINEER.
9. DE-SILTING BASINS SHALL NOT BE REMOVED OR MADE INOPERABLE BETWEEN NOVEMBER 1 AND APRIL 15, WITHOUT THE APPROVAL OF THE CITY INSPECTOR.
10. EROSION CONTROL DEVICES WILL BE MODIFIED AS NEEDED AS THE PROJECT PROGRESSES, AND PLANS OF THESE CHANGES SUBMITTED FOR APPROVAL AS REQUIRED.

**BUILDING:**

*NOTE: THE APPLICANT IS RESPONSIBLE FOR PAYING APPLICABLE SCHOOL FEES, PRIOR TO PERMIT ISSUANCE. THE SCHOOL DISTRICT WILL ASSESS FEES OR WAIVERS BASED ON THE TOTAL SQUARE FOOTAGE INDICATED ON YOUR PERMIT APPLICATION. YOU ARE REQUIRED TO BRING PROOF OF RECEIPT OR WAIVER WHEN CONTACTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT TO*

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CONDITIONS OF APPROVAL 04/03/00

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SECURE PERMITS. SHOULD YOU HAVE ANY QUESTIONS REGARDING SCHOOL FEES PLEASE CONTACT THE SCHOOL DISTRICT DIRECTLY AT (909) 876-4112.

1. ALL DESIGN DOCUMENTS SHOULD EACH BEAR A WET STAMP AND SIGNATURE OF THE DESIGNER WHO PREPARES THEM (ENGINEER OR ARCHITECT). IN ADDITION, THE TITLE 24 ENERGY REPORT SHOULD ALSO BE SIGNED BY THE PERMIT APPLICANT.
2. JOB ADDRESS SHOULD APPEAR ON EACH DRAWING AND THE COVER OF EACH CALCULATION AND REPORT.
3. ALL SPECIAL INSPECTIONS WHICH ARE REQUIRED BY CODE OR SPECIFIED BY THE DESIGNER WOULD BE LISTED ON THE COVER SHEET OF THE DRAWINGS.

**ELECTRIC:**

1. THE APPLICANT SHALL FURNISH A CONVENIENT, SAFE PLACE, READILY ACCESSIBLE, WITHOUT RISK TO CITY EMPLOYEES, FREE FROM VIBRATION, CORROSIVE ATMOSPHERE, AND ABNORMAL TEMPERATURES, IN WHICH TO INSTALL METERING EQUIPMENT. METERS SHALL NOT BE LOCATED UNDER PORCHES, CARPORTS, BREEZEWAYS, OR UNDER THE OUTFALL OF RAISPOUTS OR DRAINS.
2. THE LOCATION OF STREET LIGHTS SHALL BE DETERMINED BY THE ELECTRIC DEPARTMENT.

**FIRE:**

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 1,500 GPM.
4. ON-SITE FIRE HYDRANTS SHALL BE PROVIDED FOR THIS PROJECT, AND INSTALLED PRIOR TO CONSTRUCTION. DETAILED DRAWINGS WITH SUPPORTING CALCULATIONS SHALL BE PROVIDED TO THIS DEPARTMENT FOR REVIEW, APPROVAL, AND PERMIT ISSUANCE PRIOR TO INSTALLATION.
5. PREMISE IDENTIFICATION SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY'S SECURITY ORDINANCE #0-13-89, 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 THIS DEPARTMENT.
7. PORTABLE FIRE EXTINGUISHERS SHALL BE REQUIRED FOR THIS PROJECT. SIZE, TYPE, AND LOCATIONS SHALL BE DETERMINED BY THE FIRE DEPARTMENT'S FIELD INSPECTOR.
8. THE APPLICANT SHALL COMPLY WITH ALL FIRE DEPARTMENT REQUIREMENTS.

**DRAINAGE:**

1. THE SOLUTION TO ANY DRAINAGE PROBLEM SHALL BE APPROVED BY THE PUBLIC WORKS DIRECTOR WITH THE COMMUNITY DEVELOPMENT DIRECTOR'S RECOMMENDATION.

**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.

CITY ENGINEER:

1. ALL PLANS FOR COMMERCIAL AND INDUSTRIAL PROJECTS MUST BEAR THE STAMP OF A REGISTERED, LICENSED, ARCHITECT OR ENGINEER, AS MANDATED BY THE CALIFORNIA BUSINESS AND PROFESSIONAL CODE.

PUBLIC WORKS:

1. ALL CONSTRUCTION SHALL CONFORM TO THE "STANDARD" SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST EDITION), AND THE STANDARD DRAWINGS OF THE CITY OF COLTON-PUBLIC WORKS DEPARTMENT.
2. THE DEVELOPMENT SHALL MEET THE REQUIREMENTS AS SET FORTH BY THE PUBLIC WORKS DEPARTMENT FOR STREETS, SEWERS, UTILITIES, ETC.
3. ANY EASEMENT ISSUES SHALL BE SETTLED EITHER BEFORE APPROVAL OF THE FINAL MAP OR ISSUANCE OF BUILDING PERMITS, WHICHEVER IS FIRST APPLICABLE.
4. CONSTRUCT ALL OFF-SITE IMPROVEMENTS PER APPROVED STREET IMPROVEMENT PLAN.
5. THE COLLECTION, REMOVAL, AND DISPOSAL OF ALL REFUSE SHALL BE PERFORMED EXCLUSIVELY BY THE CITY'S INDEPENDENT CONTRACTORS, PER SECTION 6.16.190 OF THE CITY OF COLTON MUNICIPAL CODE.

PUBLIC UTILITIES:

1. ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK), AND THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF COLTON WATER / WASTEWATER DEPARTMENT.
2. THE DEVELOPMENT SHALL MEET ALL THE REQUIREMENTS AS SET FORTH BY THE WATER / WASTEWATER DEPARTMENT FOR WATER, SEWER, PRE-TREATMENT FACILITIES, ETC.
3. PRE-TREATMENT PLANS SUBMITTED FOR PLAN CHECK FOR MONITORING FACILITIES, FLOW METERING FACILITIES AND OTHER PRE-TREATMENT FACILITIES MUST BE STAMPED AND SIGNED BY A REGISTERED CIVIL ENGINEER IN CONFORMANCE WITH CITY STANDARD DRAWINGS AND SPECIFICATIONS.
4. REDUCED PRESSURE BACKFLOW DEVICE(S) REQUIRED ON ALL WATER METERS FOR COMMERCIAL OR INDUSTRIAL BUILDINGS, AND ON ALL IRRIGATION WATER METERS.
5. WASTEWATER QUESTIONNAIRE FOR NON-RESIDENTIAL ESTABLISHMENTS SHALL BE SUBMITTED TO THE PUBLIC UTILITIES /WATER QUALITY CONTROL FOR REVIEW AND COMMENT. NO PROJECT WILL BE APPROVED UNLESS THIS INFORMATION IS RECEIVED PRIOR TO SUBMITTAL FOR PLAN CHECK PROCESS. DISCHARGE PERMIT REQUIRED FOR CAR WASH.
6. ANY EASEMENT ISSUES SHALL BE SETTLED EITHER BEFORE APPROVAL OF THE FINAL MAP, OR ISSUANCE OF BUILDING PERMITS, WHICHEVER IS FIRST APPLICABLE. (SOUTHERN CALIFORNIA GAS COMPANY EASEMENT)
7. GRAVITY SEPARATION INTERCEPTOR AND WASTEWATER DISCHARGE PERMIT, ISSUED BY INDUSTRIAL PRE-TREATMENT WILL BE REQUIRED FOR CAR WASH INSTALLATION.
8. A DEDICATED IRRIGATION WATER METER WITH A REDUCED PRESSURE BACKFLOW ASSEMBLY WILL BE REQUIRED.

ENVIRONMENTAL DETERMINATION FILING FEES:

1. THE APPLICANT SHOULD BE AWARE THAT THIS PROJECT IS NOT CONSIDERED APPROVED UNTIL THE NOTICE OF DETERMINATION HAS BEEN FILED WITH THE SAN BERNARDINO COUNTY. THEY REQUIRE A \$35.00 PAYMENT FOR SAID FILING. THE APPLICANT SHALL SUBMIT TO THE CITY OF COLTON , COMMUNITY DEVELOPMENT DEPARTMENT, ATTN: LISA BANUELOS, A CHECK IN THIS AMOUNT, PAYABLE TO: COUNTY OF SAN BERNARDINO. THE CITY WILL SUBMIT YOUR 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 2 YEARS FROM DATE OF APPROVAL IF BUILDING PERMITS OR APPROVED ACTIVITY HAS NOT OCCURRED WITHIN TWENTY-FOUR (24) MONTHS OF APPROVAL

**PROJECT APPROVAL:**

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

**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**



**LISA R. BANUELOS, Associate Planner for  
DAVID R. ZAMORA, Director  
Community Development Department**

**DATE: APRIL 25, 2000**

DAP-000-894 – Resolution R-05-10

## **Attachment 2**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
~~THE CITY OF COLTON CALIFORNIA~~ APPROVING  
CONDITIONAL USE PERMIT TO LEGALIZE AN EXISTING  
DRIVE-THRU AT ALBERTO'S MEXICAN FOOD. FILE INDEX  
NO. DAP-000-894 FOR THE PROPERTY LOCATED AT 1703  
EAST WASHINGTON AVENUE, A.P.N. 0164-263-46-0000.**

**WHEREAS**, Alberto's Mexican Food filed an application for a Conditional Use Permit on February 1, 2010, File Index No. DAP-000-894 to legalize an existing drive-thru for the property located at 1703 East Washington Avenue, and

**WHEREAS**, on June 22, 2010 the Planning Commission conducted a duly noticed public hearing on the application at which time all persons wishing to testify in connection with the application were heard and the application was fully examined; and

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

**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 hereby approves File Index No. DAP-000-894, subject to the conditions of approval contained herein.

**SECTION 2.** 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 City of Colton Municipal Code Section 18.58.060:

A. The proposed use is in accordance with the provisions of the City of Colton General Plan, the objectives of the zoning ordinance and the purposes of the zone in which the site is located in General Commercial (C-2). The General Commercial Land Use Designation

permits full range of commercial activities. As defined, the proposed project is consistent with the goals, objectives and policies of the City of Colton General Plan.

~~B. The proposed use, together with the conditions applicable thereto will not~~  
be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity.

**SECTION 3.** Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds that the application complies with CEQA for the following reasons:

The proposed project is exempt under Section 15301 of the CEQA Guidelines. This exemption section pertains to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, etc.

**SECTION 4.** The location and custodian of the documents and any other material which constitute the record of proceedings upon which the Planning Commission based its decision is located at the City of Colton Development Services Department, 659 N. La Cadena Drive, Colton, CA 92324, (909) 370-5079

**SECTION 5.** This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of June 2010.

  
\_\_\_\_\_  
Planning Commission Vice-Chairperson  
Thomas Archuleta

ATTEST:

  
\_\_\_\_\_  
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 June 22, 2010 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

  
\_\_\_\_\_  
Planning Commission Secretary

Mark R. Tomich, AICP

**CONDITIONS OF APPROVAL**

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

**PLANNING:**

1. THESE CONDITIONS OF APPROVAL SHALL BE ATTACHED BY THE APPLICANT TO ALL PLANS SUBMITTED FOR BUILDING PERMIT PLAN CHECK.
2. COMMERCIAL/INDUSTRIAL PROJECTS, ALL CONSTRUCTION PLANS MUST CONTAIN AN EXACT REPRODUCTION OF THESE CONDITIONS OF APPROVAL.
3. THE APPLICANT SHALL MEET AND COMPLY WITH ALL REQUIREMENTS OF ALL REVIEWING AGENCIES, AND SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAWS, RULES AND REGULATIONS.
4. ALL PLANS AND SUPPORTING INFORMATION, AS OUTLINED IN THE CONDITIONS STATED WITHIN SHALL BE APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, BUSINESS LICENSE OR OCCUPANCY PERMITS, WHICHEVER IS FIRST APPLICABLE.
5. SIGNIFICANT DEVIATIONS FROM THE APPROVED CONDITIONS OR PLANS MUST FIRST RETURN TO THE DESIGN REVIEW COMMITTEE FOR REVIEW.
6. 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.
7. THE APPLICANT AND OR PROPERTY OWNER SHALL HAVE GRAFFITI REMOVED FROM ANY STRUCTURES WITHIN 24 HOURS UPON NOTIFICATION.
8. ANY REVISION OR MODIFICATION TO AN APPROVED CONDITIONAL USE PERMIT SUCH AS, BUT NOT LIMITED TO, CHANGE IN CONDITIONS, EXPANSIONS, INTENSIFICATION, LOCATION, HOURS OF OPERATION OR CHANGE OF OWNERSHIP MAY BE REQUESTED BY AN APPLICANT. THE APPLICANT SHALL SUPPLY NECESSARY INFORMATION AS DETERMINED BY THE CITY, TO INDICATE REASONS FOR THE REQUESTED CHANGE.
9. THE APPLICANT SHALL, AT ALL TIMES, OPERATE AND MAINTAIN THE PROPERTY SO AS NOT TO CONSTITUTE A NUISANCE IN THE COMMUNITY.
10. APPLICANT SHALL COMPLY WITH ALL PROVISIONS OF THE COLTON MUNICIPAL CODE, INCLUDING, BUT NOT LIMITED TO, TITLE 18, SECTION 18.58.060 RELATING TO CONDITIONAL USE PERMITS.
11. THE APPLICANT SHALL MAINTAIN THE SITE PER THE ELEVATION, FLOOR PLANS, SITE PLANS AND ANY ADDITIONAL INFORMATION AS APPROVED BY PLANNING COMMISSION ON JUNE 22, 2010.

12. THE APPLICANT SHALL ADHERE TO THE HOURS OF OPERATIONS STATED WITHIN THE STAFF REPORT DATED JUNE 22, 2010. DINING ROOM AND DRIVE-THRU HOURS SHALL BE MONDAY THROUGH SUNDAY 7 AM-11 PM.
13. ALL UNITS WITHIN THE 65 CNEL ZONE SHALL INCORPORATE NOISE ATTENUATION MEASURES ~~MEANT TO DECREASE EXTERIOR NOISE LEVELS TO OR BELOW 65 dBI.~~
14. THE DIRECTOR OF DEVELOPMENT SERVICES SHALL APPROVE ALL PROPOSED SIGNAGE FOR THE SITE PRIOR TO THE INSTALLATION OF SIGNS, BUILDING PERMITS SHALL BE OBTAINED PRIOR TO INSTALLATION OF SIGNAGE ON THE SITE.

**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.

**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.
2. THE APPLICANT SHALL PAY ANY FEES PERTAINING TO THIS LICENSE PRIOR TO APPROVAL OF BUSINESS LICENSE.

**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.

**BUILDING:**

1. SITE FACILITIES SUCH AS PARKING (OPEN AND COVERED), RECREATION FACILITIES, AND TRASH DUMPSTERS, SHALL BE ACCESSIBLE PER CALIFORNIA BUILDING CODE (CBC) 11A, 11B AND 31B.
2. SEPARATE SUBMITTALS AND PERMITS ARE REQUIRED FOR ALL ACCESSORY STRUCTURES SUCH AS BUT NOT LIMITED TO, TRASH ENCLOSURES, PATIOS, BLOCK WALLS AND STORAGE BUILDINGS.

**CITY ENGINEER/ENGINEERING DEPARTMENT:**

**IMPROVEMENTS**

1. ALL PARKWAY AND ANY UNPAVED AREAS WITHIN THE PUBLIC RIGHT-OF-WAY FRONTING THE PROJECT SHALL BE LANDSCAPED, ASPHALT/CONCRETE PAVED AND MAINTAINED, AND AN AUTOMATIC SPRINKLER SYSTEM INSTALLED.

2. INSTALL STREET TREES IN PUBLIC RIGHT OF PARKWAY ACCORDING TO CITY APPROVED LANDSCAPING PLAN (BASED ON 1 PARKWAY TREE PER 50 FEET OF PROPERTY FRONTAGE).

ADDITIONAL REQUIREMENTS

3. THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR COMPLYING WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ORDINANCE, DURING AND AFTER CONSTRUCTION.
4. ALL ON-SITE STORM DRAIN INLETS/CATCH BASINS MUST BE CLEANED AT LEAST ONCE A YEAR IMMEDIATELY PRIOR TO THE RAINY SEASON. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH PROPER OPERATION AND MAINTENANCE OF ALL STORM DRAIN FACILITIES (PIPELINES, INLETS, CATCH BASINS, OUTLETS, ETC.) ASSOCIATED WITH THE PROJECT.
5. ALL PAVED OUTDOOR AREAS MUST BE DESIGNED TO REDUCE/LIMIT THE POTENTIAL FOR RUNOFF TO CONTACT POLLUTANTS.
6. 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.
7. NO FINAL INSPECTION WILL BE PERFORMED UNTIL ALL PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION REQUIREMENTS PERTAINING THERETO ARE IN COMPLIANCE.
8. SUBMIT A LETTER TO THE OFFICE OF THE CITY ENGINEER CERTIFYING THAT THE OWNER IS RESPONSIBLE FOR COMPLYING WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ORDINANCE, DURING AND AFTER CONSTRUCTION. IN THE LETTER, THE FOLLOWING STATEMENT SHALL BE INCLUDED:
  - A. "NO CONTAMINATED WATER SHALL BE ALLOWED TO DISCHARGE ON SIDEWALKS, GUTTER, STORM DRAINS, PARKWAYS AND DRIVEWAYS AT ANY TIME."
9. THE CITY ENGINEER MAY REQUIRE OTHER INFORMATION DEEMED NECESSARY.

POLICE DEPARTMENT:

1. EMERGENCY ACCESS: THE BUSINESS MUST BE EQUIPPED WITH A KNOX DEVICE TO FACILITATE EMERGENCY ACCESS.
2. EMERGENCY CONTACT INFORMATION: PERMITEE WILL MAINTAIN AFTERHOURS EMERGENCY CONTACT PERSON(S) INFORMATION ON FILE WITH COLTON POLICE DEPARTMENT.
3. STORAGE: PARKING AND TRASH AREAS SHALL NOT BE USED FOR STORAGE OF HAZARDOUS MATERIALS, INCLUDING BUT NOT LIMITED TO TIRES, WASTE OIL, AND INOPERABLE OR UNREGISTERED VEHICLES. PERMITEE SHALL PROMPTLY ABATE HAZARDOUS MATERIALS OR INOPERABLE VEHICLES. GENERAL STORAGE AREAS AND YARDS SHALL BE SCREENED FROM PUBLIC VIEW.
4. RIGHT OF ACCESS: PERMITEE 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. PERMITEE SHALL GRANT

"RIGHT OF ACCESS" TO THE CITY OF COLTON AND ITS EMPLOYEES OR AGENTS TO REMOVE GRAFFITI.

**ENVIRONMENTAL DETERMINATION FILING FEES:**

~~1. THE APPLICANT SHALL BE AWARE THAT THIS PROJECT IS NOT CONSIDERED APPROVED UNTIL~~  
THE NOTICE OF DETERMINATION 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, DEVELOPMENT SERVICES DEPARTMENT, ATTN: VERONICA MCCOY, A CHECK IN THIS AMOUNT, PAYABLE TO: **CLERK OF THE BOARD OF SUPERVISORS**. THE CITY WILL SUBMIT THE PAYMENT ALONG WITH THE ENVIRONMENTAL DETERMINATION TO SAN BERNARDINO COUNTY, FOR FILING.

**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.

**PROJECT APPROVAL:**

1. PROJECT APPROVAL IS NOT CONSIDERED FINAL UNTIL THE APPLICANT SIGNS THE ATTACHED ACKNOWLEDGMENT OF CONDITIONS OF APPROVAL, AND SUBMITS THE FORM TO THE DEVELOPMENT SERVICES 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  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION***

**MARK R. TOMICH  
DEVELOPMENT SERVICES DIRECTOR**

\_\_\_\_\_  
VERONICA MCCOY, Associate Planner

**DATE: June 22, 2010**

Applicant's Operation Statement

## **Attachment 3**

Sunoiil Retail Group Inc

1703 E Washington st., Colton, CA, 92324

Phone 818-312-8865

### Operations Statement

Sunoiil Retail Group own and operate Shell gas station with Circle K convenience store and pizza restaurant at 1703 East Washington street in Colton. The convenience store and the gas station works 24 hours, and pizza restaurant works from 7 AM to 11 PM and going to keep the same schedule for the future. The convenience store has beer and wine type 20 ABC license. In order to operate more efficiently and returning high demand from our daily customers we applied to Alcohol Beverage Commission for an upgrade of our license to type 21 – general liquor license. We won a drawing and passed almost all the process with ABC and need city of Colton approval of the same upgrade. We in need of this upgrade to operate preferably and hire more employees to maintain day to day operations in the best way to our customers. We just did some renovations to our property to make it more bright and clear. We made our restaurant more spacy by removing the debris between restaurant and convenience store to make more convenient for customers. Restaurant however will not serve any alcohol drinks as long as any consumption of alcoholic beverages will be prohibited on the restaurant space. Currently we have about 10 employees for our daily operations, however we plan to increase these number after upgrading our license.

Sincerely,

President of Sunoiil Retail Group Inc

 Sergey Vershinin

---

ABC License Query Results and ABC Common License Types

## **Attachment 5**

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN BERNARDINO	2,104,291	1273	1,407	41.03	5,634	4	4
SAN BERNARDINO	2,104,291	1273	1,407	41.04	5,257	4	3
SAN BERNARDINO	2,104,291	1273	1,407	42.01	6,854	5	4
SAN BERNARDINO	2,104,291	1273	1,407	42.02	5,176	4	3
SAN BERNARDINO	2,104,291	1273	1,407	43.01	4,677	3	3
SAN BERNARDINO	2,104,291	1273	1,407	43.02	4,413	3	3
SAN BERNARDINO	2,104,291	1273	1,407	44.01	4,383	3	3
SAN BERNARDINO	2,104,291	1273	1,407	44.03	5,647	4	4
SAN BERNARDINO	2,104,291	1273	1,407	44.04	5,570	4	3
SAN BERNARDINO	2,104,291	1273	1,407	45.03	3,327	2	2
SAN BERNARDINO	2,104,291	1273	1,407	45.04	8,145	6	5
SAN BERNARDINO	2,104,291	1273	1,407	45.05	4,724	3	3
SAN BERNARDINO	2,104,291	1273	1,407	45.07	5,042	3	3
SAN BERNARDINO	2,104,291	1273	1,407	45.09	4,764	3	3
SAN BERNARDINO	2,104,291	1273	1,407	45.10	5,178	4	3
SAN BERNARDINO	2,104,291	1273	1,407	46.01	7,032	5	4
SAN BERNARDINO	2,104,291	1273	1,407	46.03	5,717	4	4
SAN BERNARDINO	2,104,291	1273	1,407	46.04	5,177	4	3
SAN BERNARDINO	2,104,291	1273	1,407	47.00	5,791	4	4
SAN BERNARDINO	2,104,291	1273	1,407	48.00	3,282	2	2
SAN BERNARDINO	2,104,291	1273	1,407	49.00	7,590	5	5
SAN BERNARDINO	2,104,291	1273	1,407	51.00	7,749	6	5
SAN BERNARDINO	2,104,291	1273	1,407	52.00	4,141	3	2
SAN BERNARDINO	2,104,291	1273	1,407	53.00	5,516	4	3
SAN BERNARDINO	2,104,291	1273	1,407	54.00	6,590	5	4
SAN BERNARDINO	2,104,291	1273	1,407	55.00	8,618	6	6
SAN BERNARDINO	2,104,291	1273	1,407	56.00	7,101	5	5
SAN BERNARDINO	2,104,291	1273	1,407	57.01	2,216	1	1
SAN BERNARDINO	2,104,291	1273	1,407	58.00	3,981	3	2
SAN BERNARDINO	2,104,291	1273	1,407	61.00	8,346	6	5
SAN BERNARDINO	2,104,291	1273	1,407	62.01	3,583	2	2
SAN BERNARDINO	2,104,291	1273	1,407	62.03	4,771	3	3
SAN BERNARDINO	2,104,291	1273	1,407	62.04	4,495	3	3
SAN BERNARDINO	2,104,291	1273	1,407	63.01	5,324	4	3
SAN BERNARDINO	2,104,291	1273	1,407	63.02	8,815	6	6
SAN BERNARDINO	2,104,291	1273	1,407	64.01	3,343	2	2
SAN BERNARDINO	2,104,291	1273	1,407	64.02	4,951	3	3
SAN BERNARDINO	2,104,291	1273	1,407	65.00	8,386	6	5
SAN BERNARDINO	2,104,291	1273	1,407	66.01	4,564	3	3
SAN BERNARDINO	2,104,291	1273	1,407	66.03	4,958	3	3
SAN BERNARDINO	2,104,291	1273	1,407	66.04	4,278	3	3
SAN BERNARDINO	2,104,291	1273	1,407	67.00	4,486	3	3
SAN BERNARDINO	2,104,291	1273	1,407	70.00	7,898	6	5
SAN BERNARDINO	2,104,291	1273	1,407	71.04	4,093	3	2
SAN BERNARDINO	2,104,291	1273	1,407	71.05	2,715	2	1
SAN BERNARDINO	2,104,291	1273	1,407	71.06	3,943	3	2
SAN BERNARDINO	2,104,291	1273	1,407	71.07	3,302	2	2
SAN BERNARDINO	2,104,291	1273	1,407	71.08	2,202	1	1
SAN BERNARDINO	2,104,291	1273	1,407	71.09	6,064	4	4
SAN BERNARDINO	2,104,291	1273	1,407	71.10	4,831	3	3
SAN BERNARDINO	2,104,291	1273	1,407	72.00	6,798	5	4
SAN BERNARDINO	2,104,291	1273	1,407	73.02	10,039	7	7



**California Department of Alcoholic Beverage Control  
Retail Licenses  
For Census Tract 71.09**

15 of 15 Licenses Displayed

*To create a downloadable CSV File go back  
and check the Create CSV Download Option.*

Report as of 8/7/2016

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) <u>248917</u>	ACTIVE	21	03/31/1992	7/31/2017	STATER BROS MARKETS 2053 E WASHINGTON ST COLTON, CA 92324	STATER BROS MARKETS 117	PO BOX 150 SAN BERNARDINO, CA 92402-0150	3603
2) <u>250010</u>	ACTIVE	21	04/27/1992	6/30/2017	Census Tract: 0071.09 THRIFTY PAYLESS INC 2025 E WASHINGTON ST COLTON, CA 92324	RITE AID STORE 5693	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	3603
3) <u>278663</u>	ACTIVE	20	12/31/1992	3/31/2017	Census Tract: 0071.09 KUDSI, MALEK 1705 E WASHINGTON ST, STE 201 COLTON, CA 92324	COOLEY MARKET DELI		3603
4) <u>320533</u>	ACTIVE	41	07/19/1996	6/30/2016	Census Tract: 0071.09 FREGOSO, ADOLFO 2049 E WASHINGTON ST, STE 2A & 2B COLTON, CA 92324	MARIAS CAFE MEXICAN RESTAURANT		3603
5) <u>406384</u>	ACTIVE	21	12/29/2003	6/30/2017	Census Tract: 0071.09 ALBERRE, FADEL SOUHEIL 22310 BARTON RD, STE A GRAND TERRACE, CA 92313	SMART TIME FOOD STORE		3616
6) <u>442406</u>	ACTIVE	41	10/04/2006	9/30/2016	Census Tract: 0071.09 ROARING 20S FAMILY PIZZA PARLORS INC 1411 E WASHINGTON ST COLTON, CA 92324-4611	NICKELODEON PIZZA		3603
7) <u>457800</u>	ACTIVE	47	11/08/2007	10/31/2016	Census Tract: 0071.09 ESPINOZA, LUCIANO CANCHOLA 1296-98 N MT VERNON AVE COLTON, CA 92324-2502	LA VERANDA FAMILY RESTAURANT	1610 N 8TH ST COLTON, CA 92324-1302	3603
8) <u>479666</u>	ACTIVE	21	09/10/2009	8/31/2016	Census Tract: 0071.09 GARFIELD BEACH CVS LLC 12071 MOUNT VERNON AVE GRAND TERRACE, CA 92313-5173	CVS PHARMACY 8825	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	3616
9) <u>484013</u>	ACTIVE	47	11/02/2009	12/31/2016	Census Tract: 0071.09 MARTIN, SANDRA LYNN 22400 BARTON RD, STE 23	THE VENUE	41 PRICE ST REDLANDS, CA 92373-4435	3616

10) 502629	ACTIVE	20	11/10/2010	10/31/2016	GRAND TERRACE, CA 92313 Census Tract: 0071.09	ARCO AM PM		3603
11) 542332	ACTIVE	41	04/30/2014	3/31/2017	SIDHU PETROLEUM INC 1240 E WASHINGTON ST COLTON, CA 92324-4669 Census Tract: 0071.09	SCHOONERS BURGERS N BEER		3603
12) 501522	ACTIVE	20	02/12/2015	1/31/2017	ATRIA ASSOCIATES INC 1280 E WASHINGTON ST, STE B-8 COLTON, CA 92324-6422 Census Tract: 0071.09	CIRCLE K	4611 POE AVE WOODLAND HILLS, CA 91364	3603
13) 554570	ACTIVE	21	11/03/2015	6/30/2017	SUNOIL RETAIL GROUP INC 1703 E WASHINGTON ST COLTON, CA 92324 Census Tract: 0071.09	DJ'S LIQUOR		3603
14) 555583	ACTIVE	47	01/20/2016	12/31/2016	SAMPURAN INC 1648 E WASHINGTON ST COLTON, CA 92324-4605 Census Tract: 0071.09	HYE LLC	14407 ALONDRA BLVD LA MIRADA, CA 90638-5504	3603
15) 563480	ACTIVE	20	12/31/2015	11/30/2016	ARUM INCORPORATION 1690 E WASHINGTON ST COLTON, CA 92324 Census Tract: 0071.09	AM MARKET	25256 PARKCREST DR MURRIETA, CA 92562	3603

--- End of Report ---

For a definition of codes, view our [glossary](#).

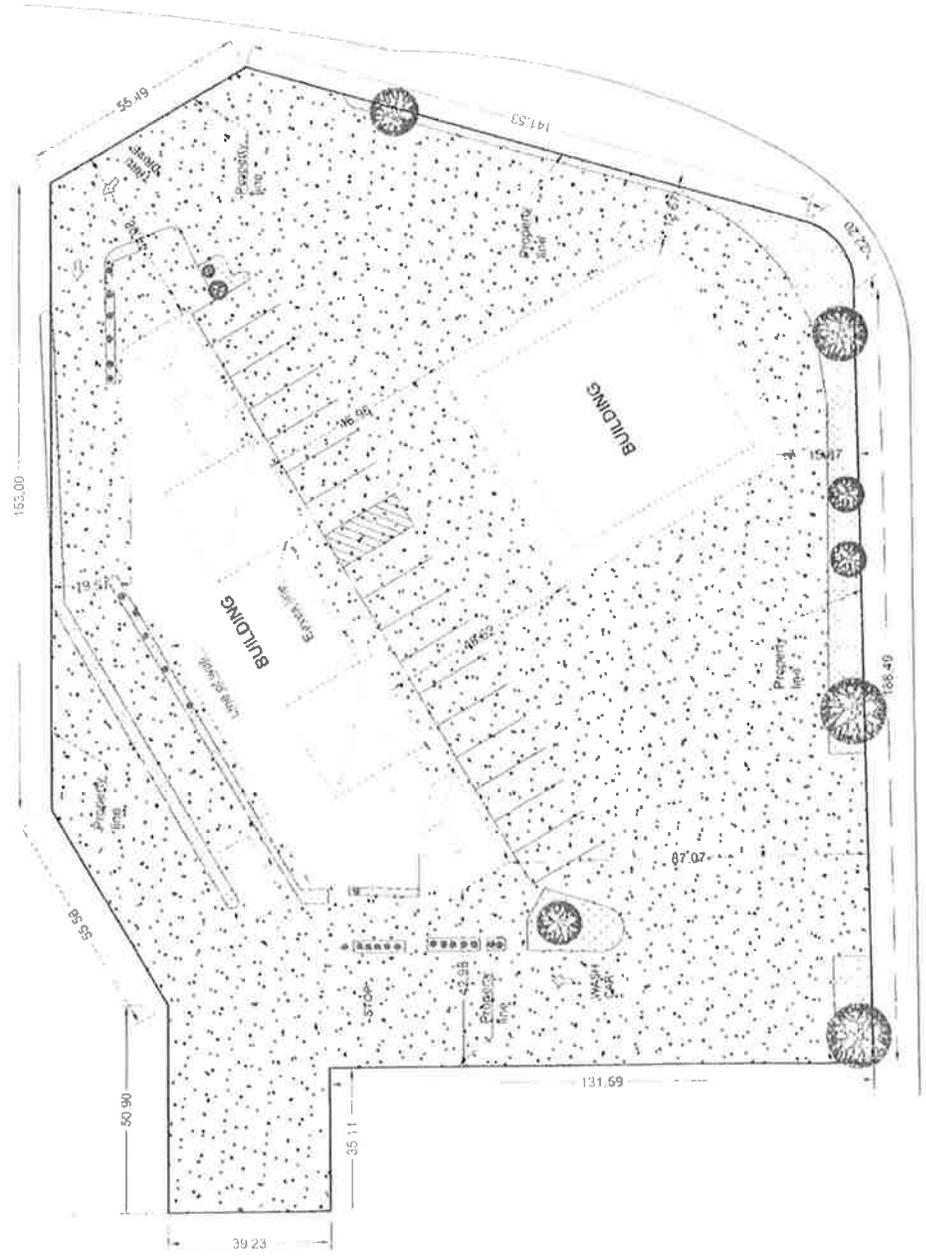
## COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	<b>BEER MANUFACTURER</b> - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	<b>WINEGROWER</b> - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	<b>OFF SALE BEER &amp; WINE</b> - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	<b>OFF SALE GENERAL</b> - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	<b>SMALL BEER MANUFACTURER</b> - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	<b>ON SALE BEER</b> - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	<b>ON SALE BEER &amp; WINE – EATING PLACE</b> - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	<b>ON SALE BEER &amp; WINE – PUBLIC PREMISES</b> - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	<b>ON SALE GENERAL – EATING PLACE</b> - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	<b>ON SALE GENERAL – PUBLIC PREMISES</b> - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	<b>ON SALE GENERAL – SEASONAL</b> - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



Site Plan and Floor Plan

## **Attachment 6**



E Washington St





PC Resolution No. R-37-16 (Denial)

## **Attachment 2**

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**RESOLUTION NO. R-37-16**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING A CONDITIONAL USE PERMIT MODIFICATION TO ALLOW OFF-SALE ALCOHOL SALES (TYPE 21) ABC LIQUOR LICENSE TO REPLACE AN EXISTING TYPE 20 LICENSE FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE LOCATED AT 1703 E. WASHINGTON STREET. (FILE INDEX NO: DAP-001-347).**

**WHEREAS**, an application (File Index No. DAP 001-347) was filed with the City of Colton by Sergey Vershinin for Shell Circle K Store (hereinafter "Property Owner/ Applicant") for a Conditional Use Permit Modification ("CUP") to allow Off-sale General Alcohol sales (Type 21) ABC liquor license to replace and existing Type 20 license for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone and located at 1703 E. Washington Street (hereinafter "Subject Property"); and

**WHEREAS**, upon review of said application, it was found that the subject site is located within an area (Census Tract No. 71.09) identified as having an "undue concentration" of alcohol licenses, as defined by Alcoholic Beverage Control (ABC), and, therefore, a **Determination regarding Public Convenience or Necessity ("PCN")**, pursuant to Section 23958.4(b)(2) of the California Business & Professions Code, is required as part of consideration of the conditional use permit for the requested alcohol license to be issued for said Project; and

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

**WHEREAS**, on October 11, 2016 and on October 25, 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 Planning Commission finds that the project is exempt from CEQA as provided by CEQA Section 15061(b)(4) for any project rejected or disapproved by a public agency.

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

**SECTION 1.** Based on the entire record and all written and oral evidence presented, including the staff report, the Planning Commission finds that the required determination that public convenience or necessity would be served by the issuance of said requested alcohol license cannot be made based on the following:

1  
2 **1. That the proposed use is not in accord with the General Plan, the objectives of this**  
3 **title, and the purposes of the zone in which the site is located;**

4 The proposed new alcohol license for an existing car gasoline sales/convenience market  
5 use is not in accord with the city's General Plan due an overconcentration of "off-sale"  
6 licenses in the area. Specifically, Safety Element Policy D (Crime and Defensible  
7 Space) - Principle 2, states "Develop inter-agency input, coordination, and review to  
8 incorporate crime prevention techniques and methodology into the planning process."  
9 ABC has determined that this census tract has an "undue concentration" of licenses.  
10 Absent a special finding of public convenience or necessity, approval of the request  
11 would further exacerbate an overconcentration of licenses and may impact crime  
12 prevention, contrary to General Plan policy and principles.

13 The proposed use is also not in accord with the objectives of Title 18 (Zoning) of the  
14 Colton Municipal Code. Specifically, the proposal is contrary to the objective in  
15 Section 18.01.030.A4, which states: "To overcome present problems and effectively  
16 manage future challenges that may result from the use and development of land and  
17 property." By allowing more overconcentration of alcohol licenses in this area,  
18 problems the Zoning Code was intended to overcome would be exacerbated.

19 **2. That the proposed use will be detrimental to the public health, safety or welfare, or**  
20 **materially injurious to properties or improvements in the vicinity;**

21 The proposed use will be detrimental to the public health, safety or welfare, or  
22 materially injurious to properties or improvements in the vicinity since there already  
23 exists an overconcentration of alcoholic licenses in the area with three "off-sale" Type  
24 21 licenses within a quarter mile of the subject site, including one (DJS Liquor at 1648  
25 E. Washington St.) located across the street.

26 Absent a special PCN finding by the Planning Commission, State law prohibits ABC  
27 from issuing a license to the applicant due to "undue concentration" of alcohol licenses  
28 in the census tract. "Undue concentration" limits exist in State law for a reason. Such a  
situation necessarily presents circumstances that are considered detrimental to the public  
health, safety or welfare. Only in those special circumstances where the Planning  
Commission finds that the public would be significantly benefited by another alcohol  
license in the census tract does the law allow more alcohol to be sold there. And, as  
noted above, those special circumstances do not exist here.

29 **SECTION 2.** Based on the entire record and all written and oral evidence presented,  
30 including the staff report, the Planning Commission finds that the required determination that  
31 public convenience or necessity would be served by the issuance of said requested alcohol license  
32 cannot be made based on the following:

33 The granting of an additional Type 21 off-sale license for a total of 9 within a census tract  
34 where more than 4 off-sale license is considered an "undue concentration" by ABC will  
35 not serve public necessity or convenience. The public is already provided opportunities to  
36 purchase alcoholic beverages, specifically distilled spirits by three other businesses with  
37 off-sale Type 21 licenses in the immediate vicinity (1/4 mile) of the subject site. One of  
38 these businesses (DJS Liquor) is located directly across the street. Further, there are two

1 other stores within a quarter mile distance of the applicant's site where alcohol (distilled  
2 spirits) may be purchased (Stater Bros Market and Rite Aid). The only convenience the  
3 applicant proposes to provide that is not offered by these other three Type 21 licensees is  
4 that one may purchase gas and automotive services while also purchasing distilled spirits  
5 at the same site. However, when examining at the totality of the circumstances, this does  
6 not sufficiently increase convenience to the public to justify approval of another alcohol  
7 license in an already "over concentrated" census tract. Therefore, it has been determined  
8 that the public convenience or necessity is not served by approving additional alcohol  
9 sales in this area by the applicant.

6 **SECTION 3.** Based upon the findings set forth in Section 1 of this Resolution, the  
7 Planning Commission hereby denies this request for a **Conditional Use Permit** and does not  
8 make a **Determination regarding Public Convenience or Necessity** for the proposed use.

8 **SECTION 4.** The Planning Commission further finds that the project is exempt from  
9 CEQA as provided for Section 15061(b)(4) of the California Environmental Quality Act (CEQA)  
10 for any project rejected or disapproved by a public agency.

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

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

14  
15 PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of October, 2016.

17 \_\_\_\_\_  
18 Planning Commission Chairperson  
19 Richard Prieto

19 ATTEST:

20  
21 \_\_\_\_\_  
22 Planning Commission Secretary  
23 Mark R. Tomich, AICP

24 I hereby certify that the foregoing is a true copy of a Resolution adopted by the  
25 Planning Commission of the City of Colton at a meeting held on October 25, 2016, by the  
26 following vote of the Planning Commission:  
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AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Planning Commission Secretary  
Mark R. Tomich, AICP

PC Resolution No. R-33-16 (Approval CUP Mod.)

## **Attachment 3**

## RESOLUTION NO. R-33-16

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING CONDITIONAL USE PERMIT MODIFICATION (CUP) (DAP-000-894) TO REMOVE A BARRIER BETWEEN THE MARKET AND THE DINING AREA FOR AN EXISTING GAS STATION/CONVENIENCE MARKET WITH A DRIVE-THRU ON A LOT MEASURING APPROXIMATELY 1.04 ACRES WITHIN THE C-2 (GENERAL COMMERCIAL) ZONE (FILE INDEX NO. DAP-001-347).**

**WHEREAS**, an application (File Index No. DAP 001-347) was filed with the City of Colton by Segey Vershinin for Shell Circle K Store, (hereinafter "Applicant") for a Conditional Use Permit Modification (hereinafter "Project") to remove barrier between market and dining area for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone (hereinafter "Subject Property"); and

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

**WHEREAS**, on October 11, 2016 and on October 25, 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, including the staff report, the Planning Commission makes the following findings in accordance with the Colton Municipal Code:

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 modification to remove a barrier between the market and dining area for an existing market 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 modification will allow for a more convenient shopping and dining service at an existing market to allow for the business to grow its business by improving its' service which will lead to increased 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 existing market with the modification will provide for improved convenience within the C-2 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 modification of the market's floor plan at an existing market 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 the surrounding properties.
  - B. Conditions have been placed on the business which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.
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 C-2 (Neighborhood Commercial) Zone is intended to provide areas for the development of commercial uses to serve the community and to establish those standards of development necessary to insure that such commercial areas will be compatible with adjoining land uses.

**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 Categorically Exempt from CEQA under Article 19, Section 15301 (Existing Facilities), 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 3.** Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby approves **Conditional Use Permit DAP-001-347**, subject to the attached conditions of approval (Exhibit "A").

**SECTION 4.** 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 5.** 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 6.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of October 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 October 25, 2016, by the following vote of the Planning Commission:

AYES:  
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 CONDITIONS OF APPROVAL.

**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**

2. This approval is for a Conditional Use Permit Modification (CUP) (DAP-000-894) to remove barrier between market and dining area for an existing gas station/convenience market with a drive-thru on a lot measuring approximately 1.04 acres within the C-2 (General Commercial) Zone (File Index No. DAP-001-347), as shown on the plans stamped and dated 8/8/16, by the Development Services Department, except as amended by the conditions herein.
3. 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.
4. All signs shall conform to the Sign Code.
5. All conditions of approval for DAP-000-894 shall continue to be complied with.
6. The site operations shall be subject to the following:
  - a. A special events permit shall be obtained from the Community Services Department for any special events on site (e.g., grand opening, temporary outdoor sales, etc).
  - b. The site shall be developed and maintained consistent with the approved plans and the conditions of approval.
  - c. The premises shall be kept clean and the operator of the establishment shall ensure that no trash or litter originating from the site is deposited onto the neighboring properties or onto the public right-of-way.
7. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, light standards, and storage buildings.
8. The applicant shall post the maximum occupancy loads per Building Code and Fire Code requirements.

9. This establishment must comply with the City of Colton Municipal Code Section Performance Standards Title 18 (Zoning Code), Chapter 18.42 includes: Fire and explosion hazards; electrical interference; noise; vibration; smoke; odors; air quality; light; glare; liquid; and solid waste.
10. Permissible window displays must be kept to a minimum for maximum visibility and shall not exceed 30 percent of the window coverage. Floor displays shall not exceed three feet in height.
11. No entertainment, including but not limited to, amplified music, karaoke, performers and dancing, shall be held at this location for promotional purposes, except in-house sound system is permitted.
12. 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.
13. The Applicant and/or Property Owner shall, at all times, maintain the property so as not to constitute a nuisance in the community.
14. 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.
15. This land use entitlement shall become null and void if not exercised within one (1) year of this approval.

#### **POLICE – CODE ENFORCEMENT DIVISION**

16. 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 completely removed or covered with a color-matching paint within forty-eight (48) hours upon notification. The expectation for graffiti cover up is to produce an appearance 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 illumination 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 footcandle and average of 2 footcandle. 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 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 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.
  - o. Right of review and alteration of Conditional Use Permit (CUP) if change in ABC license to Type 21 increases expenditure of Police or City resources to address crime, blight, or quality of life issues.
17. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. The 2013 edition of the California Codes became effective for all permit applications submitted after January 1, 2014.

## **FIRE**

- 18. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.
- 19. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.
- 20. 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).
- 21. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

## **BUILDING AND SAFETY DIVISION**

- 21. Shall comply with the latest adopted edition of the following codes:
  - Building Code and its appendices and standards
  - Plumbing Code and its appendices and standards
  - Mechanical Code and its appendices and standards
  - Building Security Code
  - Electrical Code
  - California Building Standards Code (Title 24, California Code of Regulations)
  - Fire Code and its appendices and standards
- 22. Applicant shall submit improvement plans for review and approval prior to construction and occupancy
- 23. The project developer/applicant shall comply with the State of California Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all

information regarding with the project's water efficient requirements and compliance and methods.

24. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used
25. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
26. Building Permits are required prior to the removal and/or demolition of structures.
27. All signs shall be Underwriters Laboratories, or equal, approved.
28. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy.



# Planning Commission Staff Report

City of Colton  
Development Services Department

**MEETING DATE:** October 25, 2016

**FILE INDEX NUMBER:** DAP-001-324

**APPLICANT:** Bob Gelfand (John Burr Cycles)

**PROPERTY OWNER:** Greg Harrington

**REQUEST:** A **Conditional Use Permit (CUP)** to establish a retail sales lot for used motorcycles and new personal watercraft within an existing 6,180 square foot building on a portion of a lot that measures approximately 15,515 square feet located within the Hub City Center Specific Plan with a Land Use Designation of RMU (Retail Mixed Use) Zone.

**ACTIONS:**

**APPLICATION FILED:** 6/2/16

**APPLICATION REVIEW COMMITTEE:** 7/6/16 (provision of comments and conditions)

**PLANNING COMMISSION:** 10/25/16; Decision \_\_\_\_\_

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

**PROPERTY INFORMATION:**

1. Location: 1295 W. Valley Boulevard APN: 0162-281-62
2. Lot Size(s): 15,515 square feet
3. Existing/Previous Land Use: Unoccupied commercial building/Commercial retail
4. General Plan Land Use Designation: Colton Hub City Centre Specific Plan (CHCCSP)
5. Zoning: RMU (Retail Mixed Use) within Hub City Centre SP
6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
North	Commercial	RMU (Retail Mixed Use)	Hub City Centre SP
South	I-10 Freeway	---	---
East	Railroad Right-of-Way	R-U (Railroad/Utility/ROW)	Railroad/Utility Corridor
West	Commercial	RMU (Retail Mixed Use)	Hub City Centre SP

7. Past Actions:

09/1999 – Business Occupancy Permit for indoor sales and fabrication of spas (per property owner, unable to locate BOP).

8. Building Permits:

06-07-1984 - Final Building Permit to allow occupancy of a 6,000 square foot warehouse building.

**BACKGROUND**

On November 17, 2014, the City Council adopted Ordinance No. 0-10-14, for the approval of the Colton Hub City Centre Specific Plan which requires the review and approval of a Conditional Use Permit (CUP) for uses associated with automobiles, motorcycles sales and rentals in the RMU (Retail Mixed Use) Zones. Therefore, a CUP for a proposed used motorcycle and small personal watercraft sales business at 1295 W. Valley Boulevard is required to be reviewed and approved by the Planning Commission.

**PROPERTY DESCRIPTION/SITE PHOTO:**

The property is located at 1295 W. Valley Boulevard and is improved with a single-use commercial building that measures approximately 6,180 square feet. The property consists of one lot that measures approximately 15,515 square feet in size. Enterprise Truck Rental business is located directly adjacent to the east. To the west of the property is an existing school district facility building. To the rear of the property is a RV maintenance facility. The property has street frontage along Valley Boulevard and access only from a private street located along the west property line of the property. The site is relatively flat and is paved throughout the entire property. The site is enclosed with a five-foot high wrought iron fencing and gates at the front of the site facing Valley Boulevard that will be used for the display area.



**Street view looking north from Valley Boulevard**



**Street view looking north from Valley Boulevard – View of the front of the lot at street level**

**PROPOSAL**

The applicant is requesting approval of a CUP for the establishment of a used motorcycle and new personal watercraft vehicle sales lot business on a 15,515 square foot lot with an existing 6,180 square-foot commercial metal building. The types of vehicle to be sold include used street and dirt motorcycles, used ATV's and new personal watercraft. All vehicle servicing or maintenance will be conducted at another store located in Fontana store. The applicant has stated that the proposal will not involve changes to the exterior or interior of the site, and has submitted a site plan and floor plan for the existing building. Since taking over the property, the applicant has cleaned up the site and provided a new coat of paint to the building, significantly improving the curb appeal of the site. The site plan indicates the proposed parking will be located along the west portion of the property adjacent to the west elevation of the building. The display area for the vehicles will be located on an existing raised concrete pad adjacent to the front (south elevation) of the building facing Valley Boulevard. The applicant has indicated there would be an average of 20 vehicles on display.

The hours of operation for the proposed business will be from 9am to 6pm Tuesday thru Saturday. The operation statement stated there will be a total of two (2) employees for the proposed business. Currently, the applicant operates another sales lot in the City of Fontana as stated above. All service and repair for the vehicles will be provided at their Fontana location. The applicant has indicated the units will be delivered during non-business hours using a 20' flat-bed trailer of which will be included as a condition of approval (See Condition # 9.j.). In addition, a condition of approval is also recommended to prohibit any service / maintenance of the motorcycles or small watercraft vehicles at this location (See Condition 9.d.).

**COMPLIANCE TABLE**

The following analysis is based upon Hub City Centre SP - RMU (Mixed Use Retail) Zone standards:

Code Standard	Required/Minimum	Proposed	Compliance
Lot Area	1 acre	15, 515 (.36 acres)	Existing Nonconforming
Lot Width	130'	107'	Existing Nonconforming
Lot Depth	130'	145'	Yes
Setback from Valley Blvd.	25'	Approximately 31'	Yes
Setback, Sides	0'	32' West PL, 15' East PL	Yes
Setback, Rear	0'	12'	Yes
Building Height	60'	20'	Yes
Max. F.A.R.	1.0. or 15,515sf	Approximately 6,180sf	Yes
Landscaping	All areas of the site not occupied by buildings, parking, service and storage areas, or otherwise utilized shall be fully landscaped.	No Landscaping provided on site.	Existing Nonconforming
Parking	Office/Retail-1/200sf – 1,800sf - 9 Warehouse – 1/1,000sf – 4,380sf - 4  Total – 13 Spaces required	Total – 5 spaces provided on site plan.	Existing nonconforming site
Accessible Parking	Min. 1 spaces required	1 provided on site plan	Yes
Trash Area	Trash containers shall be provided with sufficient capacity for use.	Trash container to be provided within warehouse portion of building.	Yes

**ANALYSIS**

**Parking:** Thirteen (13) parking spaces are required for the proposed vehicle sales lot. The required parking is based on a breakdown of the office/retail portion and the warehouse portion of the existing building. The breakdown consists of one (1) parking space for every 200 square feet of gross floor area for the office/retail area and one (1) parking space for every 1,000 square feet of warehouse area.

The applicant is proposing five (5) parking spaces for the vehicle sales lot business including one (1) required handicap parking space. Staff has evaluated the site with regard to the ability to provide the required parking and has concluded that, given the existing improvements on the site, the minimum thirteen (13) parking spaces cannot be provided. Staff has determined that the proposed use can be considered as an existing nonconforming site and is not subject to providing the required thirteen (13) parking spaces, or required to apply for a Variance. Staff has worked with the applicant with the parking design and determined that the site can provide five (5) on-site parking spaces and are located adjacent to the west building elevation towards the front of the property

including the required handicap accessible space. The applicant has indicated that the proposed use does not generate a high volume of customers at any given time as opposed to other typical retail businesses.

**Site Access:** As indicated previously, access to the site is provided by a private access street that is located along the western boundary of the subject property. This street measures 30 feet wide and also serves as the access to the property directly adjacent to the west of the proposed vehicle sales lot. The property owner for the proposed project had the property surveyed which showed that the private street is split between the adjacent sites, extending 15 feet for each property. In order for each site to share the access for ingress and egress, as it has been used previously, an easement agreement for shared access has been recorded between the two property owners.

**Landscape Requirement:** The existing site does not include any on-site landscaping. The requirement for the Hub City Centre Specific Plan indicates that all areas of the site not occupied by buildings, parking, service and storage areas, or otherwise utilized shall be fully landscaped. Given the existing improvements on the property, the site is unable provide any on-site landscaping. The front of the property that faces Valley Boulevard does include a 5 foot sidewalk and an approximately 10 foot wide landscaped parkway area. This area is landscaped with turf and also include 3 mature Queen Palm trees.

**General Plan Consistency:** The subject site is located within the “Valley Boulevard Corridor” area in the General Plan Land Use Element. Goal LU-17 of the Valley Boulevard Corridor states “Revitalize Valley Boulevard and Mt. Vernon Avenue as attractive and economically healthy commercial corridors.” The proposed vehicle sales lot would provide for a commercial business to be established on an underutilized property and help to provide a healthy economic commercial corridor along Valley Boulevard.

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

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...Before approving a Conditional Use Permit, the Commission shall make certain findings that the circumstances prescribed below do apply:”*

1. ***That the proposed use is not 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 used vehicle sales lot is consistent with the following General Plan Update Goals and Objective Policies:
  - A. General Plan Update Policy LU-17.1: *“Attract and retain a wide range of commercial business that offer goods and services to both the local and regional markets, increase tax revenue, and create employment opportunities.”* The proposed vehicle sales would offer goods for the resident of Colton and to a regional market that is currently not provided in the City.
  - B. General Plan Update Policy LU-17.3: *“Support development proposals that will revitalize aging, underutilized, and poorly maintained properties along Valley Boulevard and Mt. Vernon Avenue.”* The proposed vehicle sales lot would provide for a new commercial business and would help to revitalize an aging and underutilized property along an important commercial corridor of the City.
  - C. General Plan Update Policy LU-17.5: *“Facilitate development of regional-servicing commercial uses along Valley Boulevard to take advantage of freeway visibility and*

*accessibility.*” The proposed vehicle sales lot provides for a regional retail business along Valley Boulevard that takes advantage of freeway visibility and accessibility.

2. ***That the proposed Use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*** the proposed use is similar and consistent with existing small used vehicle sales lots with the City. The site is located within a commercial corridor. Conditions have been placed on the project that will address potential impacts, if any should occur.
3. ***That the proposed use complies with each of the applicable provisions of this title;*** The lot size, lot width, parking requirement, and the on-site landscaping presently does not meet code and are, therefore, considered to be legal-nonconforming. However, when the City reviews a new use, the City works with the applicant in trying to bring the property up to code, where feasible. The applicant is not proposing to expand the existing building and the required accessible handicapped parking space is being provided.

### **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 the following Resolution R-36-16 to approve the Conditional Use Permit subject to findings included in the resolution:

**RESOLUTION R-36-16:** A RESOLUTION OF THE CITY OF COLTON PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A RETAIL SALES LOT FOR USED MOTORCYCLES AND NEW PERSONAL WATERCRAFT WITHIN AN EXISTING 6,180 SQUARE FOOT BUILDING ON A PORTION OF A LOT THAT MEASURES APPROXIMATELY 15,515 SQUARE FEET LOCATED WITHIN THE HUB CITY CENTER SPECIFIC PLAN WITH A LAND USE DESIGNATION OF RMU (RETAIL MIXED USE) ZONE (FILE INDEX NO. DAP-001-324)



Prepared By:  
Steve Gonzales, Associate Planner



Reviewed By:  
Mark R. Tomich, AICP, Director

### **ATTACHMENTS**

1. Planning Commission Resolution No. R-36-16
2. Applicant's Operational Statement
3. Site Plan, Floor Plan, and Elevations

Planning Commission Resolution No. R-36-16

# **Attachment 1**

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**RESOLUTION NO. R-36-16**

**A RESOLUTION OF THE CITY OF COLTON PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A RETAIL SALES LOT FOR USED MOTORCYCLES AND NEW PERSONAL WATERCRAFT WITHIN AN EXISTING 6,180 SQUARE FOOT BUILDING ON A PORTION OF A LOT THAT MEASURES APPROXIMATELY 15,515 SQUARE FEET LOCATED WITHIN THE HUB CITY CENTER SPECIFIC PLAN WITH A LAND USE DESIGNATION OF RMU (RETAIL MIXED USE) ZONE. (FILE INDEX NO. DAP-001-324).**

**WHEREAS**, a Conditional Use Permit application, DAP-001-324, (the "Application" or "Project") was filed on June 2, 2016 by Bob Gelfand for the purpose of establishing a used motorcycle lot sales business on an existing developed property located at 1295 West Valley Boulevard ("Subject Site") and zoned RMU (Retail Mixed Use) within the Hub City Centre Specific Plan; and

**WHEREAS**, the City of Colton Planning Commission ("Planning Commission") conducted a duly noticed public hearing on October 25, 2016 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**, 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 not 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 used vehicle sales lot is consistent with the following General Plan Update Goals and Objective Policies:
  - A. General Plan Update Policy LU-17.1: *“Attract and retain a wide range of commercial business that offer goods and services to both the local and regional markets, increase tax revenue, and create employment opportunities.”* The proposed vehicle sales would offer goods for the resident of Colton and to a regional market that is currently not provided in the City.
  - B. General Plan Update Policy LU-17.3: *“Support development proposals that will revitalize aging, underutilized, and poorly maintained properties along Valley Boulevard and Mt. Vernon Avenue.”* The proposed vehicle sales lot would provide for a new commercial business and would help to revitalize an aging and underutilized property along an important commercial corridor of the City.

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C. General Plan Update Policy LU-17.5: “Facilitate development of regional-servicing commercial uses along Valley Boulevard to take advantage of freeway visibility and accessibility.” The proposed vehicle sales lot provides for a regional retail business along Valley Boulevard that does take advantage of freeway visibility and accessibility.

2. ***That the proposed Use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*** the proposed use is similar and consistent with existing small used vehicle sales lots with the City. The site is located within a commercial corridor. Conditions have been placed on the project that will address potential impacts, if any should occur.

3. ***That the proposed use complies with each of the applicable provisions of this title;*** in that the lot size, lot width, parking requirement, and the on-site landscaping presently does not meet code. The aforementioned are, therefore, considered to be legal-nonconforming as it complies with older code requirement, but does not comply with current code requirements. When the City reviews a new use, the City works with the applicant in trying to bring the property up to code where feasible. The applicant is not proposing to expand the existing building and the required accessible handicapped parking space is being provided.

SECTION 2. The Planning Commission of the City of Colton, in accordance with the California Environmental Quality Act (CEQA) 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 3. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby approves Conditional Use Permit DAP-001-324, subject to the attached conditions of approval (Exhibit “A”).

SECTION 4. 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 5. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of October 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 October 25, 2016, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Planning Commission Secretary  
Mark R. Tomich, AICP



- 1 8. Prior to issuance of a business occupancy permit (BOP) from the Development Services  
2 Department, the following shall be provided:  
3 a. Correct any code violations present at the site.  
b. Pass inspections from the various City departments.
- 4 9. The site operation shall be subject to the following:  
5 a. Vehicle sales shall remain the primary use on the site with other activities  
6 secondary and related to this primary use.  
7 b. Outdoor sales display on the site shall be primarily vehicles classified as  
8 motorcycles, personal watercraft and light ATV's primarily. Other vehicles and  
9 items not listed including, but not limited to cars, forklifts, cranes, loaders, and  
10 other construction equipment, motor homes, travel trailers, aircraft, farm  
11 equipment, offroad construction (earth moving) vehicles, and any other types of  
12 vehicles or movable equipment not specifically listed as allowed, shall not be  
13 allowed on the site.  
14 c. No storage of materials, including storage containers, shall be allowed outside  
15 enclosed buildings, except as approved through a design review application for  
16 proper screening.  
17 d. No vehicle repair or servicing activities shall be allowed.  
18 e. All landscaping along the adjacent street right-of-way shall be kept up and  
19 maintained on a regular basis (no tree topping is permitted).  
20 f. A minimum of 5 parking spaces, including one (1) van accessible handicapped  
21 parking space, shall be available at all times for use by customers, employees, and  
22 visitors, and shall be accessible through 25-foot wide drive aisles linked to a street  
23 driveway entrance, and not be used for outdoor display or storage of vehicles.  
24 g. Hours of operation for the proposed sales lot relating to activities open to the  
25 public shall be limited to 9 am to 6 pm Tuesday thru Saturday.  
26 h. No outdoor speaker system shall be permitted.  
27 i. Offsite test drives shall not be conducted on streets designated "local" and within  
28 single-family residential neighborhoods.  
j. All deliveries of units shall be done during non-business hours.  
k. The applicant may apply for a Special Events Permit if any events are proposed to  
occur outside the proposed hours of operation or other conditions.
10. Prior to the installation or modification of any signs, the Applicant shall obtain approval  
proper permits from the Development Services Department.
11. 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.
12. The Applicant and/or Property Owner shall, at all times, operate and maintain the property  
so as not to constitute a nuisance in the community.

**CODE ENFORCEMENT/POLICE DEPARTMENT**

13. 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.
14. 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.
15. 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 upon notification with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.
16. The applicant shall grant "right of access" by the city or agent to remove graffiti.
17. 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.
18. 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.
19. Emergency Access: The business must be equipped with a Knox device to facilitate emergency access.
20. Emergency Contact Information: Permittee will maintain after hours emergency contact persons(s) information on file with Colton Police Department.
21. Noise. Noise from any air compressor, air tools, equipment or any other sources of noise emanating from the business property line will not exceed 65 decibels as measured using a city owned sound level meter at any property line. To mitigate sound trespass into adjacent businesses or residential properties: air compressor will be installed in an enclosure and/or installed within the interior of business. Noise emanating from the business shall not interfere with the peaceful enjoyment of surrounding businesses or neighborhood persons, religious assembly uses, and residential properties.
22. Signage: Permittee and any tenant(s) on the subject property shall comply with Section 18.50 of the Colton Municipal Code. For any temporary sign, the applicant shall obtain a

1 temporary promotional sign permit, in writing, from Development Services Department  
2 prior to installation. No off-premise advertising displays shall be permitted. No signs  
3 shall be placed in public right-of-way or affixed to an element or structure on the public  
4 right-of-way, including, but not limited to, utility poles, traffic sign poles, medians,  
5 roadway shoulder, sidewalk, etc. No signs exceeding two square feet in area carried by  
6 individuals while standing, sitting or traveling along any public sidewalk or other public  
7 property shall be permitted.

8 23. Mechanical equipment screening. As required by Chapter 18 of the Colton Municipal  
9 Code, ground-mounted, building-mounted, and/or roof-mounted mechanical equipment  
10 and related features shall be architecturally screened from public view.

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

17 25. The Applicant shall comply with Section 15.10 of the Colton Municipal Code (Ordinance  
18 No. 0-13-89) which requires security devices in certain buildings as burglary prevention  
19 measures.

20 **ELECTRIC DEPARTMENT:**

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

28 **BUILDING**

29 27. Any future improvements shall be designed in compliance with the latest edition of the  
30 California Building Codes (CBC, CEC, CMC and the CPC) as well as city ordinances.  
31 The 2013 edition of the California Codes will become effective for all permit applications  
32 submitted after January 1, 2014.

33 28. Any future site development and grading shall be designed to provide access to all  
34 entrances and exterior ground floor exits and access to normal paths of travel, and where  
35 necessary to provide access, Paths of travel shall incorporate (but not limited to) exterior  
36 stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs,  
37 detectable warnings, signage, gates, lifts and walking surface material. The accessible  
38 route(s) of travel shall be the most practical direct route between accessible building  
39 entrances, site facilities, accessible parking, public sidewalks, and the accessible  
40 entrance(s) to the site. California Building Code (CBC) 11A and 11B.

1 29. Commercial buildings on the site shall be accessible per California Building Code (CBC)  
2 11B.

3 30. Separate submittals and permits are required for all accessory structures such as but not  
4 limited to, trash enclosures, patios, block walls and storage buildings.

4 **FIRE**

5 31. Conform to the requirements of the Fire Department including, but not limited to, the  
6 following:

7 a. Premise identification shall be provided in accordance with the City's' Security  
8 Ordinance #0-13-89, Section XIV (residential), Section XV (commercial).

9 b. Portable fire extinguishers shall be required for this project. Size, type, and locations  
10 shall be determined by the fire department's field inspector.

11 c. The proposed facility's use and/or operations shall be designed and maintained in  
12 accordance with the 2012/2013 editions of the International Fire and Building Codes /  
13 California Fire and Building Codes (Title 24).

14 d. The applicant shall comply with all Fire Department requirements as noted during the  
15 business occupancy process. (B.O.P.)

15 **PUBLIC WORKS**

16 **STREET IMPROVEMENTS**

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

19 **WATER AND WASTEWATER REQUIREMENTS**

20 33. The development shall meet all the requirements as set forth by the water/wastewater  
21 department for water, sewer and pre-treatment facilities.

22 34. All construction shall conform to the current edition of the specifications for public  
23 works construction (green book), and the current standards and specifications of the  
24 City of Colton Water / Wastewater Department.

25 35. All wastewater capacity fees must be paid prior to obtaining the certificate of  
26 occupancy. Additional capacity fees may apply if the actual discharge exceeds the  
27 estimated flow established during initial approval. Service will be terminated if the  
28 fees are not paid.

36. All connection fees and charges shall be levied at rate scheduled by City Council at  
the time of payment by developer.

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**PROJECT DEVELOPMENT**

37. No final inspection will be performed until all Public Works Department requirements pertaining thereto are in compliance.

**FEES**

38. A Plan Check fee for all improvement plans and studies for the proposed development shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

39. Sewer Connection fees shall be paid prior to the issuance of building permits, in accordance with the fee schedule in effect at the time the fees are paid.

40. The applicant/sub divider shall pay the development impact fees and infrastructure fees in 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.

41. Pay plan check fee for the plan checking of street improvement plans. Submit a detailed cost estimate to determine the plan checking fee.

Applicant's Operation Statement

## **Attachment 2**



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John Burr Cycles ♦ 9008 Sierra Ave., Fontana, CA 92335 ♦ 909) 823-1338 ♦ FAX 909) 823-1552

## BUSINESS OPERATIONS STATEMENT

1295 W. Valley Blvd  
Colton, CA 92334

Days of Operation: Tues – Sat  
Hours of Operation: 9am – 6pm  
Number of Employees: 2  
Description:

Sale of watercraft, used motorcycles, used atv and used side x side units.

Storage of new crated units that are sold at our Fontana location. There will be no repair or service on site. The repair and service will be provided at Fontana location. Units will be delivered from the Fontana location to the Colton location. The units will only be delivered during non business hours using a 20' flat bed trailer.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Gelfand", written over a circular scribble.

Robert Gelfand  
General Manager

Site Plan, Floor Plan, and Elevations

## **Attachment 3**

