



STAFF REPORT

DATE: SEPTEMBER 18, 2012
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: MARK R. TOMICH, AICP, DEVELOPMENT SERVICES DIRECTOR *mt*
SUBJECT: CONTINUATION CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF DAP-001-002 (7 ELEVEN) - 1089 N. RANCHO AVENUE

RECOMMENDED ACTION

It is recommended that the City Council:

1. Consider the Applicant's Appeal, the staff report, all written documents and all testimony received; and
2. Close the public hearing, deliberate and adopt the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEW PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

BACKGROUND

On August 21, 2012 meeting of the City Council, the Council considered an Appeal of the Planning Commission's denial of a Conditional Use Permit (CUP) for the sale of beer and wine for off site consumption (Type 20 ABC License – Off-Sale Beer & Wine) in conjunction with a convenience retail store and a Public Convenience and Necessity determination located at 1089 N. Rancho Avenue (SWC/Olive Street) and zoned C-1 (Neighborhood Commercial) (File Index No: DAP-001-002).

After receiving public testimony from one resident who submitted a petition with 42 signatures against the sale of alcohol at the subject site, the Council continued this item to the September 18, 2012, City Council meeting at the Appellant's request to allow him additional time to consult with his consultants, including the traffic engineer and architect, in an attempt to address the concerns raised by the residents.

FISCAL IMPACTS

The action under consideration will not result in a fiscal impact to the City.

ALTERNATIVES

1. Approve the Project
 - a. Approve the Project but place limitations on both the hours of operations and hours that Applicant can sell alcohol. Direct staff to prepare a Resolution approving a CUP for off-site alcohol sales and making the requisite public convenience and necessity determination, returning to the next possible Council meeting for adoption.
 - b. Approve the Project but only place limitations on the hours that Applicant can sell alcohol. Direct staff to prepare a Resolution approving a CUP for off-site alcohol sales and making the requisite public convenience and necessity determination, returning to the next possible Council meeting for adoption.
2. Provide alternative direction to staff and/or the Applicant.

ATTACHMENTS

1. Agenda report from 8/21/12 Council meeting with attachments.



STAFF REPORT

DATE: AUGUST 21, 2012
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: MARK TOMICH, AICP, DEVELOPMENT SERVICES DIRECTOR *MT*
SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF SITE CONSUMPTION IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION (FILE INDEX NO: DAP-001-002)

RECOMMENDED ACTION

It is recommended that the City Council:

1. Open the public hearing and consider the Applicant's appeal, the staff report, all written documents and all testimony received; and
2. Close the public hearing, deliberate and adopt the Resolution No. R-60-12:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEWLY PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

THE APPEAL

On Thursday, July 19, 2012, the Applicant filed an appeal of the Planning Commission's (Commission) decision to deny a Conditional Use Permit (CUP) for the sale of beer and wine for

off site consumption in conjunction with a convenience retail store and a Public Convenience and Necessity Determination. The Applicant's appeal is premised on the following:

1. That there was written and verbal support from residents at the public hearings for the sale of alcohol and a convenience retail store and would serve the public convenience.
2. That the Planning Commission's findings that the proposed alcohol sales would result in increased traffic, noise and vagrancy which would negatively impact the adjacent residential neighborhood was not supported by the majority of the public testimony during the public hearings.
3. That the comments made by the Planning Commission for the denial of the Conditional Use Permit were based on the desire of the Planning Commissioners to utilize the property for a different use other than a convenience store and not based upon objection to the proposed alcohol sales.

BACKGROUND

On January 19, 2010, the City Council adopted Ordinance No. 0-08-09, which requires the review and approval of a Conditional Use Permit (CUP) by the Planning Commission for premises engaged in the sale of beer, wine and other alcoholic beverages for on-premise or off-premise consumption. Therefore, in addition to approval of Architectural & Site Plan Review by the Design Review Committee (DRC), the approval of a Conditional Use Permit was required by the Planning Commission for a proposal for a new convenience retail store (7-Eleven) with beer and wine sales at the property located at 1089 North Rancho Avenue, at the southwest corner of Olive Street.

On February 9, 2012, the Applicant, Matt Waken, filed applications for Architectural & Site Plan Review, (DAP-001-001) for a proposed 2,522-sf single-story retail building including site improvements;) a Conditional Use Permit (DAP-001-002 for the sale of beer & wine for off-site consumption (Type 20 ABC License – Off-Sale Beer & Wine), in conjunction with a convenience retail store in a new proposed building; and Sign Review (DAP-001-003) of wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved 0.37-acre lot, located at 1089 N Rancho Avenue and zoned C-1 (Neighborhood Commercial). Upon determination that the number of "off-sale" alcohol licenses within the census tract the site was located exceeded the maximum allowed by State regulations, an application for a Public Convenience and Necessity Letter was added to the applications.

On April 30, 2012, the Design Review Committee considered the applications and recommended approval based on conformance with the development standards of the C-1 zone and proposed conditions to address potential negative impacts to surrounding residential properties and the community, including prohibiting the sale of beer and wine after 12 midnight, installation of security lighting, installation of wall and planting buffers, and operational conditions allowing revocation for noncompliance.

On June 12, 2012, the Planning Commission considered the recommendation for approval and, after receiving public testimony regarding the hours of operation and potential impacts, such as noise, traffic, crime, and a petition with 36 signatures of residents against the project (Attachment 3a), the Planning Commission continued the item to the June 26, 2012, meeting to allow time for the following information to be provided:

- Confirmation from the Applicant agreeing to a request to modify the proposal to not include alcohol sales (withdrawal of the conditional use permit).
- Confirmation from the Applicant agreeing to a request to reduce the proposed hours of operation from 24 hours daily to 7 a.m. to 11 p.m. daily.
- Information on the analysis of traffic impacts conducted by staff for the application

On June 26, 2012, the Planning Commission was provided with a staff memorandum indicating that the Applicant would not agree to conditions removing the alcohol sales from the proposal and restricting the hours to be from 7 a.m. to 11 pm. The memorandum also summarized the review of traffic impacts by staff which was limited to a focused traffic study for circulation issues since the size of the project did not warrant a full traffic study pursuant to the City's Traffic Impact Analysis Checklist.

The Applicant, Matt Waken, submitted a petition with 39 signatures in support of the project (Attachment 5a) from local residents. A traffic consultant (Rob Keen of Albert Grover & Associates) representing the Applicant, and provided traffic analysis information. It was noted that this supplemental traffic information had not been reviewed and/or approved by staff prior to its submission. The Planning Commission was concerned that the analysis was not reviewed by staff and the information did not account for additional trips for pick-up and drop-off of students at a nearby school during the regular school calendar year.

After further testimony by several speakers with concerns with noise, hours of operation, traffic, crime, and Planning Commission deliberation, the Planning Commission voted to approve the Architectural & Site Plan Review and Sign Review subject to conditions with a vote of 7 to 0. The Planning Commission also considered a second motion to deny the Conditional Use Permit for the off-sale of beer and wine and approved that motion with a vote of 6 to 0, with one Commissioner voting to abstain. The Planning Commission directed staff to bring a Resolution of Denial of the conditional use permit application to the July 10, 2012 meeting for adoption.

On July 10, 2012, the Planning Commission adopted Resolution No. R-18-12, denying the CUP. The Planning Commission vote was 6 to 0, with one Commissioner absent.

It is also important to note that the proposed Project is located in an area where there is an undue concentration of active "off sale" alcohol licenses (Type 21). An undue concentration exists for off-sale alcohol licenses when the ratio of off-sale alcohol licenses to population in the census tract or census division in which an applicant's premises are located exceed the ratio of off-sale retail licenses to population in the County.

1. The proposed Project is located in Census Tract 66.01. There are three (3) active off-sale alcohol licenses (Type 21) within Census Tract 66.01 according to the State of California Department of Alcoholic Beverage Control (ABC). Census Tract 66.01 has a current population of 4,564 based on the most recent United States decennial census (2010). Therefore, the ratio of off-sale alcohol licenses to population in Census Tract 66.01 is 0.07%.
2. The County of San Bernardino has seven hundred and thirty-nine (739) active off-sale alcohol licenses (Type 21) according to ABC (State of California Alcoholic Beverage Control Report dated June 30, 2012). The County of San Bernardino has a current population of 2,063,919 based on the most recent annual population estimate for California counties published by the Population Research Unit of the Department of Finance. Therefore, the ratio of off-sale alcohol licenses to population in the County of San Bernardino is 0.04%.
3. Since the ratio of off-sale alcohol licenses (Type 21) in Census Tract 66.01 to population in Census Tract 66.01 exceeds the ratio of off-sale retail licenses (Type 21) in the County of San Bernardino to population in the County, there is an undue concentration.

ISSUES/ANALYSIS

Below is a discussion of the three points made by the Appellant for this appeal:

1. **That there was written and verbal support from residents at the public hearings for the sale of alcohol and a convenience retail store and would serve the public convenience.**

Although the Applicant cited verbal support from residents at the first public hearing and provided a petition signed by residents in support of the project at the second public hearing, the majority of the speakers at both hearings and the Planning Commission meeting also raised concerns with making the finding of public convenience and necessity based on the "undue concentration of licenses within the subject census tract. For this area of the City, State regulations allow three "off-sale" alcohol licenses. Three licenses already exist. Thus, the census tract is deemed to have an overconcentration of alcohol licenses with the addition of a fourth approved license given to Dollar General at 869 North Rancho Avenue. The approval of this application for the Appellant would be the fifth within this census tract. As a result, the Commission was concerned that a fifth alcohol license would lead to public safety concerns such as increased traffic, noise and vagrancy, especially when you consider that the proposed project is located adjacent to residential uses to the west, south and east of this site.

Moreover and perhaps most significant, staff has done a further comparison of the Dollar General project to this Applicant's project, and has noted a few significant distinguishing characteristics to evidence why the inclusion of alcohol sales in the two applications is materially different: (1) the Applicant's site is vacant and contains a stand alone building, whereas Dollar General will occupy a portion of an existing shopping center where other

commercial uses can buffer impacts, and will conduct a similar use to what and previously been in the building; (2) the Dollar General site included a prior alcohol license, which had expired just about a year ago; (3) the Dollar General use has restricted hours of operation (6 am to 11 pm), whereas the Applicant's proposed use is 24 hours; (4) the Dollar General building size is approximately 15,000 square feet, whereas the Applicant's proposed building site is only approximately 2,500 square feet; (5) the Dollar General project site is approximately 2.51 acres, whereas the Applicant's project site is approximately 0.37 acres; (6) the Dollar General project site contains 89 parking spaces whereas the Applicant's project site would contain 11 parking spaces; (7) the distance from the entrance of the Dollar General site to adjacent residential uses is approximately 200+ feet, whereas the distance of the Applicant's project site to adjacent residential uses is approximately 40+ feet; and (8) the distance from the parking lot of the Dollar General site to adjacent residential uses is approximately 75+ feet (with some buffers), whereas the distance of the Applicant's parking lot to adjacent residential uses is approximately 9 feet to the South.

- 2. That the Commission's findings that the proposed alcohol sales would result in increased traffic, noise and vagrancy which would negatively impact the adjacent residential neighborhood was not supported by the majority of the public testimony during the public hearings.**

The Commission's findings for denial of the conditional use permit were based on the evidence presented at the meetings, including testimony by the public as well as the Commission that the proposed alcohol use will likely result in increased traffic, noise and vagrancy since the proposed use does not fit within the residential pattern of development- i.e. site's location abutting residential properties and site's small size that reduces ability to provide more buffering, as well as the proposed 24 hour operation which may increase impacts during early morning hours. Moreover, all of the distinguishing characteristics noted in #1 above between this project and the Dollar General project are evidence of why this proposed project with alcohol sales would more significantly impact the adjacent residential neighborhood.

- 3. That the comments made by the Planning Commission for the denial of the Conditional Use Permit were based on the desire of the Commissioners to utilize the property for a different use other than a convenience store and not based upon objection to the proposed alcohol sales.**

The Commission ultimately approved the application for Architectural & Site Plan Review for the proposed building to be used as a convenience retail store that may remain open 24 hours. However, the Planning Commission did deny the conditional use permit based on concerns with the impacts from the sale of alcohol on the adjacent residential uses. Although there were some comments from the Planning Commission that attempted to find a middle-ground by having the sales of alcohol cease at 10 pm, this option was declined by the Appellant and no further discussion was entertained. It is also

significant to note that the Planning Commission unanimously approved the Architectural & Site Plan Review and Sign Review, which would allow the Applicant to operate a convenience store on the site.

Council Action/ Findings

The City Council hearing a case on appeal from a subordinate body such as the Planning Commission normally hears the case as a "de novo" proceeding, in which the entire case is repeated. However, in this case only the application for the CUP for the sale of beer and wine for off-site sales can be reviewed since the applications for Architectural & Site Plan Review and Sign Review were approved at the June 26, 2012 Planning Commission meeting. Should the Council deny the appeal and affirm the Commission's decision, the Appellant may still develop the site as a convenience retail store that may be open 24 hours.

The City Council is not bound by the findings made by the Planning Commission for denial of the CUP. Thus, there is no limitation upon the rights of the City Council to hear additional testimony and receive new information concerning the off-site alcohol sales. Therefore, the City Council may uphold the Planning Commission's findings and its decision, or provide its own findings to support its own decision.

Pursuant to Section 18.58.060(H) before approving a Conditional Use Permit, the following findings are required:

1. That the proposed use is in accord with the General Plan, the objectives of this title, and the purposes in which the site is located;
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;
3. That the proposed use complies with each of the applicable provisions of this title.

All three findings must be made. In addition, the City Council must also determine the public convenience and necessity require approval of the application.

The following support denial of the CUP:

- 1) ***The proposed use is not in accord with the objectives of the Zoning Ordinance, and the purposes of the zone in which the site is located.***
 - A. The Zoning Ordinance allows for alcohol sales for off-sale consumption through Conditional Use Permit (CUP) approval.
 - B. CUP's are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that the use is designed, located and operated compatibly with uses on adjoining properties and in the surrounding area.

- C. The proposed use for alcohol sales is located in the C-1 Neighborhood Commercial Zone. The C-1 Neighborhood Commercial Zone is intended to serve the neighborhood needs for convenience goods only. Stores within this designation are intended to fit into the residential pattern of development and not create either architectural or traffic conflicts.
 - D. During public testimony, many members of the public testified that the proposed alcohol use would result in increased traffic, noise and vagrancy and would negatively impact adjacent residential uses.
 - E. Due to the fact that the proposed alcohol use will result in increased traffic, noise and vagrancy, the proposed use does not fit within the residential pattern of development and as a result is not in accord with the objectives of the Zoning Ordinance, and the purposes of the zone in which the site is located.
 - F. The distinguishing characteristics noted in this report of this proposed use to a recently approved use with alcohol sales evidence why the inclusion of alcohol sales in this application is materially different and why it makes this application not in accord with the objectives of the Zoning Ordinance and the purposes of the zone in which it is located.
- 2) ***The proposed use, together with the conditions applicable thereto will be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.***
- A. Many members of the public testified that the proposed alcohol use would result in increased traffic, noise and vagrancy and would negatively impact adjacent residential uses. This alone is detrimental to the public health, safety and welfare.
 - B. The distinguishing characteristics noted in this report of this proposed use to a recently approved use with alcohol sales evidence why the inclusion of alcohol sales in this application is materially different and why it makes this application detrimental to the public health, safety and welfare.
- 3) ***The proposed Project does not encourage public convenience.***
- A. The Project consists of a newly constructed 2,522 sf single story retail building on a parcel zoned C-1 (Neighborhood Commercial) with no other commercial uses on the parcel containing the proposed Project. Unlike other projects that the City has recently approved in a multi-tenant setting, the proposed Project is limited to the sale of food and sundry items in a single-story retail building. As the Project is currently proposed, City residents cannot avail themselves of the breadth of readily available products (other than food and sundry items) and services in one location and will have to travel to other locations to purchase these products or services.
 - B. As a result of the reasons stated in "A" above and elsewhere in the record, the public convenience is not served by the issuance of an off-sale alcohol license.

4) *The proposed Project is not necessary.*

- A. There are ample venues within Census Tract 66.01 from which alcoholic beverages may be purchased.
1. A liquor store with a Type 21 license currently operates at 871 N. Rancho Avenue (License No. 257649).
 2. A liquor store with a Type 21 license currently operates at 457 West Valley Boulevard (License No. 297000).
 3. A convenience store with a Type 21 license currently operates at 1091 West Valley Boulevard (License No. 394864).
- B. As a result of the reasons stated in "A" above and elsewhere in the record, it is not necessary to permit the issuance of an additional off-sale alcohol license.

FISCAL IMPACTS

The action under consideration will not result in a fiscal impact to the City.

ALTERNATIVES

1. Approve the Project
 - a. Approve the Project but place limitations on both the hours of operations and hours that Applicant can sell alcohol. Direct staff to prepare a Resolution approving a CUP for off-site alcohol sales and making the requisite public convenience and necessity determination, returning to the next possible Council meeting for adoption.
 - b. Approve the Project but only place limitations on the hours that Applicant can sell alcohol. Direct staff to prepare a Resolution approving a CUP for off-site alcohol sales and making the requisite public convenience and necessity determination, returning to the next possible Council meeting for adoption.
2. Provide alternative direction to staff and/or the Applicant.

ATTACHMENTS

1. Appeal Request, 7-19-12
2. Planning Commission Staff Report, 6-12-2012
 - a. Exhibit "A" – Conditions of Approval for Architectural & Site Plan Review and Sign Review
 - b. 500 Foot Radius Map from Project Site
 - c. DRC Membership Sheet for meetings on 03-19-2012 & 04-30-12
 - d. Letter from Applicant in Support of PCN

- e. Colorized landscape plan, 8.5"x11"
 - f. Colorized elevations, 8.5"x11"
 - g. Colorized sign plan, 8.5"x11"
 - h. Plans, reduced to 8.5"x11"
3. Planning Commission Minutes, 6-12-2012
 - a. Petition with signatures from local residents against project submitted to the Planning Commission on June 12, 2012.
 - b. Traffic information provided at the meeting
 4. Memorandum to the Planning Commission for June 26, 2012 meeting.
 - a. Letter from Don Tucker of 7 Eleven in Response to the Commission's Questions, dated June 18, 2012.
 - b. Focused Traffic Analysis, Prepared by Albert Grover & Associates, dated March 29, 2012.
 - c. City of Colton's Traffic Impact Analysis Checklist adopted January 2007.
 5. Planning Commission Minutes, 6-26-2012
 - a. Petition with signatures from local residents in support of the project submitted to the Planning Commission on June 26, 2012.
 - b. 7 Eleven Crime Prevention Program submitted to the Planning Commission on June 26, 2012.
 6. Resolution Number R-18-12 of the Planning Commission denying the Conditional Use Permit, adopted 7-10-12
 7. PC Minutes, 7-10-2012
 8. Draft CC Resolution No. R-60-12, for Denial of Conditional Use Permit
 9. Plans, Full-size

ATTACHMENT 1

DATE FILED: 7/19/12
FEE PAID: 1488.75
FILE NO.:

RECEIVED
BY _____

JUL 19 2012

OFFICE OF THE
CITY CLERK

CITY OF COLTON
APPLICATION FOR APPEAL

APPELLANT: Matt Waken for 7 Eleven

ADDRESS: c/o GreenbergFarrow; 19000 MacArthur, Suite 250, Irvine, CA 92612

DECISION OR APPLICATION NUMBER UPON WHICH THIS APPEAL IS BASED:

Resolution No. R-18-12; Denial of CUP Application - 7 Eleven (SWC/Olive St.)
DAP-001-002; 1089 N. Rancho Avenue; APN 0161-144-01

LOCATION: 1089 N. Rancho Avenue

APPEAL IS HEREBY MADE FROM THE ABOVE DECISION BASED ON THE FOLLOWING ARGUMENTS (A SEPARATE ATTACHED LETTER MAY BE USED IF DESIRED):

Contrary to the findings of the Planning Commission ("Commission") set forth in Resolution No. R-18-12 which denied the requested CUP for the sale of beer and wine for off-site consumption, many residents of the neighborhood testified, either in person or by means of executing a petition, that the proposed 7-Eleven convenience store would serve the public convenience and was not objectionable.

Appellant believes that the Commission's findings that the proposed alcohol use would result in increased traffic, noise and vagrancy which would negatively impact adjacent residential uses was not supported by the majority of the public testimony offered at the public hearing.

Appellant further believes that, based upon comments made by Commission members, the Commission's denial of the CUP application was based upon a desire by members of the Commission that the property be developed with a use other than a convenience store, and not based upon any objection to the proposed alcohol use.

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND INFORMATION HEREIN SET FORTH ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPELLANT'S SIGNATURE: *M. Waken*

DATE SIGNED: July 19, 2012

ATTACHMENT 2



Planning Commission Staff Report

City of Colton
Development Services Department

MEETING DATE: June 12, 2012

FILE INDEX NUMBER(S): DAP-001-001,002,003

REQUEST: **DAP-001-001:** (1) Architectural & Site Plan Review for a proposed 2,522-sf single-story retail building including site improvements; **DAP-001-002:** (2) Conditional Use Permit for the sale of beer & wine for off-site consumption (Type 20 ABC License – Off-Sale Beer & Wine) and a Public Convenience and Necessity Letter, if required, in conjunction with a convenience retail store in a new proposed building; and **DAP-001-003** (3) Sign Review of wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved 0.37-acre lot located at 1089 N Rancho (SWC/ Olive) and zoned C-1 (Neighborhood Commercial).

APPLICANT: Matt Waken, Developer
7 Eleven, Inc, business operator

PROPERTY OWNER: M & E Living Trust

ACTIONS:

APPLICATION FILED: 02/09/12

CONSIDERATION OF DESIGN REVIEW COMMITTEE: 04/30/12; **Decision:** Recommendation of approval to the Planning Commission, with conditions.

CONSIDERATION BY THE PLANNING COMMISSION: 06/12/12; **Decision**_____.

ENVIRONMENTAL DETERMINATION: (1) Exempt under CEQA, Section 15332 (In-Fill Development Projects), Class 32. This section pertains to projects consistent with the General Plan, Zoning Code, lot is less than 5-acres in size, no endangered habitat or threatened species on site, no effects to traffic, noise, air quality, and the site can be adequately served by all required utilities and public services. (2) 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. (3) Exempt under CEQA, Article 19, Section 15311, Class 11 (Accessory Structures). This section pertains to construction or replacement of minor structures accessory to (appurtenant to) existing commercial facilities including on-premise signs.

PROPERTY INFORMATION:

1. Location: 1089 N. Rancho Avenue (SWC/Olive Street)
2. Lot Size(s): 0.373-acres (16,273 sf)
3. Existing/Previous Land Use: Vacant unimproved lot
4. General Plan Land Use Designation: Limited Commercial
5. Zoning: C-1 (Neighborhood Commercial)

G-2
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6. Surrounding Properties:

	Existing Land Use	Zoning	General Plan Land Use Designation
North	Gas station	R-1 (Single-Family Residential)	Low Density Residential
South	Single-Family Residence	R-1 (Single-Family Residential)	Low Density Residential
East	Single-Family Residence	R-1 (Single-Family Residential)	Low Density Residential
West	Single-Family Residence	County of San Bernardino	County of San Bernardino

7. Past Action: DAP-000-631–Design review for the construction of a 3,729 sf four unit commercial building. DRC approval 01/02/2007.

BACKGROUND

The submitted applications for Architectural & Site Plan Review and Sign Review are typically reviewed at the Design Review Committee level. However, the applications have been elevated to the Planning Commission for review and approval because the project includes a Conditional Use Permit application for alcohol sales for off-site consumption, which is reviewed and approved by the Planning Commission per the City Council, adopted Ordinance No. 0-08-09. By elevating these applications, the Planning Commission may review the project as a whole rather than only a segment of the proposal.

Additionally, pursuant to data and criteria from the State of California Department of Alcohol Beverage Control (ABC), the site may be located in a census tract of over concentration of off-sale establishments. For this reason, a Determination of Public Convenience and Necessity (PCN) may be required. The applicant is permitted to concurrently process a Conditional Use Permit for off-sale (beer & wine) along with a Determination of PCN. An approval of one without the other is of no value in ultimately facilitating the off-sale of beer and wine. For this reason, both the CUP and PCN are being processed concurrently. For ABC to issue an alcohol license for this off-sale use, the City of Colton must grant a Determination of Public Convenience and Necessity.

PROPERTY DESCRIPTION

The property is located at the southwest corner of W. Olive Street and N. Rancho Avenue and is undeveloped. The lot is square in shape and is 0.373-acres (16,273 sf) in size. From approximately 1930 to 1971, the property was developed with a single-family residence. The residence was demolished in 1971 and has remained undeveloped to the present day. There are single family residences to the west (In unincorporated San Bernardino County), south and east. There is a gas station to the north of the site. The property has street frontage along Olive Street and Rancho Avenue with one driveway along Olive Street. The site is relatively flat; however, the property is slightly higher on the east side of the lot along Rancho Avenue and gradually slopes downward toward the west end of the lot. There is a six foot high wood fence along the south and west lot lines adjacent to residences.

PROPOSAL

The applicant, Matt Waken for 7 Eleven, is proposing to construct a new 2,522-sf single-story retail building including site improvements such as paving, landscaping, and driveway modifications; the sale of alcohol for off-site consumption (Type 20 ABC License- Off-Sale Beer & Wine) and a Public Convenience and Necessity Letter, if required, in conjunction with a convenience retail store; and wall signs on a new building and a proposed freestanding sign on a vacant unimproved 0.37-acre lot located at 1089 N Rancho (SWC/ Olive) and zoned C-1 (Neighborhood Commercial).

The proposed hours of operation will be 24 hours a day, seven days a week. Additionally, part of the proposal will include removal of the existing wood fence along the south and west lot lines and replacing it with a required six foot high block wall with the installation of trees in the front for screening purposes. The existing driveway along Olive Street will be modified to comply with commercial standards and to provide a 90 degree angle for vehicles entering and exiting the site. A new driveway is proposed along Rancho Avenue near the southeast lot line and will also provide a 90 degree angle for vehicles entering and exiting the site. The applicant will be required to work with the appropriate agency to relocate the existing bus stop along Rancho Avenue where the new driveway is proposed.

The proposal also includes six foot right-of-way street dedication with improvements along Rancho Avenue. The applicant will work with the Public Works Department staff to ensure that the street dedication and improvements comply with City standards.

Signs

Signs are normally reviewed at staff level and may be approved by the Development Services Director or Design Review Committee (DRC). The applicant has submitted for Sign Review for two walls and one freestanding monument sign. The sign proposal labeled "Sign Plan" shows the following signs:

- One (1) new illuminated channel letter sign located above the entrance (East Elevation). This sign will include the text "7 Eleven" (2'x10'-2").
- One (1) new illuminated channel letter sign located on the north elevation. This sign will include the text "7 Eleven" (2'x10'-2").
- One (1) freestanding monument sign located at the northeast corner of the lot. This sign will include the text "7 Eleven" (6'x8'). The colors and materials proposed for the monument sign will match the commercial building.

Due to the concurrent applications, staff has elevated the sign application for review and approval by the Planning Commission.

ANALYSIS

Alcohol Sales Distance Requirement

Section 18.48.140 (Alcohol Beverage Sales) of the Colton Municipal Code (C.M.C) prohibits the sale of alcohol within 500 feet from any religious or educational institution, day care center or public park. This distance is measured from the main entrance of the business to the closest entrance to a religious or educational institution, day care center or public park. There are no religious or educational institutions, day care centers or public parks within 500 feet to the main entrance of the

new convenience retail store building. Therefore, this project is in compliance with the alcohol sales distance requirement.

Public Convenience and Necessity

Since the State Department of Alcoholic Beverage Control (ABC) issues alcohol licenses, applications need to conform to State requirements as well as local regulations. This includes State regulations placing limits on the number of licenses allowed within an area (defined as the boundaries of US census tracts) to address the overconcentration of licenses.

Based on Section 23817.5 of the California Business & Professions Code, a limit of one "off-sale" licenses for every 1,250 residents within a census tract is imposed. According to ABC, a maximum of three "off-sale" licenses are allowed within the census tract (66.01) that the subject site is located within based on the tract's population of 4,564.

According to ABC, there are currently three active "off-sale" licenses (see below) located within Census Tract 66.01 so the census tract is already at its limit.

Business name	Address	Type	License No.
R& R Liquor	871 N. Rancho Avenue	Full Liquor "21- Off-Sale General"	257649
Tigers Liquor	457 West Valley Boulevard	Full Liquor "21- Off-Sale General"	297000
C2 Food Mart	1091 West Valley Boulevard	Full Liquor "21- Off-Sale General"	394864

In situations where the issuing of a license is above the stated limit and may create an "undue concentration" of licenses, ABC may still issue the license if it is determined by the local governing body ("City") or ABC itself that the "public convenience or necessity would be served by the issuance", pursuant to Section 23958.4(b) of the California Business & Professions Code. Based on this, final action on the CUP may also necessitate direction to staff to prepare a PCN (public convenience or necessity) letter to ABC.

During the review of the application by the Design Review Committee (DRC), the DRC discussed possible factors that would support the CUP. One factor was that the proposed license was limited to beer & wine (Type 20 ABC) while the three other licenses allowed the sale of a full range of liquor products (Type 21 ABC).

One major area of concern with the Police Department was the need to provide lighting to help with surveillance and security. The DRC discussed the parking lot lighting and, due to potential issues related to alcohol sales, increased the illumination levels beyond the code minimum of one foot candle level required by Code. A lighting plan was subsequently provided showing a minimum illumination of two foot-candles, which was acceptable to the Police Department. There was also concern by the Police Department regarding alcohol sales near residential for a 24 hour, seven day a week retail convenience store. Therefore, the Police Department included a condition that prohibits alcohol sales from midnight to 6 am, which relieved concerns by Police. State law requires businesses to stop selling alcohol at 2 am.

Additionally, the business operator's representative (Matt Waken) has submitted a letter (attached) in support of the PCN. Among the statements in the letter, staff finds that the most relevant are the ancillary nature of alcohol sales to other products due to over 2,500 different products that will be sold on-site. Also, 7 Eleven estimates that approximately 10%-15% of their sales will be for alcohol.

Based on these factors, staff has prepared findings for approval of the CUP incorporating discussion regarding the State requirement of "public necessity or convenience" for inclusion into a PCN letter to be prepared by Staff and forwarded to ABC.

Parking

A parking analysis has been provided and is shown on the "Site Plan" sheet. The proposal is required to provide a total of 10 parking spaces based on one (1) parking space for every 250 square feet of gross floor area (2,522 sf). There are a total of 11 parking spaces that are required for the proposal. Therefore, this project is in compliance with the parking requirements of the C-1 zone.

Signs

Staff analyzed the information that was provided by the applicant and compared it to the criteria set forth in C.M.C. Section 18.50. The proposed two wall signs and one freestanding monument sign comply with City standards as noted in the Zoning Compliance Table, below.

Landscaping

The project site is required by the Zoning Ordinance to provide a minimum of 15% landscaping on-site. The proposal includes 30% landscaping on-site. There are a total of 54 "Shrubby Yew" trees, which are used for screening purposes primarily along the west and south lot lines adjacent to the single-family residences. Other trees such as "Crape Myrtle", "Australian Willow", and "Purple Leaf Plum" are located along the northeast corner of the lot, which will provide shading on the lot. A catch basin will be located within the landscape section of the northeast lot, which will capture water for irrigation purposes. Therefore, this project is in compliance with the landscape requirements of the C-1 zone.

General Plan Consistency

The subject site is located within an area designated as Limited Commercial in the General Plan. The Land Use Element (Principles and Standards) Commercial Principle (B)(1) of the General Plan states that "Future commercial development should reflect population growth needs of the community." In this case, the applicant is responding to the needs of the community by establishing a convenience retail store for Colton residents. Therefore, the proposal is in compliance with the provisions of the General Plan.

ZONING COMPLIANCE TABLE

Standard	Requirement	Existing	Proposed	Compliance
Lot Area	10,000 sf min	16,273 sf	15,567 sf with street dedication	Yes
Lot Width	80'	~103.8' (north-south)	No change	Yes
Lot Depth	100'	~138.3 (east-west)	132.37' with street dedication	Yes
Coverage	50% max	---	16.52% (2,522 sf)	Yes
Building Height	20' or 1 story (2 story with CUP)	---	18 ft	Yes
Floor area, total	NA	---	2,522 sf	NA
Setback, front	25' minimum	---	74.37'	Yes
Yard, front	17' encroachment (CMC	---	8'-23'	Yes

(landscaped)	18.18.120.B.7) 8 ft minimum in C-1 zone			
Setback, side	15' street 15' to R zone	---	Street (north): ~44' R zone (south): 15'	Yes
Setback, rear	15' to R zone	---	R zone (west): 15'	Yes
Parking Quantity	1:250 sf gross retail	---	11 spaces	Yes
Parking Dimensions	9'x20' min.	---	11- 9'x20'	Yes
Block wall next to Residential use	Six foot screen wall required	---	Block screen wall proposed along west and south lot lines	Yes
Street Fencing	6' high max; 6' high block wall abut R use	---	Block screen wall proposed along west and south lot lines	Yes
Landscaping Area	15% of lot area (2,335 sf)	---	30% (4,672 sf)	Yes
Number of Trees	Min one per 3 parking spaces (4 required)	---	Four	Yes
Size of Trees	36-inch box: 25% (1) 24-inch box: 25% (1)	---	36-inch box: 1 24-inch box: 7	Yes
Trash areas	6'-high enclosure	---	Provided	Yes
Mechanical equipment	Screened by walls/ parapet	---	Provided	Yes
Freestanding Monument Sign	Sign Code	Existing	Proposed	Compliance
Quantity	1 sign per street frontage	---	One monument sign	Yes
Max Sign Area	50 sf	---	48 sf	Yes
Letter Height	Min 12" Max 32"	---	7 Eleven: 1'-6"	Yes
Max Height	6 ft	---	6'	Yes
Landscaping at Base of Sign	Equal to the area of sign (48 sf)	---	Provided	Yes
Design	Compatible with design of the building	---	Flat surface for monument sign with brick wainscot	Yes
Material	Compatible with building material	---	Brick base and Dulux "taffy Pull #A0576" stucco finish	Yes
Wall Signs	Sign Code	Existing	Proposed	Compliance
Quantity	1 per street frontage	---	North: One wall sign East: One wall sign	Yes Yes
Max sign area	30% of wall area (~774), 70% of wall length (~30 ft)	---	North: 20.4 sf, 10'-2" ft	Yes
	30% of wall area (~1,058), 70% of wall length (~41 ft)	---	East: 20.4 sf, 10'-2" ft	Yes
Max letter height	24-inches	---	North: 24-inches	Yes
	24-inches	---	East: 24-inches	Yes

Compatibility with Surrounding Properties

The subject site is located within a property zoned C-1, Neighborhood Commercial. There are single family residences to the west, south and east of the site. There is a gas station located to the north across from Olive Street. The purpose of the C-1 zone is to allow uses that will serve the neighborhood needs for convenience goods. The permitted hours of operations are 24 hours a day, seven days a week. However, conditions of approval have been included, which will lessen any potential impacts from the convenience retail store such as, prohibiting alcohol sales from 12:00 am to 6:00 am, daily, and the premises to be kept clean and the operator of the establishment to ensure that no trash or litter originating from the site is deposited onto the neighboring properties or onto the public right-of-way. As such, the project is compatible with the surrounding properties.

ENVIRONMENTAL DETERMINATION

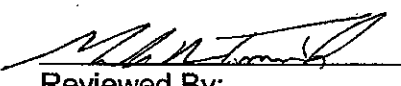
The proposal is (1) exempt under Article 19, Section 15332 (In-Fill Development), Class 32 of the CEQA Guidelines. This section pertains to projects consistent with the General Plan, Zoning Code, lot is less than 5-acres in size, no endangered habitat or threatened species on site, no effects to traffic, noise, air quality, and the site can be adequately served by all required utilities and public services. (2) 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. (3) The proposal is also exempt under Article 19, Section 15311 (Accessory Structures), Class 11 of the CEQA Guidelines. This section pertains to construction or replacement of minor structures accessory to (appurtenant to) existing commercial facilities including on-premise signs.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Approve applications for (1) ARCHITECTURAL AND SITE PLAN REVIEW FOR THE CONSTRUCTION OF A NEW 2,522 SQUARE FOOT RETAIL BUILDING INCLUDING PAVING, LANDSCAPING, AND DRIVEWAY MODIFICATIONS, (2) SIGN REVIEW FOR TWO WALL SIGNS ON A NEW BUILDING AND A PROPOSED FREESTANDING MONUMENT SIGN ON A VACANT UNIMPROVED 0.37-ACRE LOT LOCATED AT 1089 N. RANCHO AVENUE (SWC/OLIVE) AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-001 & 003)
2. Adopt a Resolution titled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY, IF REQUIRED, IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEW PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).


Prepared by:
Juan Enriquez, Associate Planner


Reviewed By:
Mark R. Tomich, AICP, Director

ATTACHMENTS

1. Exhibit "A" – Proposed Conditions of Approval for Architectural & Site Plan Review and Sign Review
2. Draft PC Resolution for Conditional Use Permit with Proposed Conditions of Approval
3. 500 Foot Radius Map from Project Site
4. DRC Membership Sheet for meetings on 03-19-2012 & 04-30-12
5. Letter from Applicant in Support of PCN
6. Colorized landscape plan, 11"x17"
7. Colorized elevations, 11"x17"
8. Colorized sign plan, 11"x17"
9. Plans, reduced to 8.5"x11"
10. Plans, full-size

"EXHIBIT A"
ARCHITECTURAL & SITE PLAN REVIEW
PROPOSED CONDITIONS OF APPROVAL

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

1. This Architectural & Site Plan Review approval is for a proposed 2,522-sf single-story retail building including paving, landscaping, and driveway modifications on a vacant unimproved 0.37-acre lot located at 1089 N Rancho (SWC/ Olive) and zoned C-1 (Neighborhood Commercial), as shown on the plans stamped and dated _____, by the Development Services Department, except as amended by the following conditions:
2. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Commission to make a determination.
3. The applicant shall comply with the concurrent approval of a Conditional Use Permit for the sale of alcohol for off-site consumption (Type 20 ABC License-Off-Sale Beer & Wine) and a Public Convenience and Necessity, if required, in conjunction with a convenience retail store in a new proposed retail building.
4. The applicant shall comply with the concurrent approval of a Sign Review to install two wall signs on a new building and a proposed freestanding monument sign.
5. Prior to implementation of this approval, plans shall be submitted to the Development Services Department for review and building permits and/or other appropriate permits shall be obtained.
6. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets.
7. The colors and materials of the building shall match those of the approved color and materials board including brick finish on the north, south, and east elevations, stucco finish with Dulux ICI Autumn Blush #A0566 for the west elevation wainscot, stucco finish with Dulux ICI Taffy Pull # A0576 for the body of the building, Dulux ICI Artesian White #A0044 for the fascia panel, Dulux ICI Artesian White #A0044 for the metal cap and foam cornice on all elevations, aluminum storefront door (clear anodized), and aluminum windows along the front (clear anodized).
8. Prior to the start of business operations, the operator shall obtain a City business license upon final approval (occupancy) of a Business Occupancy permit (BOP).
9. Prior to submittal for plan check for building, grading, or any permit, the applicant shall submit the following to the Development Services Department:

- a. A landscape and irrigation plan (three full sized and one reduced to 8.5"x11") prepared by a licensed landscape architect, approved by the Development Services Department, demonstrating compliance with CMC 18.22.130.
 - b. A sign plan in conformance with the Sign Review approval.
 - c. A fence plan in conformance with the approved plans.
10. Prior to the issuance of a building permit, grading permit or any other permit, the applicant and/or owner shall obtain approval of the following:
- a. Approval from the Director of Development Services of a landscape and irrigation plan.
 - b. Approval from the Director of Development Services of a sign permit.
 - c. Approval from the Director of Development Services of a fence permit.
11. Prior to the final issuance of a Business Occupancy Permit (BOP), the following shall be completed:
- i. Construction of a new 2,522 sf commercial building per the approved plans.
 - ii. The new building shall include the colors and materials noted on the approved sample board.
 - iii. The two walls signs and the freestanding monument sign shall be installed.
 - iv. The monument sign shall include the colors and materials noted on the approved sample board.
 - v. Install fencing as depicted on approved fencing plan.
 - vi. The plant material and irrigation system shown on the approved landscape plan shall be installed on site.
 - vii. All parking lot improvements including lighting as shown on the approved plans.
 - viii. The trash enclosure shall be completed.
 - ix. All improvements on the public right-of-way and the street dedication along Rancho Avenue.
 - x. Pass all Business Occupancy Permit (BOP) inspections.
 - xi. Submit a Business License application form with associated fee to the Business License Division.
12. The site operations shall be subject to the following:
- a. The permitted hours of operation shall be 24 hours daily, except the sale of alcohol shall be from 6:00 am to midnight each day of the week.
 - b. 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).
 - c. The site shall be developed and maintained consistent with the approved plans and the conditions of approvals.
 - d. 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.
13. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, light standards, and storage buildings.

14. The Applicant agrees to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with this project.
15. The Applicant and/or Property Owner shall comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws and regulations.
16. The Applicant and/or Property Owner shall, at all times, maintain the property so as not to constitute a nuisance in the community.
17. 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.
18. This land use entitlement shall become null and void if not exercised within one (1) year of this approval.
19. Comply with the requirements of the City of Colton **Building Division**, including the following:
 - a. The site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the 2010 California Building Codes.
 - i. Disabled access parking stalls shall be located at the shortest accessible route to the main entrance. CBC 1129B.1
 - b. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access, Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.
 - c. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
 - d. 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.
 - e. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
 - f. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer
20. Comply with the requirements of the City of Colton **Fire Department**, including the following:

- a. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.
 - b. Access roadways shall be provided in accordance with the City's Municipal Code.
 - c. A water supply system shall be installed, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall be 1500 g.p.m.
 - d. A commercial fire hydrant conforming to City Standard 700 shall be provided for this project in a location approved by the Fire Department.
 - e. Premise identification shall be provided in accordance with the City's Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial).
 - f. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department.
 - g. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed, and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.
 - h. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the Fire Department's field inspector.
 - i. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2009/2010 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).
 - j. The applicant shall comply with all Fire Department requirements as noted during the Business Occupancy Process (B.O.P.).
21. 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. 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 lamination to all parking spaces, stalls, walkways, corridors, and stairways, insuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.) Lighting level will be a minimum of 2 footcandles. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be properly shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, property management will have the lighting repaired within 72 hours.
- f. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X 22" with a minimum of 1" letters. In addition, the sign will indicate the name of the 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. Tobacco Sales – If selling tobacco products must maintain a valid State of California tobacco retailer license in good standing and comply with all tobacco laws. There will be no self-serve tobacco sales. No sales of individual cigarettes. All tobacco and smoking products will be maintained in an area where they may not be accessed by minors. Must maintain tobacco purchase invoices for law enforcement inspection for minimum of one year. Will only purchase tobacco products from wholesalers and distributors licensed under the *Cigarette and Tobacco Products Licensing Act of 2003*. Invoices must include: the name of the wholesaler or distributor who sold you the cigarettes or tobacco products; the address, telephone number, and license number of the wholesaler or distributor; and the amount of excise tax paid to the BOE. The invoice must say that all California cigarette and tobacco product taxes are included in the total amount of this invoice; include the retailer's name, address, and license number, and an itemized list of the products sold.

- p. **Tobacco Sales Identification Required** - Identification shall be required for tobacco purchase from all persons under 27 years of age. Identification is defined as a physical document issued by a government entity or political subdivision of the United States of America, such as a California Driver's license or California identification card. Foreign identification is not acceptable, except for a legitimate passport.
- q. **Tobacco Paraphernalia** – Tobacco paraphernalia will only be displayed in areas which are not within view or accessible to persons under 18 years of age. Persons who cannot produce identification demonstrating they are over 18 years of age shall not be sold tobacco products. Minors will not be permitted in such areas unless accompanied by an adult parent or guardian who has been verified to be at least 18 years of age. Tobacco paraphernalia includes cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, or other instruments or things designed for the smoking or ingestion of tobacco products.
- r. Exterior collection bins, donation receptacles, or storage containers are not permitted except by express approval of Development Services Director.
- s. **Alcohol Sales/Service:** Permittee shall observe all laws relative to sales and service of alcohol. Permittee will comply with alcoholic beverage license conditions and maintain an alcoholic beverage license in good standing with the Department of Alcohol and Beverage Control. Employees shall refuse sales to intoxicated or belligerent persons.
- t. **Verification of Age:** The ABC licensee, permittee, employees and security guards are each responsible to verify age of persons purchasing alcohol. ABC licensee shall have at least one (1) employee assigned to check each person's identification prior to alcohol sales. Persons who cannot produce identification showing that they are over 21 years of age shall not be allowed to purchase alcoholic beverages. Identification is defined as a physical document issued by a government entity or political subdivision of the United States of America, such as a California Driver's license or California identification card. Foreign identification is not acceptable, except for a legitimate passport.
- u. Time for service of alcohol shall be from 6:00 am to midnight each day of the week.
- v. The ABC Type 20 Beer/Wine off-sale license shall not be exchanged for an ABC Type 21 General off-sale license.
- w. **Compliance with Applicable Laws.** The permittee shall comply with all federal, state and local laws, including the Alcohol Beverage Control (ABC) Act. Any material violations of such laws in connection with the authorized use shall be grounds for revocation of this conditional use permit.
- x. **Private Security Guards:** Permittee and/or licensee will ensure that any security guard, security patrol, or other such persons employed for the purpose of protecting the safety of persons or property, or preserving the peace, shall be a bona fide, trained, uniformed security guard(s), certificated with the California Department of Consumer Affairs Bureau of Security and Investigative Services (BSIS), operating under the direct supervision of a

bona fide Private Patrol Operator certificated with the California Department of Consumer Affairs and permitted as required by Colton Municipal Code.

- y. All security guards must be in possession of a BSIS issued guard card, and a California identification card or driver's license. Guards must be employed by and operating under the direction of a licensed State of California Consumer Affairs Bureau of Security and Investigative Services Private Patrol Operator (PPO) which has registered with the City of Colton as required by Colton Municipal Code section 5.50. Security guards are to be unarmed. Guards may not carry baton or firearm, but may carry a chemical agent if issued a BSIS approved training certificate for the use of the chemical agent.
- z. The permittee and/or licensee shall ensure that any security guard company initiates registration with the Colton Police Department at least 30 days in advance of security services being performed in the City of Colton in order to facilitate City licensing per Colton Municipal Code section 5.50.
- aa. **Interior Lighting:** All interior areas of the premises will be illuminated in a manner that provides lighting sufficient to illuminate and make easily discernable the appearance of all persons on or about the premises.
- bb. **After hours Contact Information:** Permittee will ensure after hours contact person information is kept current and on file with police department dispatch center. Ideally there should be several persons available; 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.
- cc. **Indemnification.** Permittee and his successor-in-interest agrees to indemnify, hold harmless and defend the City, its officers, agents and employees from any liability or claims that may be brought against the City arising out of its approval or modification of this conditional use permit, or arising out of the operation of the business.
- dd. **Complaints.** Three (3) or more verified complaints or occurrences within a one (1) month period, or six (6) or more verified complaints or occurrences within a three (3) month period, or twelve (12) or more verified complaints or occurrences within a one (1) year period regarding disturbances or criminal activity caused by patrons, staff or other persons at or near or leaving from the business facility on the subject property, shall be grounds for revocation of this conditional use permit. For purposes of this condition, verified complaints shall be defined as complaints received by the City of Colton, Colton Police Department, or any other law enforcement agency or any governing agencies regarding the violations of federal, state, or local laws. Occurrences shall be defined as any violation of federal, state, or local laws, including but not limited to the Alcohol Beverage Control (ABC) Act, for which patrons, staff or other persons frequenting the location are cited or arrested at, near or leaving from the subject property. These grounds for revocation are not exclusive.

ee. **Revocation or Modification:** Should the Chief of Police, in his sole and subjective discretion, deem the number of calls for police service attributable to the location to be excessive, or pose a burden to the time and resources of the Colton Police Department, or a nuisance to the City of Colton or surrounding neighborhood, the conditional use permit will be subject to review and potential revocation or modification. The permittee acknowledges that any violations of these conditions of approval or violations of federal, state or local laws and ordinances shall constitute good cause and subject the conditional use permit to revocation or modification proceedings

22. Comply with the requirements of the City of Colton **Public Works/Utility Services Department**, including the following:

A. FEES

1. Pay plan check fees and permit fees for the review of the site grading and on-site improvement. Submit a detailed cost estimate to determine the plan checking and permit fees.
2. Pay plan check fee for the Water Quality Management Plan.
3. Pay plan check fee for the review of the drainage study.
4. Public Works inspection fee shall be paid in accordance with the fee schedule in effect at the time the fees are paid.
5. Pay plan check fees for any improvement within City right-of-way and submit a detailed cost estimate to determine the plan checking and permit fees.
6. The applicant/ developers shall pay the development impact fees and infrastructure fees in effect at the time that building permits are obtained for approved structures. Applicants/developers shall be required to submit detailed plans showing approved land uses and the square footage of each structure proposed.

B. IMPROVEMENTS

1. Construct Reinforced Concrete Commercial Driveway approaches.
2. 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.
3. Install street trees (based on 1 parkway tree per 50 feet of property frontage) and provide landscaping in public right-of-way.
4. Reconstruct any damaged street improvements, irrigation and landscaping fronting the property.

C. GRADING AND DRAINAGE

1. The applicant shall provide the Public Works and Utility Services Department/Engineering Section with separate (3) sets of grading plans with a scale of 1" = 20' prepared by a Civil Engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months prior to a grading permit approval. Note: all block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted.

2. The development/applicant shall comply with "Low Impact Development standards and implement the approved plan.
3. Prior to the issuance of any grading permits, applicant shall delineate on the grading plan the floodplain which affects the property.
4. A pad certification prepared by a licensed civil engineer shall be submitted prior to issuance of building permits.
5. Prior to final project acceptance, applicant shall submit an as-built of grading plans. No final acceptance will be authorized until as-builts are submitted to Engineering Section of Public Works and Utility Services Department.
6. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on the drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the Engineer. These drainage issues shall be resolved prior to the issuance of a grading permit.
7. Provide a separate Erosion Control plan with a scale of 1" = 20'.

D. PARKING LOT

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

E. STUDIES & REPORTS

1. Submit drainage study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. The drainage from individual lots shall not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.
2. Submit a geotechnical/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 from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The Developer shall implement all of the recommendations contained in the Geotechnical Report prepared in accordance with the California Building Codes.
3. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works and Utility Services Department/Engineering Section.

F. WATER AND WASTEWATER REQUIREMENTS

1. The development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pre-treatment facilities.
2. The development shall extend the existing sewer main line to provide service to the proposed development.
3. 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.
4. Colton Municipal Code 13.08.235 and 13.08.253 requires the installation of a grease interceptor for commercial or industrial generators of grease (restaurants, cafes, cafeterias, auto body shops, etc). Clearly show the connection to grease interceptor on plans if applicable.
5. All wastewater capacity fees must be paid prior to obtaining the certificate of occupancy. Additional capacity fees may apply if the actual discharge exceeds the estimated flow established during initial approval. Service will be terminated if the fees are not paid.
6. All connection fees and charges shall be levied at rate scheduled by city council at the time of payment by developer.

G. ADDITIONAL REQUIREMENTS

1. All on-site water quality basin and storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season or as often as necessary. The property owner shall be responsible for all costs associated with proper operation and maintenance of all on-site storm drains, lateral pipes connecting to the City storm drain system, and water quality facilities (basin, pipelines, inlets, catch basins, outlets, etc.) associated with the project.
2. All paved outdoor areas must be designed to reduce/limit the potential for runoff to contact pollutants.
3. All storm waters originating from the development should be draining to the storm drain system.
4. No final inspection will be performed until all Public Works and Utility Services Department requirements pertaining thereto are in compliance.
5. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Public Works and Utility Services Department/Engineering Section. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent accumulation of debris into downstream properties or drainage facilities.
6. Prior to issuance of Grading Permit, the applicant shall create and implement a Storm Water Pollution Prevention Plan (SWPPP), per State requirements (1 acre or more), to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year round. Specific BMP implementation may be dependent upon wet or dry season operations.
7. Submit a letter to the Engineer certifying that the owner and contractor 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."
8. The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction to the satisfaction of the Engineer. The applicant is responsible for ensuring that all contractors and subcontractors are aware of, and implement, all stormwater quality and pollution control measures. Failure to employ appropriate measures to prevent stormwater pollution and protect storm water quality shall result in the issuance of correction notices, citations, or a project stop order.
9. 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 and Utility Services Department.
10. If Utilities are installed that would require trenching within existing street pavement, resurfacing of the affected area up to the lane line are required, as determined by the Engineer.
11. The Applicant shall submit to Public Works and Utility Services Department/Engineering Section a Landscape Plan prepared by a Licensed Landscape Architect for review and approval.
12. All fees shall be paid to the City of Colton prior to the issuance of Grading Permit.
13. The Developer shall provide and dedicate to the City and other public agencies all necessary easements or right-of-way.

H. ELECTRIC UTILITY REQUIREMENTS

1. The project applicant or owner shall comply with all customer service policies of the City of Colton Electric Utility Department. The applicant or owner 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 applicant or owner shall pay all charges associated with the Electric Utility's cost to construct underground and overhead line extensions and street-lighting. If the existing electrical system needs to be upgraded the owner shall pay all associated fees. The owner needs to submit plans as required by the City of Colton Building and Electrical Departments. The Electric Department is located at 150 S. 10th Street, Colton, CA 92324 and can be reached at (909) 370-5104.

**SIGN REVIEW
PROPOSED CONDITIONS OF APPROVAL**

1. This Sign Review approval is for two wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved 0.37-acre lot located at 1089 N Rancho (SWC/ Olive) and zoned C-1 (Neighborhood Commercial), as shown on the plans stamped and dated _____, by the Development Services Department, except as amended by the following conditions:

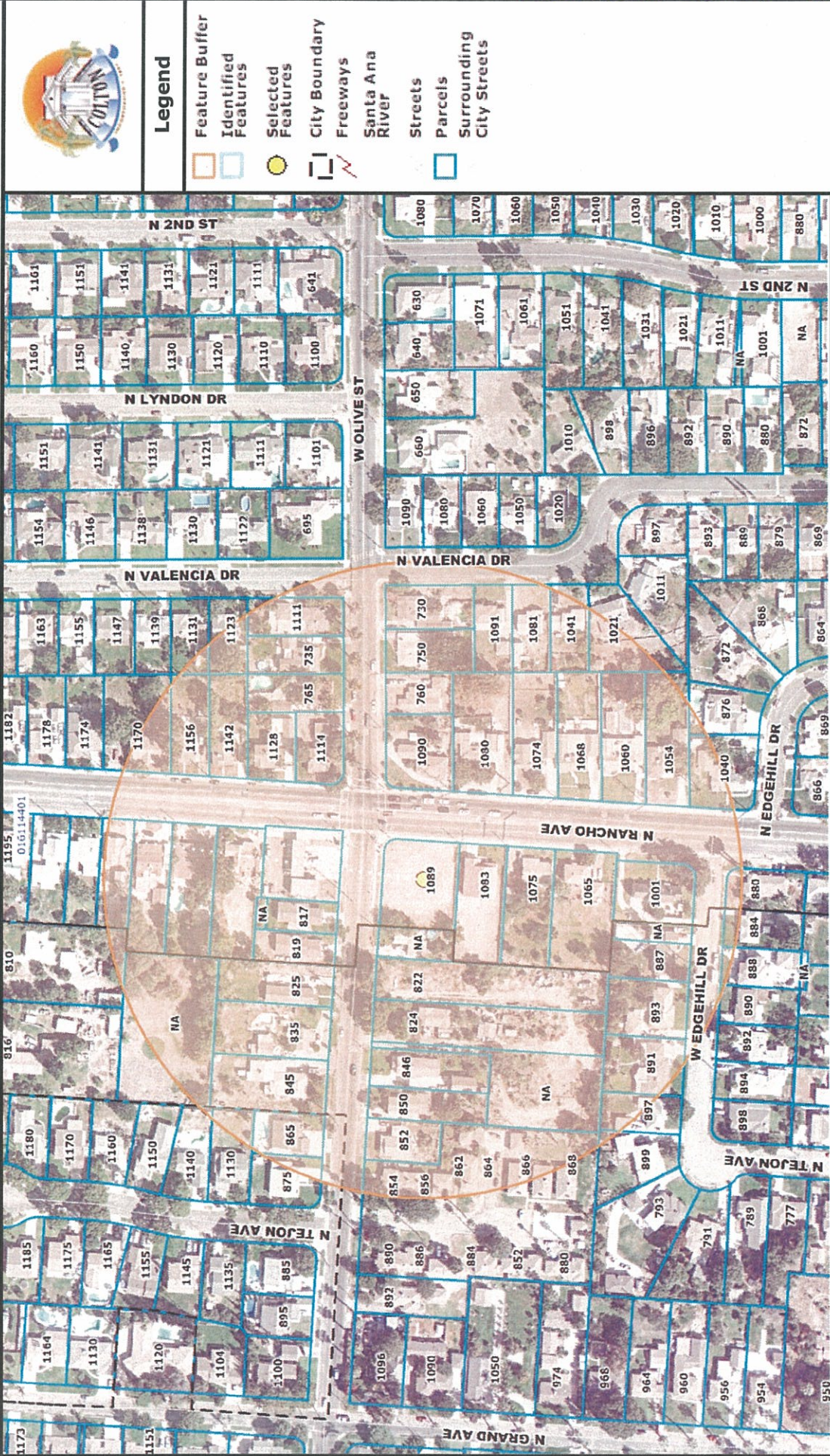
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2. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Commission to make a determination.
3. The applicant shall comply with the concurrent approval of Architectural & Site Plan Review for a proposed 2,522-sf single-story retail building including site improvements.
4. The applicant shall comply with the concurrent approval of a Conditional Use Permit for the sale of alcohol for off-site consumption (Type 20 ABC License-Off-Sale Beer & Wine) and a Public Convenience and Necessity, if required, in conjunction with a convenience retail store in a new proposed retail building.
5. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets.
6. The colors and materials of the freestanding monument sign shall match those of the approved color and materials board including brick finish at the base of the sign, stucco finish with Dulux ICI Taffy Pull # A0576 for the body of the sign structure, and Dulux ICI Artesian White #A0044 for the cap of the sign.
7. Prior to the installation of any signs, the Applicant shall obtain separate approval of a sign permit from the Development Services Department.
8. Prior to final approval of business occupancy permit, signs shall be installed.
9. The site shall be developed and maintained consistent with the approved plans and the conditions of approval.
10. Prior to implementation of this approval, plans shall be submitted to the Development Services Department for review and building permits and/or other appropriate permits shall be obtained.
11. The Applicant agrees to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with this project.
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.

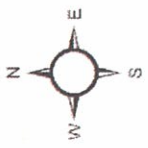
14. This action by the Planning Commission shall be final unless an appeal of the action is filed with the City Clerk's office in writing, pursuant to Section 18.58.100 of the Colton Municipal Code.
15. This entitlement shall become null and void if not exercised within one (1) year of this approval.
16. Comply with the requirements of the City of Colton **Building Division**, including the following:
 - a. The site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the 2010 California Building Codes.
 - ii. Disabled access parking stalls shall be located at the shortest accessible route to the main entrance. CBC 1129B.1
 - b. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access, Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.
 - c. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.
 - d. 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.
 - e. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.
 - f. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer

500 Foot Radius from 1089 N. Rancho Avenue

DAP-001-001,002,003 (7 Eleven)



This map is a public resource of general information. This map was produced by the City of Colton Geographic Information Systems Department. The base data is acquired from San Bernardino County GISMS Department. The City of Colton assumes no warranty or legal responsibility for the information on this map. The data and information are subject to change without notice.



Scale

0 346ft

114



DRC Member Attendance Sheet

CITY OF COLTON
Design Review Committee

MEETING DATE: 3/19/12

	<u>Name</u>	<u>Title</u>	<u>Department</u>
1.	MITCH GRIGG	SYSTEMS DESIGNER	ELECTRIC
2.	ALAN SOROK	FIRE MARSHAL	FIRE
3.	REGGIE TORRES	ASSOC. ENG	P.W. & UTIL.
4.	Mark Tomich	Director	Development Services
5.	Juan Enriquez	Associate Planner	Per Services
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DRC Member Attendance Sheet

CITY OF COLTON
Design Review Committee

MEETING DATE: 4/30/12

	<u>Name</u>	<u>Title</u>	<u>Department</u>
1.	LOU SAMMARTO	PUBLIC SERVICES	BLADE/COMB
2.	ALAN SOCK	FIRE MARSHAL	FIRE
3.	AFTAB HUSSAIN	Engineering Tech II	FIN
4.	Annetta BAKER	ENGINEER/GIS Tech	Electric
5.	Mark Tomich	Director	Dev. Serv
6.	Juan Enriquez	Associate Planner	Dev. Servs
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City of Colton
650 N. La Cadena Drive
Colton, CA 92324

RE: 7 Eleven Inc.
1089 N. Rancho Avenue
Colton, CA
Determination of Public Convenience or Necessity

According to the statistics provided by the Department of Alcoholic Beverage Control, the above referenced premises is located in a census tract in which an undue concentration of licenses exists pursuant to §23958.4 of the Business and Professions Code. It is my understanding that the City of Colton, has delegated their authority to make the determination of Public Convenience or Necessity as required by §23958.4 to the Department. Therefore, on behalf of 7-Eleven, Inc., I respectfully request that the City of Colton find that Public Convenience will be served by issuance of an off sale beer and wine license at the above referenced location.

BACKGROUND

7 - Eleven, Inc. will be purchasing an off-sale general license (type 20) which includes beer and wine at the above referenced location. The Department of Alcoholic Beverage Control has determined that the proposed 7- Eleven is located within Census Tract 6600.6 Pursuant to §23958.4 of the California Business and Professions Code. ABC is currently reviewing and changing the Census Tract information based on the 2010 Census. In addition, there is moratorium in effect and due to this 7-11 has identified and is in the process of purchasing a liquor license Therefore, in order for the proposed 7 - Eleven to obtain an off sale beer and wine license, the City of Colton must make a finding that the proposed use would be a public convenience or necessity.

OVERVIEW AND PROJECT DESCRIPTION

7 Eleven, Inc. proposes to construct a 2,522 square foot new retail facility with off-sale beer and wine.



CLARIFICATION OF THE LEGAL STANDARD:
"PUBLIC CONVENIENCE OR NECESSITY"

First, it is important to emphasize that Business & Professions Code § 23958.4 requires a positive finding of public convenience *"or"* necessity in order for an off-site ABC application to be approved. Thus, it is legally sufficient if 7 Eleven shows *either* public convenience *or* public necessity. It is *not* legally necessary to show both.

Second, it is only necessary to show public convenience or necessity where, as here, there is an "undue concentration" of licensees in the census tract. The term "undue concentration" (also referred to as "over concentration") is specifically defined in Business & Professions Code § 23958.4 as simply a ratio of *the number of licenses in a census tract* compared to *the average number of licenses in a County, as a whole*. It does *not* mean that a particular census tract necessarily has too many licenses for the needs or convenience of residents in that tract.

"Over concentration" also does not mean that the State, or anyone else, has previously looked at this census tract and determined that it has suffered any deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether, in a particular situation, the ABC license would serve the "public convenience or necessity."

Thus, in this case, the fact that the census tract in which 7 - Eleven's site is located is statutorily "over concentrated" does not mean that selling a small amount of beer and wine in a newly remodeled market will have adverse impacts. Rather, it simply means that the City of Colton must find that either public convenience or public necessity will be served by the sale of beer and wine at the site. As demonstrated below, permitting the sale of beer and wine at this site will clearly satisfy this standard, and the City of Colton should grant 7- Eleven's application.

Selling beer and wine at this location will benefit the community surrounding the site by providing a close, convenient, and safe place to make purchases. Concentration issues are a relatively minor factor that does not justify a negative finding of PC or N for this site. Moreover none of the surrounding area will be adversely affected.

The convenience of 7- Eleven's Concept

7 - Eleven proposes to operate the site as a modern convenience store. The convenience store provides a large diversity of food and sundry items. In fact, 7- Eleven carries over 2500 different items. 7- Eleven's standard products includes hundreds of items from milk to magazines, and



cheeses to chips, prepared foods and baked goods, along with soft drinks and other non-alcoholic beverages. Although 7-Eleven sells more than 1 million cups of fresh brewed coffee and more than 2 million immediately consumable food items a day, 7-Eleven is much more than a food store. 7-Eleven is the nation's leading retailer of USA Today, Sports Illustrated and money orders. The 7-Eleven concept is intended to provide a broad array of products for the consumer's convenience.

The sale of beer and wine will be one important part of this 7-Eleven concept. Indeed, although beer and wine are expected to comprise a very small percent of the site's shelf-space, only a small portion of 7-Eleven's sales (between 10% and 15%), it is nevertheless necessary in order to provide the public a complete range of products.

Furthermore, 7-Eleven wants to maximize the availability of a large diversity of food and sundry items at the site pursuant to its 7-Eleven concept, previously described. Permitting the sale of beer and wines at the site will complete 7-Eleven's concept, enabling customers to purchase a variety of products at one convenient stop. Providing customers all of this at one location is what "public convenience or necessity" is really all about.

The proposed 7-Eleven store will be located at 1089 N. Rancho Avenue. Not only will the 7-Eleven be a convenient place for customers to shop on their way to and from work, it will also serve visitors on their way to or from nearby communities.

7-Eleven is a responsible retailer and the site will not result in an adverse impact on public health, safety, or welfare

It should be noted that 7-Eleven has a very extensive training program for its employees to help ensure that it is a responsible retailer of alcoholic beverages. 7-Eleven's "Come of Age" program is a multimedia, computer based training program to ensure that employees understand and implement the procedures imposed by 7-Eleven to comply with ABC laws and regulations. Moreover, the "Come of Age" program incorporates training on all age-restricted products, including tobacco, lottery, inhalants and alcohol. Indeed, 7-Eleven will likely be a more responsible retailer of beer and wine than any other retailer in the area.

7-Eleven realizes that a healthy community translates to healthy business, and is willing to accept the ABC's imposition of these conditions when a license is issued in order to ensure that



the public health, safety, and welfare are protected. In short, 7-Eleven is committed to protecting the public health, safety, and welfare of the community, and will take appropriate steps to do so. The sale of beer and wine on the site will *not* threaten these important concerns.

CONCLUSION

As indicated above, this site will clearly serve the public convenience of residents, visitors, shoppers, and workers of Colton. The development of the property as a New 7-Eleven will not adversely affect any portion of the surrounding area. 7-Eleven has been a responsible retailer of alcoholic beverages nationwide. Permitting the sale of beer and wine at the site will not change this, but will 'round-out' 7-Eleven's concept at this site, providing customers the added convenience to make quick, efficient, and safe purchases of beer and wine. A positive finding of PC or N is certainly appropriate.

Should you have any questions or concerns regarding the proposed 7-Eleven we would be happy to meet with you at your convenience. In addition, 7-Eleven is excited about opening this new store and looks forward to serving the citizens of Colton. Thank you for your consideration in this matter.

Sincerely,



Matt Sliwinski

PROJECT MANAGER

(714) 369 9846

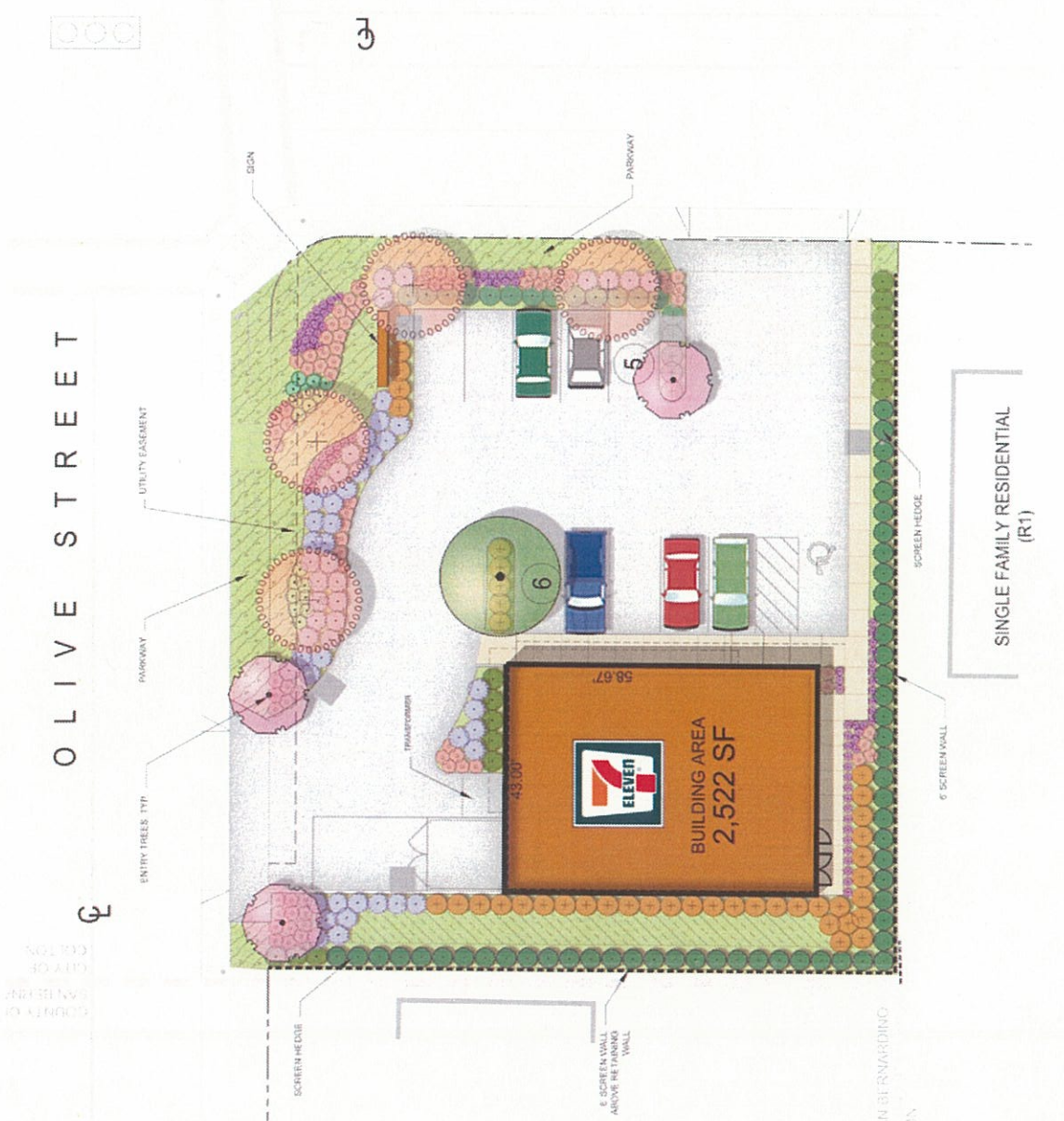
19939 Coventry Lane

Huntington Beach, CA 92646

PLANT SCHEDULE

SYMBOL	PLANT NAME	COMMON NAME	SIZE	NOTES
(Green circle)	1. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	2. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	3. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	4. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	5. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	6. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	7. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	8. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	9. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	10. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	11. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	12. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	13. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	14. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	15. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	16. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	17. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	18. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	19. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	20. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	21. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	22. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	23. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	24. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	25. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	26. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	27. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	28. <i>Quercus laevis</i>	Live Oak	12" DBH	Y
(Green circle)	29. <i>Quercus agrifolia</i>	California Live Oak	12" DBH	Y
(Pink circle)	30. <i>Quercus laevis</i>	Live Oak	12" DBH	Y

RANCCHO AVE



7 ELEVEN LANDSCAPE CONCEPT PLAN

SCALE: 1" = 10'-0"

FILE INDEX No. : DAP-001-002 (ALCOHOL CUP)
 ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
 APN: 0161-144-01

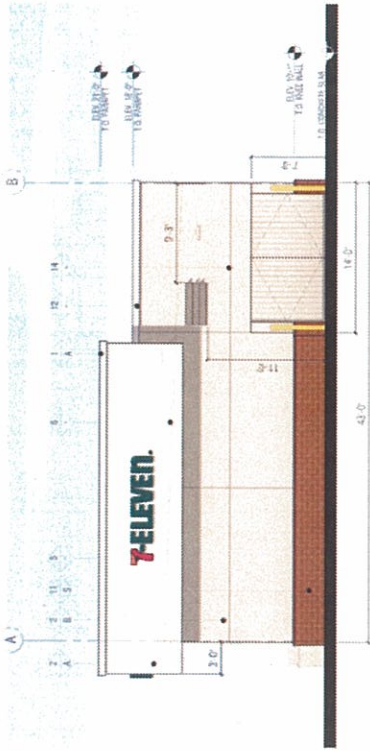


GreenbergFarrow
 16000 15th Avenue Blvd
 Irvine, CA 92612
 T 949-256-0400 F 949-256-0407

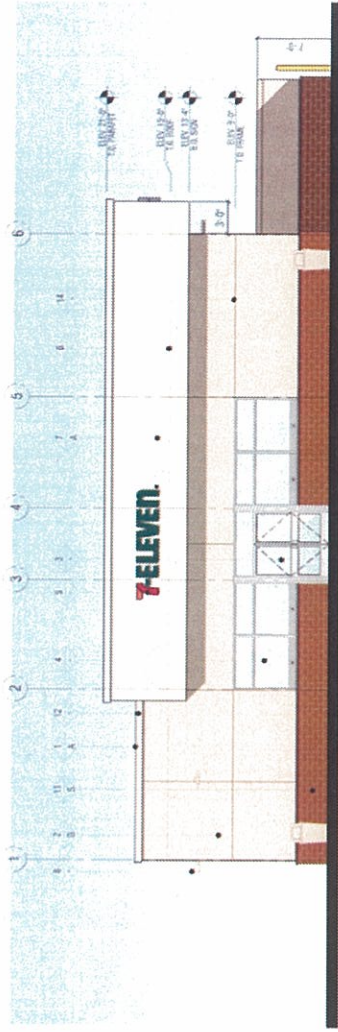
121

FINISH SCHEDULE

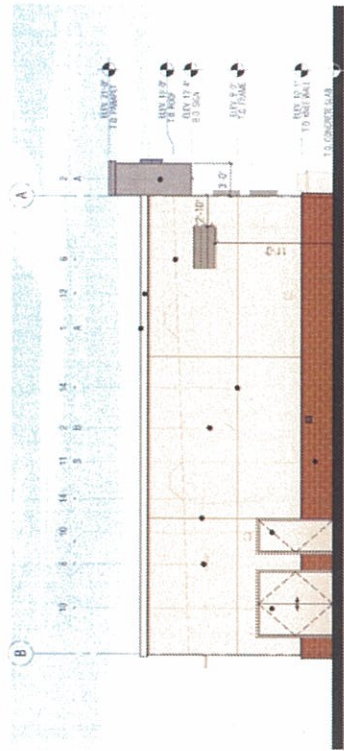
FINISH MATERIAL	FINISH COLOR	FINISH MATERIAL	FINISH COLOR
1 METAL CAP - COLOR TO MATCH STEELCO	1	8 EXTERIOR LIGHTING	A
2 STEELCO FINISH	2	9 METAL SCUFFERS TO MATCH STEELCO	B
3 ALUMINUM STUFFING DOOR - CLEAR ANODIZED	3	10 METAL DOORS	C
4 ALUMINUM WINDOWS - CLEAR ANODIZED	4	11 BRICK FINISH	S
5 ILLUMINATED LOGO SIGN UNDER SEPARATE PERMIT	5	12 FOAM COFFER	
6 LINE OF ROOF FINISH	6	13 DOWNPOUT	
7 FASCIA PANEL SYSTEM	7	14 1/4" WIDE METAL PINK SCREEN	



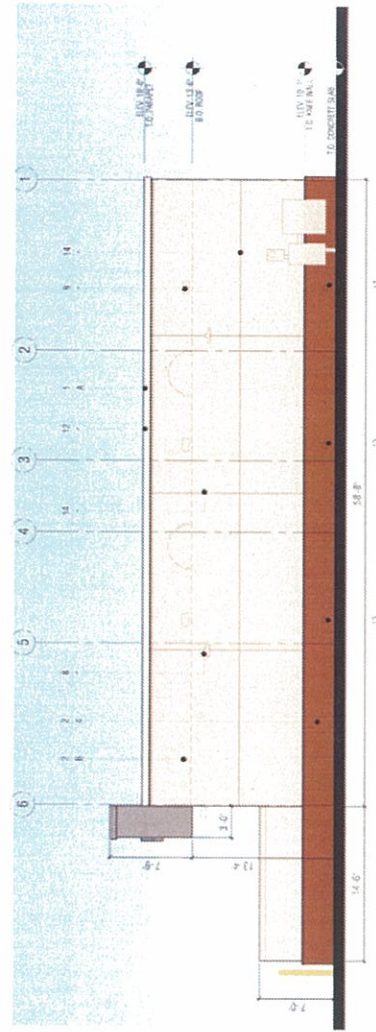
1 NORTH ELEVATION (RIGHT SIDE)
SCALE: 3/16" = 1'-0"



2 EAST ELEVATION (FRONT)
SCALE: 3/16" = 1'-0"



3 SOUTH ELEVATION (LEFT SIDE)
SCALE: 3/16" = 1'-0"



4 WEST ELEVATION (BACK)
SCALE: 3/16" = 1'-0"

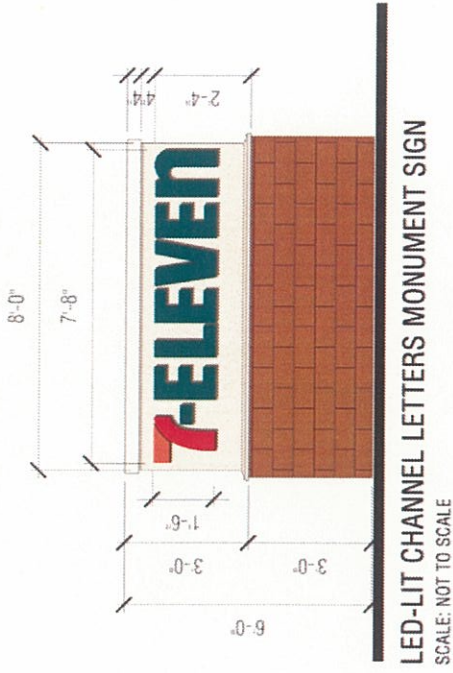
GreenbergFarrow
10000 Eads Avenue, Suite 100
Irvine, CA 92618
T: 949.266.0450 | F: 949.266.0457



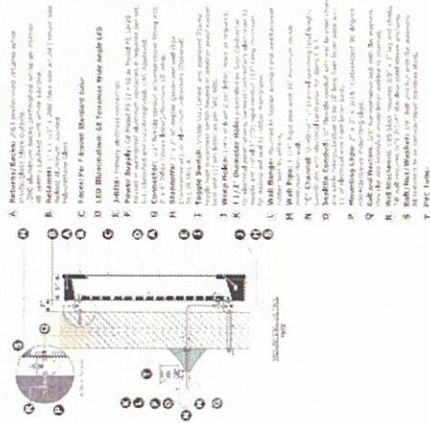
FILE INDEX No. DAP-001-002 (ALCOHOL CUP)
ZONING C-1 (NEIGHBORHOOD COMMERCIAL)
APN: 0161-144-01

7 ELEVEN ELEVATIONS
SCALE: 3/16" = 1'-0"
1089 N. RANCHO AVE. COLTON, CA
WALBERN DEVELOPMENT USA, Corp.
201/05010

122

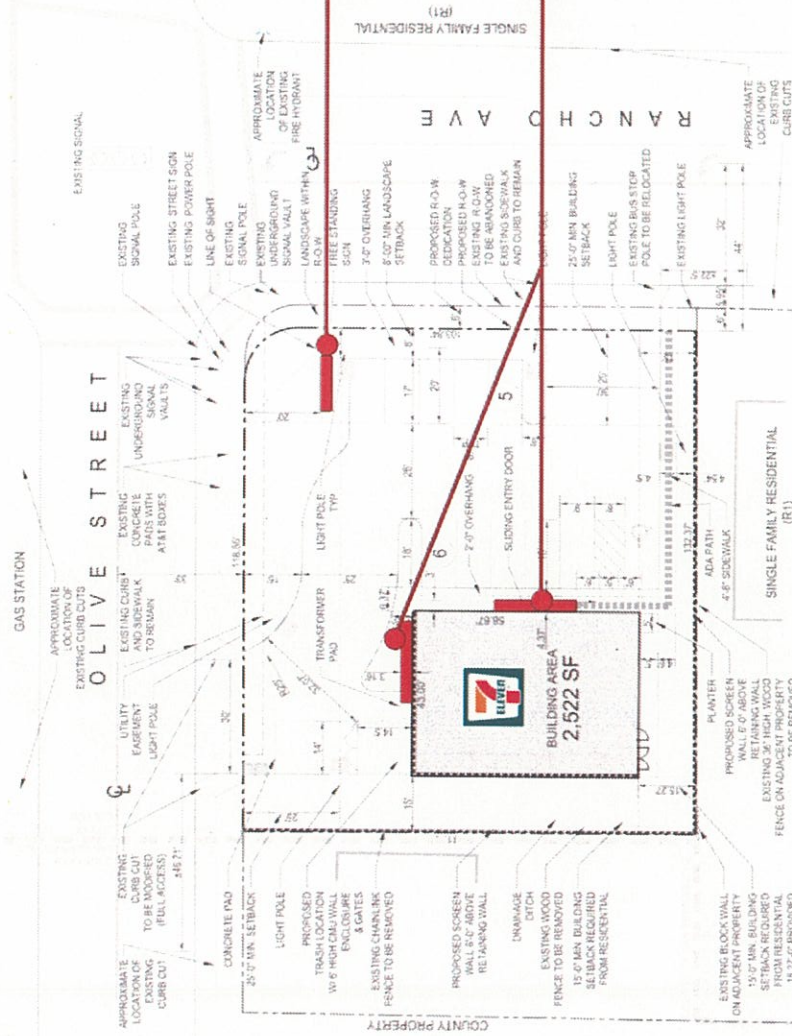


A 7-ELEVEN® LED-LIT CHANNEL LETTERS



LEGEND

- A** SIGN TYP 1
- B** SIGN TYP 2

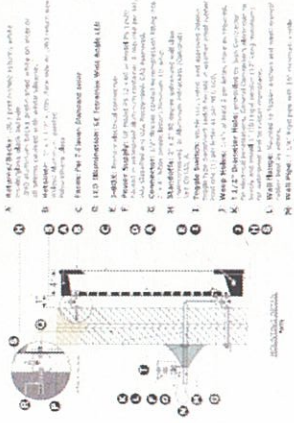


SCALE: NOT TO SCALE



INSTALL TWO (2) SET LED-LIT CHANNEL LETTERS SIGNS
SCALE: NOT TO SCALE

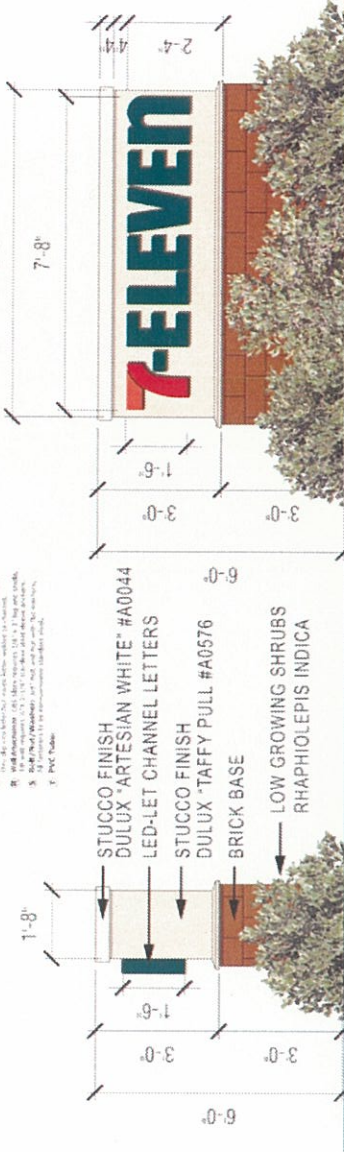
LED-LIT CHANNEL LETTERS DETAIL FOR MONUMENT SIGN



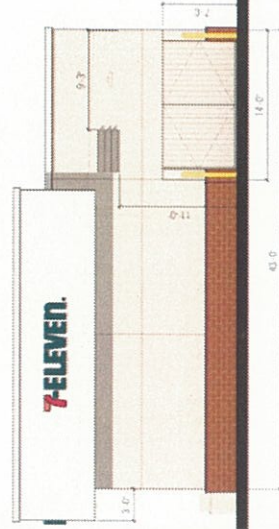
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- B. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- C. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- D. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- E. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- F. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- G. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- H. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- I. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- J. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- K. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- L. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- M. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- N. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- O. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- P. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- Q. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- R. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- S. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- T. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")



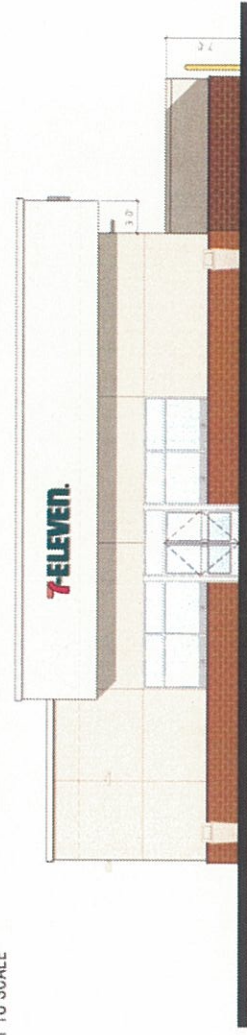
- A. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- B. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- C. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- D. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
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- M. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- N. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- O. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- P. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- Q. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- R. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- S. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")
- T. Material: Black, 2012 perforated, 1/2" x 1/2" x 1/2" (1/2" x 1/2" x 1/2")



LED-LIT CHANNEL LETTERS MONUMENT SIGN
SCALE: NOT TO SCALE



NORTH ELEVATION (RIGHT SIDE)
SCALE: NOT TO SCALE



EAST ELEVATION (FRONT)
SCALE: NOT TO SCALE

GreenbergFarrow
19000 MacArthur Blvd
Irvine, CA 92617
T: 949.266.0450 F: 949.266.0437



FILE INDEX No. DAP-001-003
ZONING: C-1 (Neighborhood Commercial)
APN: 0161-144-01

7 ELEVEN SIGN PLAN
SCALE: AS NOTED
1995 N. RANCHO AVE. COLTON, CA
WALBERN DEVELOPMENT USA, CORP.
201-055410
2 OF 2

124

7 ELEVEN



COLTON, CA

PROJECT INFORMATION

PROJECT LOCATION

10951 N. RANCHO AVE, COLTON, CALIFORNIA 92324

ASSESSOR'S PARCEL NUMBER

015-144-01

ZONING

ASSOCIATED CITY OF COLTON COUNTY OF SAN FRANCISCO, CA
 DISTRICT ZONE: C-1 - NEIGHBORHOOD COMMERCIAL
 PROPOSED ZONE: C-1 - NEIGHBORHOOD COMMERCIAL
 GENERAL PLAN DESIGNATION: LIMITED COMMERCIAL

CONTACTS

DEVELOPER

WALBERN DEVELOPMENT USA, CORP
 29222 Raccoon Village Road, Suite 207
 Houston, TX 77065
 CONTACT: MATT KEMER, m.kemer@walbern.com

OWNER

BLISS PROCEEDERS AND PARSE, PLAZAZAN
 Trustees and Executors of the WILLIE LARA TRUST
 148 La Granga Road, Suite 201
 Los Angeles, CA 90025

APPLICANT REPRESENTATIVE / DESIGN CONSULTANT

GREENBERGFARROW
 1800 MAX ARTHUR BLVD
 IRVINE, CA 92614
 CONTACT: CATHERINE DING, SENIOR SITE DEVELOPMENT CONSULTANT
 cding@greenbergfarrow.com
 PHONE: (949) 250-0407
 FAX: (949) 250-0407

CIVIL ENGINEER

GREENBERGFARROW
 1800 MAX ARTHUR BLVD, SUITE 200
 IRVINE, CA 92614
 CONTACT: PHANANI SHEKHAR, ASSOCIATE PRINCIPAL, P.E., AIA
 pshekar@greenbergfarrow.com

LANDSCAPE ARCHITECT

GREENBERGFARROW
 1800 MAX ARTHUR BLVD, SUITE 200
 IRVINE, CA 92614
 CONTACT: MATT METZNER, M.L.A.
 mmetzner@greenbergfarrow.com

SITE VICINITY MAP



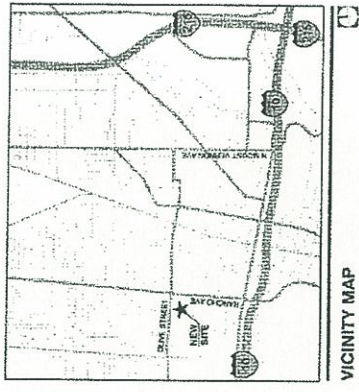
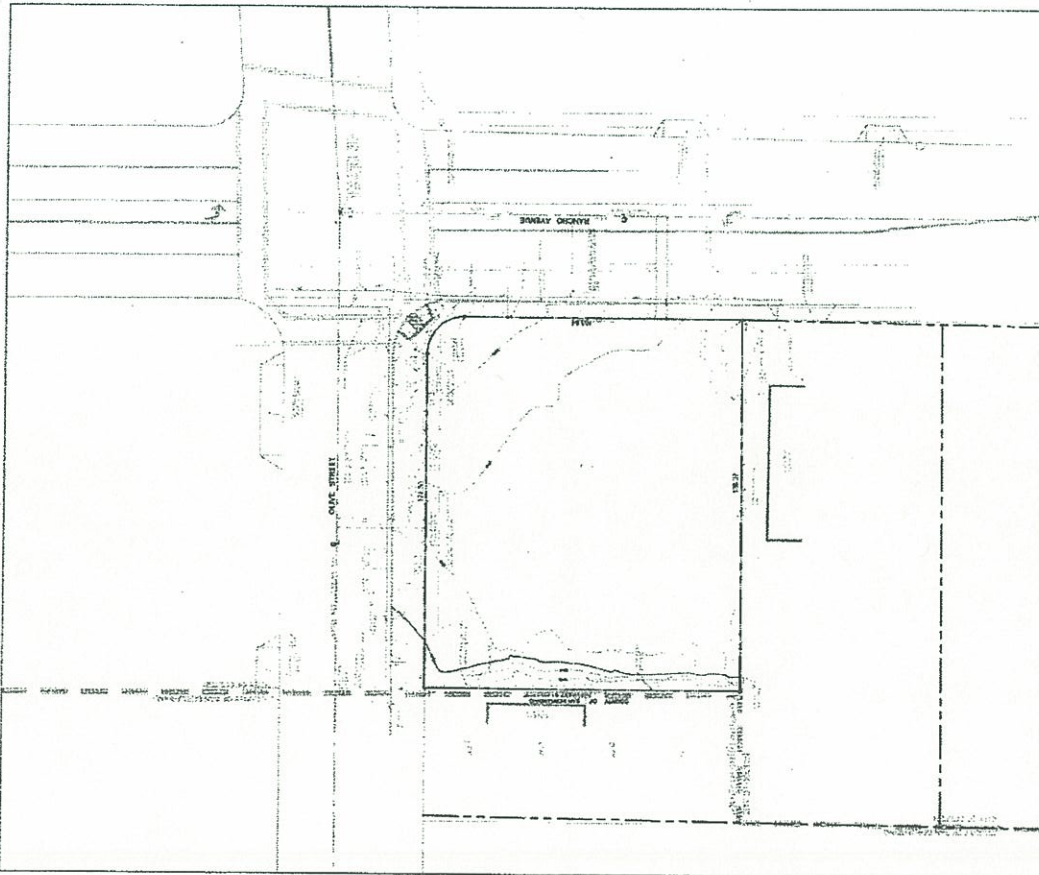
DRAWING INDEX

- SHEET 01 COVER SHEET
- SHEET 02 ALTA SURVEY & EXISTING SITE PLAN
- SHEET 03 SITE PLAN
- SHEET 04 FENCING PLAN & SITE SECTION
- SHEET 05 GRADING PLAN
- SHEET 06 LANDSCAPE PLAN
- SHEET 07 ELECTRICAL SITE PHOTOMETRIC PLAN ESP-4.1
- SHEET 08 ELECTRICAL SITE PHOTOMETRIC PLAN ESP-4.2
- SHEET 09 FLOOR PLAN
- SHEET 10 ROOF PLAN
- SHEET 11 ELEVATIONS

GreenbergFarrow
 1800 Max Arthur Blvd
 Irvine, CA 92614
 T: 949 250 0407 F: 949 250 0437

7 ELEVEN COVER SHEET
 10951 N. RANCHO AVE, COLTON, CA
 WALBERN DEVELOPMENT USA, CORP.
 20110534.0

FILE INDEX NO.: DAP-001-002 (ALCOHOL CUP)
 ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
 APN: 0161-144-01



VICINITY MAP

CERTIFICATION

I, the undersigned, being a duly Licensed Professional Engineer in the State of California, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person claiming to be the owner thereof, and that the same is a true and correct copy of the original as shown to me by the person claiming to be the owner thereof.

LEGAL DESCRIPTION

That the above described premises are situated in the County of Colton, State of California, and are more particularly described as follows: [Detailed legal description of the property, including bearings, distances, and area.]

LEGEND

- Survey Boundary
- Easement
- Right-of-Way
- Other

BASE OF BEARINGS

The bearings were taken from the true meridian, and the distances were measured by a steel tape.

BENCH MARK

The bench mark used in this survey is the one established by the State of California, and is located at the corner of the property.

SURVEYOR'S NOTES

- 1. This survey was made for the purpose of showing the boundaries of the property.
- 2. The bearings were taken from the true meridian, and the distances were measured by a steel tape.
- 3. The bench mark used in this survey is the one established by the State of California, and is located at the corner of the property.

Greenbergfarrow
 10000 MacArthur Blvd.
 Irvine, CA 92618
 P: 949 266 8400 F: 949 266 0437



T.J. MOZZEYER, INC.
 CIVIL ENGINEERING
 10000 MacArthur Blvd., Suite 1000
 Irvine, CA 92618
 P: 949 266 8400 F: 949 266 0437

FILE INDEX No. - DAP-001-002 (ALCOHOL CUP)
 ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
 APN: 0161-144-01

7 ELEVEN
 ALTA SURVEY & EXISTING SITE PLAN
 SCALE: 1/2" = 1' = 0
 1089 N. RANCHO AVE, COLTON, CA
 WALBERN DEVELOPMENT USA, Corp.
 2011634.0

PROJECT INFORMATION

APN 0181-144-01
 1416.67 SF
 NET SITE AREA
 4.706 ACRES
 STREET DEDICATION
 1416.23 SF + 0.33 ACRES
 GROSS SITE AREA
 BUILDING AREA
 7 ELEVEN
 2,572 SF
 TOTAL BLDG AREA
 2,572 SF
 TOTAL SITE COVERAGE
 \$16,24K (\$1,205.71 SF/AC)

PARKING SUMMARY
 USER RATIO REQUIRED
 1.89/250 SF
 10
 SPACES PROVIDED
 10
 TOTAL

TOTAL RATIO PROVIDED
 4.28/591000 SF
 ZONING INFORMATION
 CITY OF COLTON
 C-4
 EXISTING ZONING
 NEIGHBORHOOD COMMERCIAL
 C-1
 PROPOSED ZONING
 NEIGHBORHOOD COMMERCIAL

LANDSCAPE INFORMATION
 MIN. LANDSCAPE COVERAGE REQUIRED
 15.0%
 MIN. LANDSCAPE COVERAGE PROVIDED
 4.30.0%

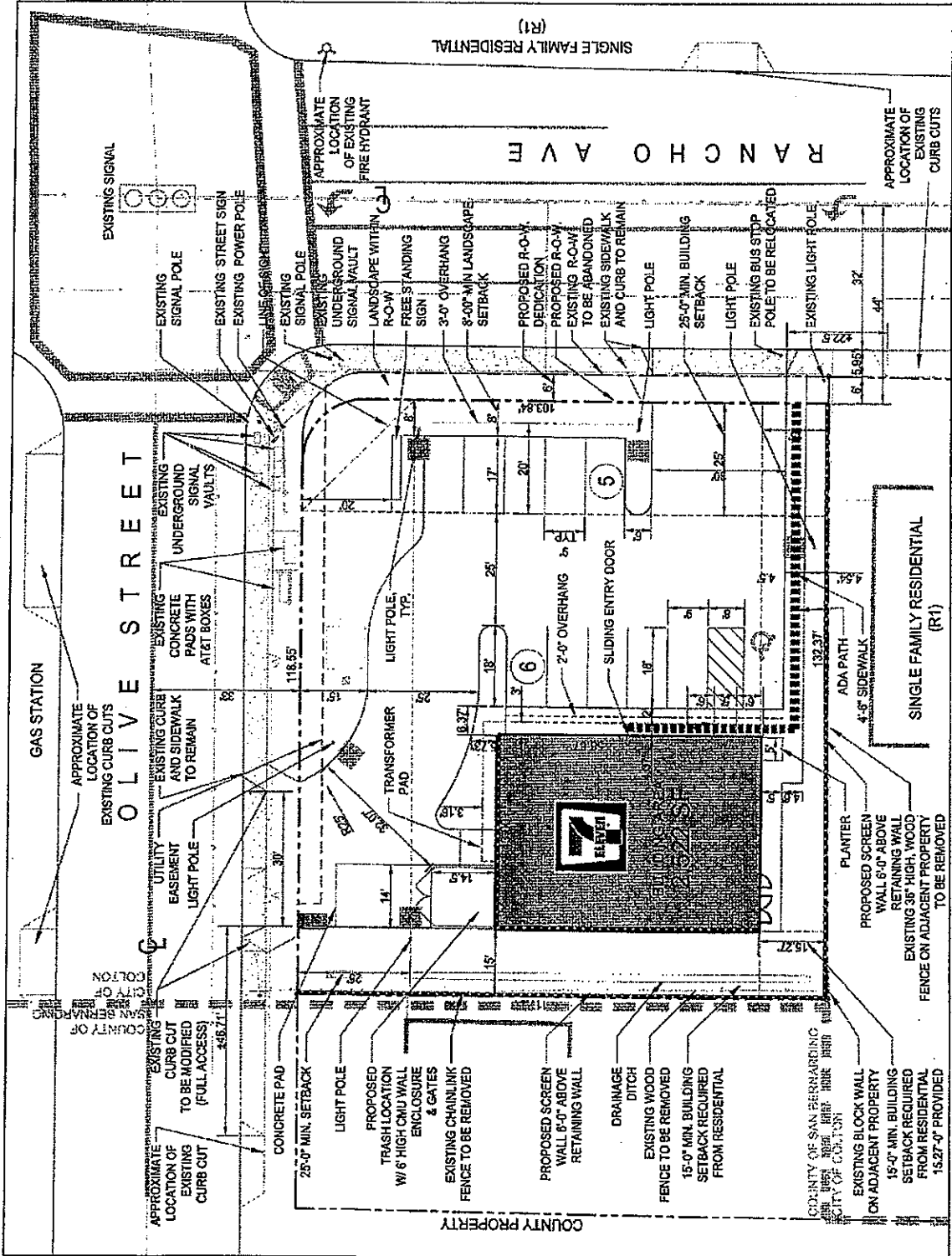
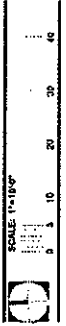
NOTE: THE COLOR, MATERIAL AND TEXTURE OF THE NEW TRASH ENCLOSURE SHALL MATCH THE NEW COMMERCIAL BUILDING

PROJECT NOTES
 1. THIS PLAN IS A CONCEPTUAL SITE PLAN FOR PLANNING EXAMINATIONS ONLY.
 2. ALL DIMENSIONS SHALL MATCH THE SURVEY.
 3. ALL DIMENSIONS SHALL MATCH THE SURVEY.
 4. ALL DIMENSIONS SHALL MATCH THE SURVEY.
 5. ALL DIMENSIONS SHALL MATCH THE SURVEY.

CLIENT REPRESENTATIVE
 WALBERN DEVELOPMENT USA, INC.
SITE PLANNER
 WALBERN DEVELOPMENT USA, INC.
SITE DEV. COORDINATOR
 WALBERN DEVELOPMENT USA, INC.

1035 N. RANCHO AVE
 COLTON, CA
 (SWC OLIVE STREET AND RANCHO AVE)

GFA PROJECT NUMBER 201105340



7 ELEVEN | SITE PLAN

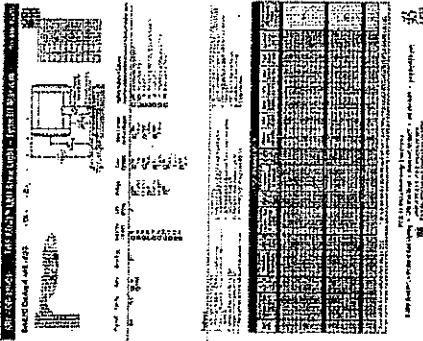
1035 N. RANCHO AVE, COLTON, CA
 WALBERN DEVELOPMENT USA, Corp.
 201105340

FILE INDEX No.: DWP-001-002 (ALCOHOL CUP)
 ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
 APN: 0181-144-01

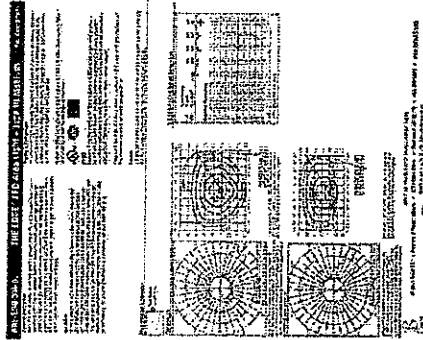


GreenbergFarrow
 10000 MacArthur Blvd.
 Irvine, CA 92618
 T 949 266 0525 F 949 266 0437

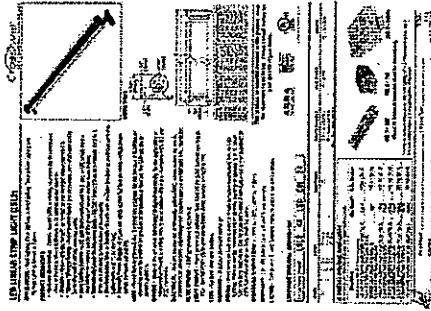
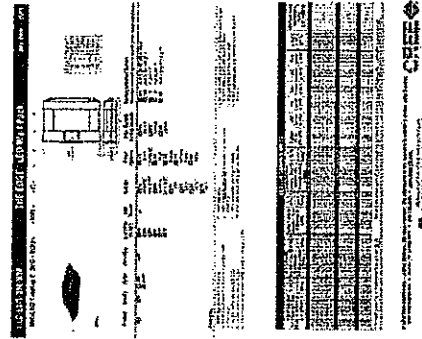
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TYPE-D



TYPE-E



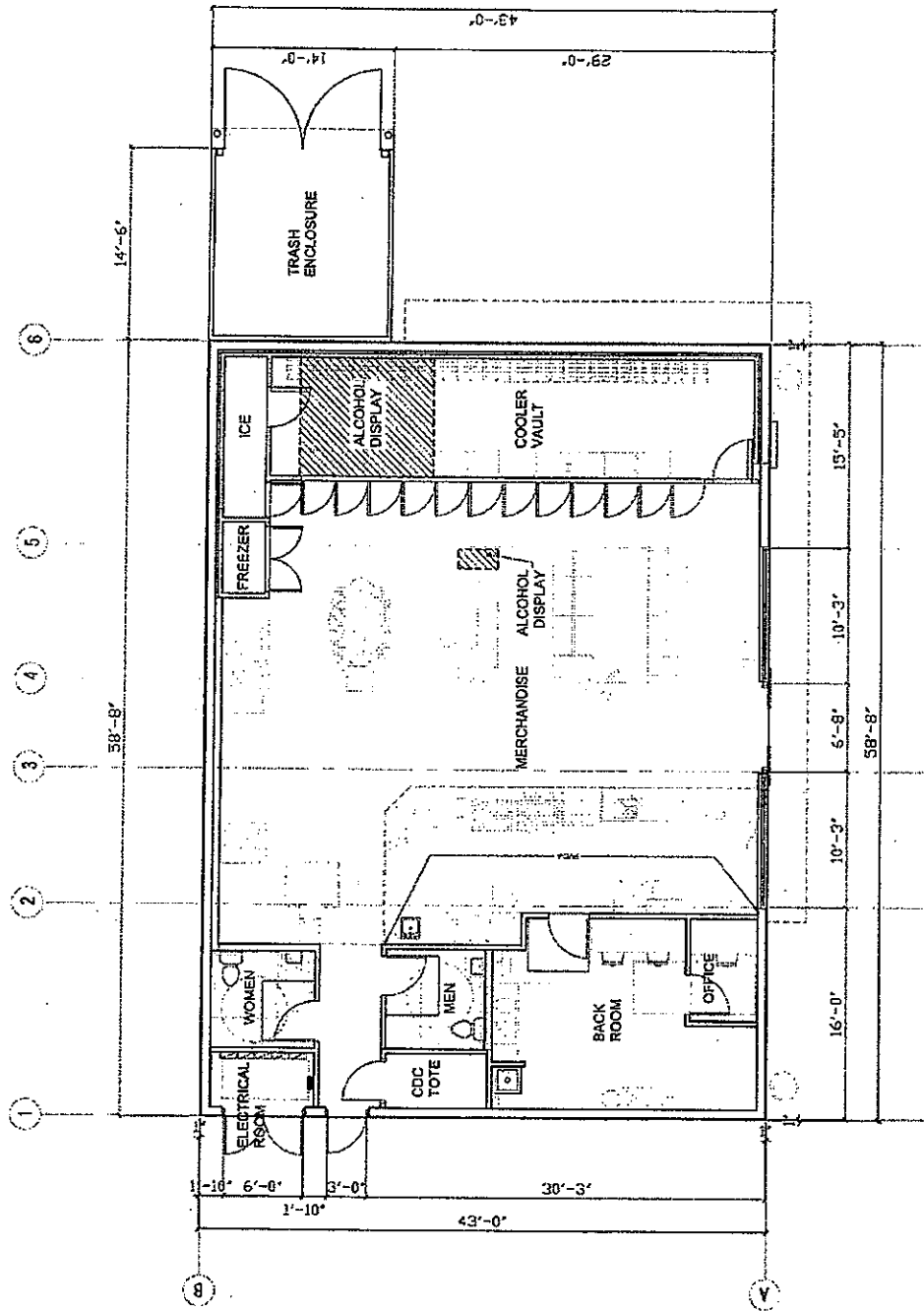
GreenbergFarrow
 1800 MacArthur Blvd.
 Irvine, CA 92617
 Tel: 949 251-1500, Fax: 949 251-1501

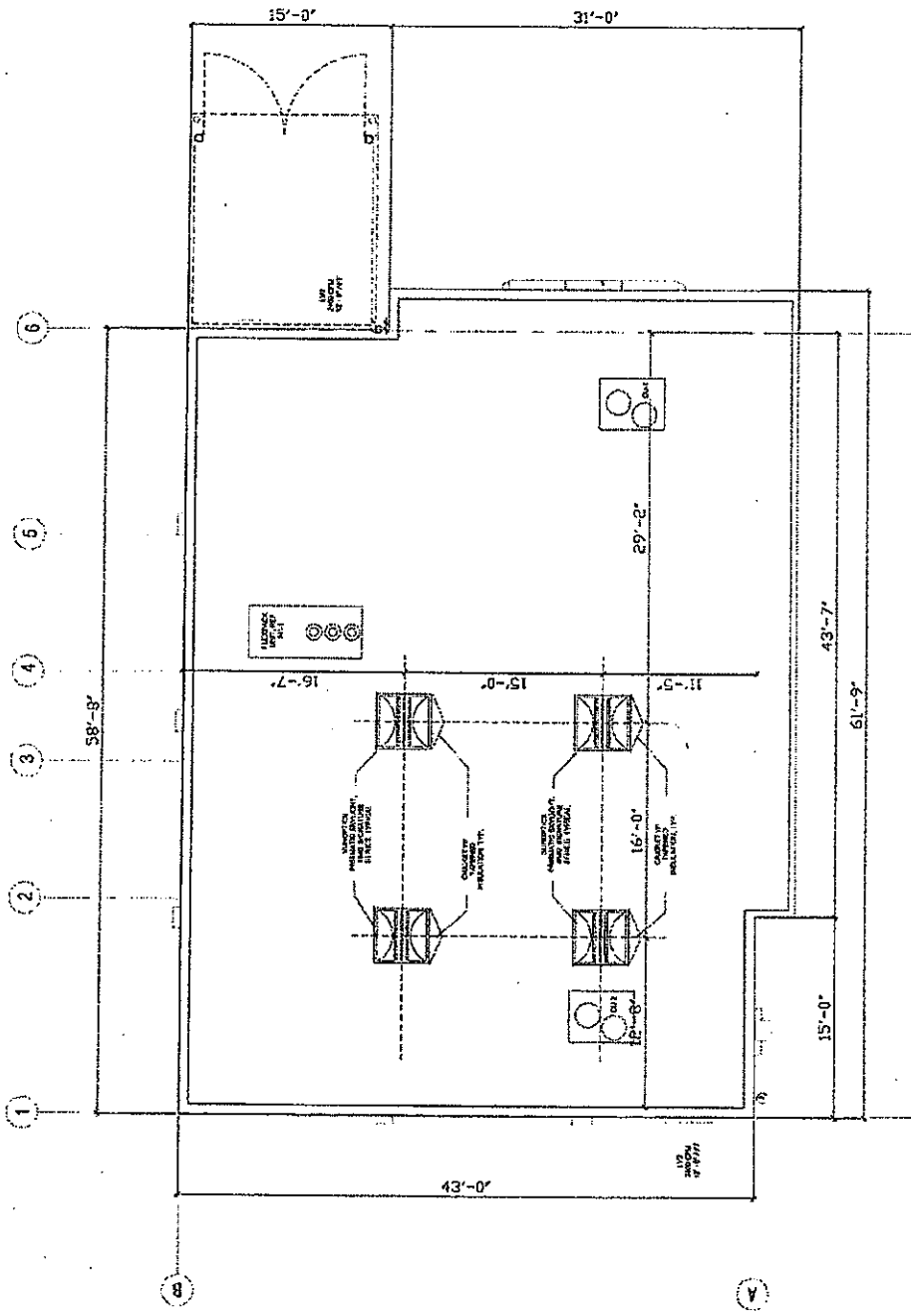


FILE INDEX No.: DAP-001-002 (ALCOHOL CUP)
 ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
 APN: 0161-144-01

7 ELEVEN
 1089 N. RANCHO AVE. COLTON, CA
 WALBERG DEVELOPMENT USA, Corp.
 201-0634-0

**ELECTRICAL SITE PHOTOMETRIC -
 LIGHTING FIXTURES
 ESP 4.2**





7 ELEVEN ROOF PLAN
 SCALE: 1/4" = 1'-0"
 10851 N. RANCHO AVE, COLTON, CA
 WALBERN DEVELOPMENT USA, COP.
 20110534.0

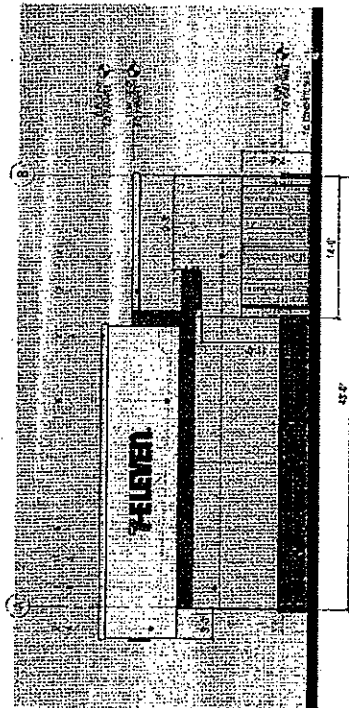
FILE INDEX No. - DAP-001-002 (ALCOHOL CUP)
 ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
 APN: 0161-144-01



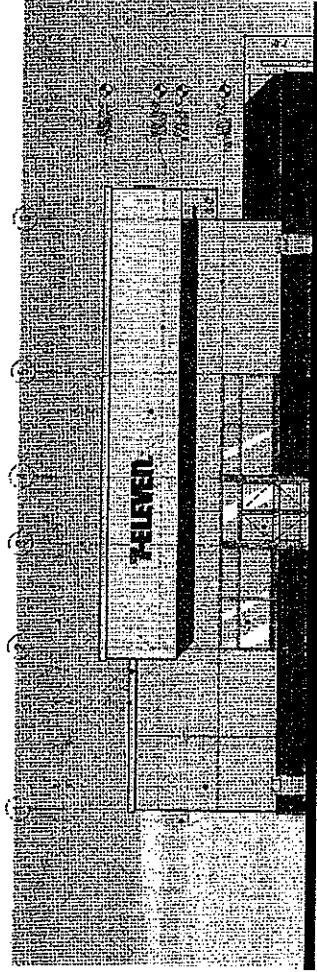
GreenbergFarrow
 1000 MacArthur Blvd.
 Suite 200
 San Diego, CA 92108
 Tel: 619 592 4400 Fax: 619 592 4437

FINISH SCHEDULE

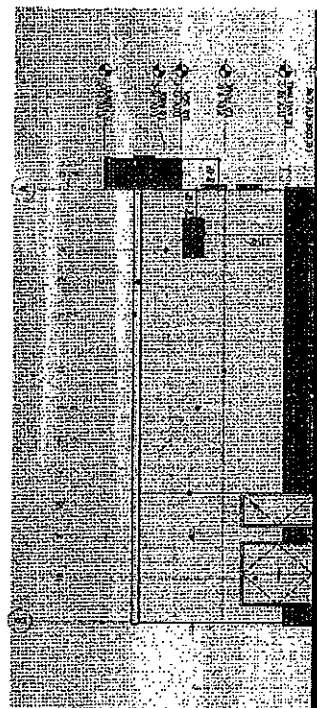
- | | | | |
|----|--|---|----------------------------------|
| ▲ | FINISH MATERIAL | ▲ | FINISH COLOR |
| 1 | METAL CHIP - COLOR TO MATCH STUCCO | A | DU-LUX (C) JADESMITH WHITE #A004 |
| 2 | STUCCO FINISH | B | DU-LUX (C) TUFFY PALL #A076 |
| 3 | ALUMINUM STAINLESS-STEEL DOOR - CLEAR GLAZED | C | DU-LUX (C) AURORA BLUSH #A066 |
| 4 | ALUMINUM WINDOW - CLEAR GLAZED | S | PRICK |
| 5 | ILLUMINATED LOGO SIGN UNDER SEPARATE PERMIT | | |
| 6 | EDGE OF ROOF BEYOND | | |
| 7 | FASHION PANEL SYSTEM | | |
| 8 | FRESH MATERIAL | | |
| 9 | EXPOSED REINFORCING | | |
| 10 | METAL SCRAPERS TO MATCH STUCCO | | |
| 11 | METAL DOORS | | |
| 12 | BRICK DUESE | | |
| 13 | FOAM CHIMNEY | | |
| 14 | 1/4" WIDE METAL PLUMB SCHEDULE | | |



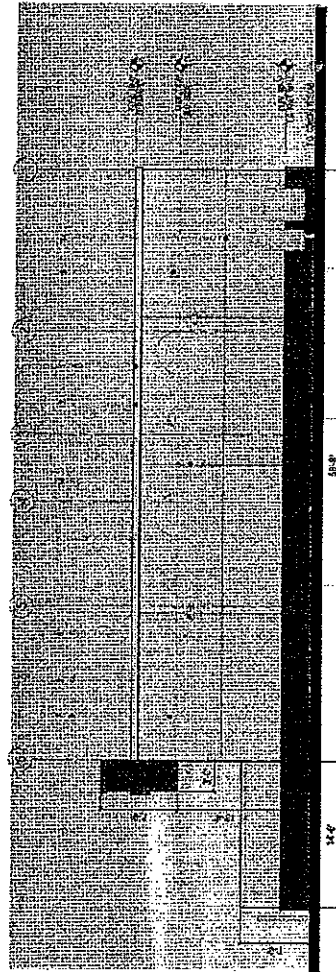
1. NORTH ELEVATION (RIGHT SIDE)
SCALE: 3/16" = 1'-0"



2. EAST ELEVATION (FRONT)
SCALE: 3/16" = 1'-0"



3. SOUTH ELEVATION (LEFT SIDE)
SCALE: 3/16" = 1'-0"



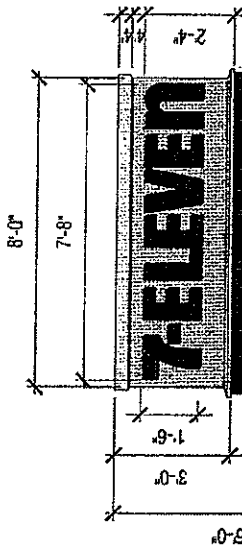
4. WEST ELEVATION (BACK)
SCALE: 3/16" = 1'-0"

GreenbergFarrow
18000 Aliso Avenue Blvd.
Irvine, CA 92612
P: 949 266 6551 F: 949 266 6477



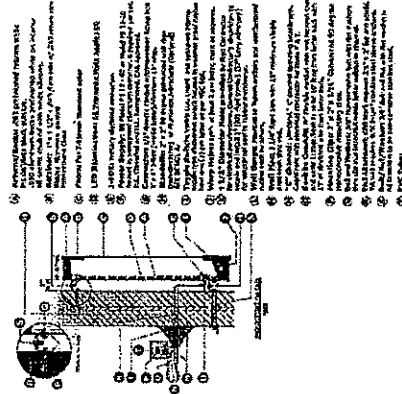
FILE INDEX No.: DAP-001-002 (ALCOHOL CUP)
ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
APN: 0161-144-01

7 ELEVEN ELEVATIONS
10889 N. RANCHO AVE. COLTON, CA
WALBERRN DEVELOPMENT USA, Corp.
201183410



LED-LIT CHANNEL LETTERS MONUMENT SIGN
SCALE: NOT TO SCALE

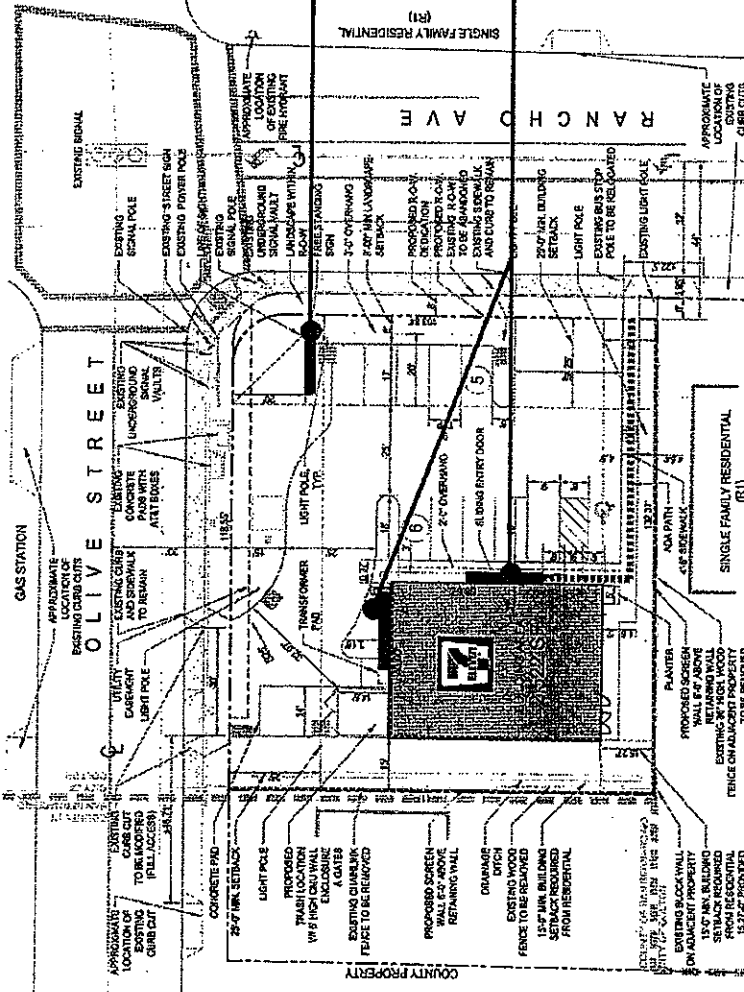
A 7-ELEVEN®
LED-LIT CHANNEL LETTERS



SCALE: NOT TO SCALE

LEGEND

- A** SIGN TYP 1
- B** SIGN TYP 2



SCALE: NOT TO SCALE

Greenbergfarrow
1800 MacArthur Blvd.
Irvine, CA 92612
T: 949 266 6497 F: 949 266 0337



FILE INDEX No. DAP-001-003
ZONING: C-1 (Neighborhood Commercial)
APN: 0161-144-01

7-ELEVEN SIGN PLAN
SCALE: AS NOTED
1 OF 2

1095 N. RANCHO AVE. COLTON, CA
WALBERN DEVELOPMENT USA, Corp.
201108340

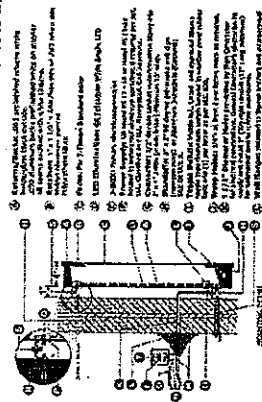
7 ELEVEN[®]

INSTALL TWO (2) SET LED-LIT CHANNEL LETTERS SIGNS
SCALE: NOT TO SCALE

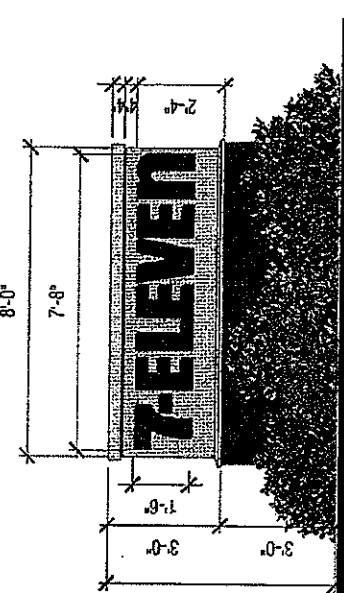


- 1. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 2. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 3. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 4. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 5. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 6. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 7. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 8. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 9. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 10. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 11. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 12. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 13. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 14. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 15. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 16. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 17. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 18. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 19. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 20. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)

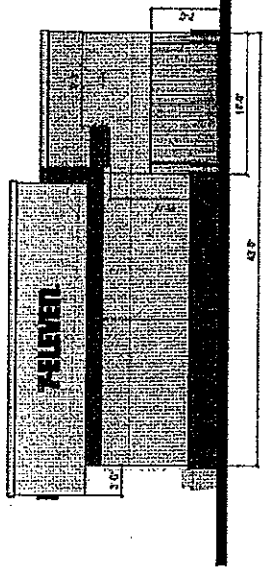
LED-LIT CHANNEL LETTERS DETAIL FOR MONUMENT SIGN



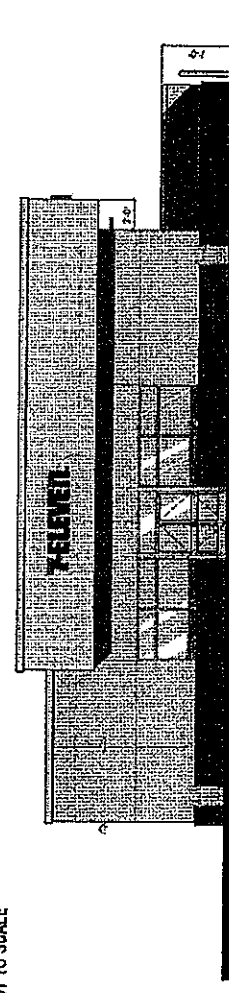
- 1. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 2. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 3. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 4. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 5. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 6. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 7. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 8. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 9. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 10. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
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- 12. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 13. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 14. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 15. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 16. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 17. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 18. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 19. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)
- 20. LED Channel Letters (2) (10'-2" high) (2'-0" wide) (1'-8" deep)



LED-LIT CHANNEL LETTERS MONUMENT SIGN
SCALE: NOT TO SCALE



NORTH ELEVATION (RIGHT SIDE)
SCALE: NOT TO SCALE



EAST ELEVATION (FRONT)
SCALE: NOT TO SCALE

GreenbergFarrow
1900 MacArthur Blvd.
Vista, CA 92083
Tel: 619 296-0000 Fax: 619 296-1437



FILE INDEX No. DAP-001-003
ZONING: C-1 (Neighborhood Commercial)
APN: 0161-144-01

7 ELEVEN SIGN PLAN
SCALE: AS NOTED
1095 N. RANCHO AVE. COLTON, CA
WALGREEN DEVELOPMENT USA, Corp.
20116354.0
2 OF 2



CITY OF COLTON
PLANNING COMMISSION MEETING MINUTES
Tuesday, June 12, 2012 – Proposed

Planning Commission meeting held on the above given date at 6:30 p.m., in the Council Chambers of City Hall with Vice-Chair Prieto presiding.

A. CALL TO ORDER.

At 6:30 p.m. Vice-Chair Prieto called the meeting to order.

B. ROLL CALL

Commissioners Present:

Chair (Vacant)
Vice-Chair Richard Prieto
Thomas Archuleta
Angel Delgado
Frank Navarro
Cynthia L. Ramirez
Joe Perez III

Staff Present:

Mark Tomich, Development Services Director
Rahsaan J. Tilford, Deputy City Attorney
Jay Jarrin, AICP, Senior Planner
Juan Enriquez, Associate Planner
Sgt. Lou Gamache, Police Department
Christy Elshof, Economic Development

C. PLEDGE OF ALLEGIANCE

Commissioner Prieto led the pledge of allegiance.

D. OATH OF OFFICE

Deputy City Attorney, Rahsaan Tilford administered the Oath of Office for Commissioner Dell Wright.

E. ORAL COMMUNICATIONS

None

F. APPROVAL OF MINUTES

None

G. CONSENT CALENDAR

None

H. PUBLIC HEARING

1. FILE INDEX NUMBER(S): DAP-000-994 DOLLAR GENERAL CUP

APPLICANT: Dolgen California LLC , James W. Thorpe, Senior Vice President

PROPERTY OWNER: 525 South Douglas Street LLC, Brad Scott, President

REQUEST: Conditional Use Permit for the for the sale of beer & wine for off-site consumption (Type 20 ABC License - Off-Sale Beer & Wine) and a Public Convenience and Necessity Letter, if required, in conjunction with a ~15,100-square foot general merchandise retail store (dba Dollar General) within an existing ~19,800-square foot multiple-tenant retail building on a 2.51-acre site located at 859-875 North Rancho Avenue and zoned C-2, General Commercial.

LOCATION: 869 N. Rancho Avenue (NWC/ C Street)

ASSESSOR'S PARCEL NUMBER: 0162-291-13,15, 17

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Class 1

Jay Jarrin, AICP, Senior Planner provided a presentation recommending adoption of the proposed resolution. City staff members Sgt. Lou Gamache of the Police Department and Christena Elshof, Project Manager II of the Economic Development Division also spoke. Steve Rawlings of Rawlings Company, realty advisors, and Mike Brewer of Alcoholic Beverage Consulting Services, alcohol permit consultant, were present representing the applicant, Dollar General.

The following persons spoke regarding this application:

- Anthony Garcia, resident
- Teresa Burns, resident
- John Anaya, Sr., resident
- Gary Grossich, local businessowner

Motion and second by Commissioner Archuleta/Commissioner Perez to adopt the following Resolution approving the CUP with the following changes from the draft:

PC RESOLUTION NO. 09-12. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE - OFF-SALE BEER & WINE) IN CONJUNCTION WITH A ~15,100-SQUARE FOOT GENERAL MERCHANDISE RETAIL STORE LOCATED AT 869 NORTH RANCHO AVENUE AND A PUBLIC CONVENIENCE OR NECESSITY LETTER, IF

REQUIRED, WITHIN AN EXISTING ~19,800-SQUARE FOOT MULTIPLE-TENANT RETAIL BUILDING ON A 2.51-ACRE SITE LOCATED AT 859-875 NORTH RANCHO AVENUE AND ZONED C-2, GENERAL COMMERCIAL ZONED C-2, GENERAL COMMERCIAL. (FILE INDEX NO: DAP-000-994).

- Add Condition 7f to read: Remove light fixtures mounted atop the roof and utility poles.
- Add Condition 7g to read: Provide a cart containment system, including electronic locks at the perimeter of the site.
- Amend Condition 8c to read: The business shall close no later than 11:00 p.m. and not open earlier than 6:00 ~~7:00~~ a.m. the next day
- Amend Condition 8d to read: Truck deliveries shall be limited to the hours of 6:00 ~~7:00~~ a.m. and ~~5:00 p.m.~~ 8:00 p.m. with refrigerated trucks no earlier than 8:00 a.m.

2. **FILE INDEX NUMBER(S):** DAP-001-001,002,003

7 ELEVEN

APPLICANT: Catherine Otis, representative
7 Eleven, operator

PROPERTY OWNER: M & E Living Trust

REQUEST: (1) Architectural & Site Plan Review for a proposed 2,522-sf single-story retail building including site improvements, (2) Conditional Use Permit for the sale of beer & wine for off-site consumption (Type 20 ABC License – Off-Sale Beer & Wine) and a Public Convenience and Necessity Letter, if required, in conjunction with a convenience retail store in a new proposed building and (3) Sign Review of wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved 0.37-acre lot and zoned C-1 (Neighborhood Commercial).

LOCATION: 1089 N. Rancho Avenue (SWC/Olive Street)

ASSESSOR'S PARCEL NUMBER: 0161-144-01

ENVIRONMENTAL DETERMINATION: Categorical Exemptions, Class 1, 11, and 32

RECOMMENDATION: Planning Commission to take the following actions:

- Approve Architectural & Site Plan Review, subject to conditions.

- Approve Sign Review, subject to conditions.
- Adopt a resolution titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY LETTER, IF REQUIRED, IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEW PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

Juan Enriquez, Associate Planner, provided a presentation recommending adoption of the proposed Resolution and approval of the Architectural & Site Plan Review and Sign Review. Catherine Otis of GreenbergFarrow (project manager), Matt Waken of Walbern Developments (developer), and Don Tucker, 7 Eleven Real Estate Manager (operator) spoke on behalf of the application. City staff member Sgt. Lou Gamache of the Police Department also spoke.

The following persons also spoke regarding this project:

- Gary Grossich, local businessowner
- John Anaya, Sr., resident

The following persons spoke against this project:

- Teresa A. Burns, resident
- Lisa Payne, resident
- Mike Payne, resident
- Anthony Garcia, resident
- Einer Arejannis, resident
- Upkar Sandhu, local businessowner
- Selena Garcia, resident
- Teresa Arevalo, resident
- Letitia Murrieta, resident
- Loretta Valdez, resident

Additionally, Teresa Arevalo submitted a petition for the record with 36 signatures of residents within and outside the 400 foot radius of the site affirming their opposition to the project.

After receiving public testimony and discussion, the Planning Commission continued the item to the June 26, 2012, meeting to allow time for the following information to be provided at this meeting:

- Confirmation from the applicant agreeing to modify the proposal to not include alcohol sales (withdrawal of the conditional use permit).
- Confirmation from the applicant agreeing to reduce the proposed hours of operation from 24 hours daily to 7 a.m. to 11 p.m. daily.
- Information on the analysis of traffic impacts conducted by Staff for the application.

Motion and second by Commissioner Navarro/Commissioner Ramirez; to continue the public hearing to the meeting of June 26, 2012; vote 7 to 0.

3. FILE INDEX NUMBER: DAP-001-011 SCHOONERS BURGERS N BEERS

APPLICANT: Phillip Mitchell for Schooners Burgers N Beer

PROPERTY OWNER: AP-Colton, LLC

REQUEST: Conditional Use Permit for (1) the operation of a 3,705-square foot eating/drinking establishment with the sale of alcohol (Type 41 ABC License–On-Site Beer & Wine) for on-site consumption and (2) accessory assembly use (entertainment/game room) within a multiple-tenant commercial center (“The Colton Courtyard Shopping Center”) on a 19-acre site consisting of nine properties located at 1210-1350 East Washington Street zoned C-2, General Commercial.

LOCATION: 1280 E. Washington Street, Suite B-8

ASSESSOR’S PARCEL NUMBER: 0276-361-40,41,79,80,82,83,84,85,87

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Class 1

RECOMMENDATION: Adopt a resolution titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A 3,705 SQUARE FOOT EATING/DRINKING ESTABLISHMENT WITH THE SALE OF ALCOHOL (TYPE 41 ABC LICENSE-ON-SITE BEER & WINE) FOR ON-SITE CONSUMPTION AND ACCESSORY ASSEMBLY USE (ENTERTAINMENT/GAME ROOM) WITHIN A MULTIPLE-TENANT COMMERCIAL CENTER (“THE COLTON COURTYARD SHOPPING CENTER”) ON A 19-ACRE SITE CONSISTING OF NINE PROPERTIES LOCATED AT 1280 EAST WASHINGTON STREET SUITE B-8 AND ZONED C-2 (GENERAL COMMERCIAL) (FILE INDEX NO: DAP-001-011).

Juan Enriquez, Associate Planner, provided a presentation recommending adoption of the proposed Resolution. Phillip Mitchell, the prospective operator, spoke on behalf of Schooner’s Burgers N Beer.

The following persons spoke regarding this project:

- Joseph Michael, property owner of one of the lots within the subject shopping center raised concerns that the proposed use may not operate as a restaurant in the future and, therefore, did not conform to the CCC&Rs for the shopping center.

Motion and second by Commissioner Perez/Commissioner Delgado; to approve; vote 7 to 0.

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

None

K. COMMISSION COMMENT

Vice-Chair Prieto

1. Question regarding election of officers.
2. Welcomed Commissioner Dell Wright

Commissioner Archuleta, Delgado, Navarro, Perez, Ramirez

1. Welcomed Commissioner Dell Wright

K. ADJOURNMENT

At 11:15 p.m., the Planning Commission Regular Meeting was adjourned.

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

Petition to STOP THE DEVELOPMENT OF 7 ELEVEN CONVENIENCE STORE AT 1089 N RANCHO AVENUE

5 Sheets #35

ATTACHMENT 3-A

The developer, Catherine Otis, has submitted a planning application to build a 7 Eleven convenience store at 1089 N. Rancho Avenue. This included a request of a Conditional Use Permit for the sale of beer & wine for off-site consumption and a Public Convenience and Necessity Letter for the proposed new building and Sign Review of wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved lot.

We believe that this new planning project should be rejected under the following grounds:

This new development will cause undue hardship on the local residence of this neighborhood due to the sale of Alcohol and the 24 hour service this establishment offers. It will create unnecessary traffic, noise, lights, litter, gang activity, loitering, graffiti, vandalism, and crime.

The sale of Alcohol and the 24 hour service this establishment plans to offer will convert this development into a high crime business due to the consumption of alcohol at late night hours. This can lead to consumption of alcohol and drugs by minors who commute to and from school by foot.

This new development would cause considerable traffic disruption to the local area due to the number of vehicles entering and exiting the car parking, particularly at peak commuting periods. This will affect various schools in the area during school entrance and exit hours, like Colton Middle School, Colton High School and Colton Joint Unified School District. It will also create late night traffic, people hanging around in housing zone, and disturbance of peace which will eventually become a problematic nuisance for neighboring residents of this location.

This new 7 Eleven convenience store Development will detrimentally affect existing local businesses. The following are several established local businesses that already provide convenience shopping services to our local community and that would certainly be forced out of business if they were forced to compete with a national retailer:

- American Fuel located on 1101 North Rancho Avenue is 210 feet just across the street (No sales of Beer & Wine)
 - C 2 Food Mart located on 1091 West Valley Boulevard is 0.7 miles SW
 - R&R Liquor, Rancho Market, Rancho Liquor, S&B liquor.
- The following are existing 7 Eleven National Retailers already established in our local neighborhood:
- 7 Eleven on 1511 N Mount Vernon Ave is only 1.3 miles NE,
 - 7 Eleven on 202 N Mount Vernon Ave is 1.5 miles SE

We, the undersigned, are concerned citizens who oppose the opening of the 7 Eleven convenience store and call on the Planning Commission of the City of Colton to reject the planning application for the proposed development at 1089 N. Rancho Avenue on the grounds that it will cause undue hardship on the local residence of this neighborhood due to the sale of Alcohol and the 24 hour service this establishment offers since it will create unnecessary traffic, noise, lights, litter, gang activity, loitering, graffiti, vandalism, and crime.

Printed Name	Signature	Address	Comment	Date
Robyn Asterbranner	<i>B. Asterbranner</i>	610 W. Olive	I've been coming here since 1982.	6/12
Luis Gomez	<i>[Signature]</i>	1500 Patricia Ave	NO-7-11 ^{in our quiet neighborhood}	6/12
Leticia Gomez	<i>[Signature]</i>	1500 Patricia Ave.	NO-7-11 ^{we don't want}	6/12
Rob Warren	<i>[Signature]</i>	960 GRAND AVE	NO ALCOHOL, NECESSARY	6-12
Union Inspector	<i>V.M.</i>	834 W. Olive	NO Need	6-12
Arturo Rodriguez	<i>[Signature]</i>	819 W. Olive St.	NO Beer and wine and 24hrs open business	6/12
JOEL DOMANES	<i>[Signature]</i>	961 W. Long Beach Dr.	NO MORE BEER & WINE	6-12-12
John Proch	<i>[Signature]</i>	1656 Beu c t	—	—
JASE Adkins	<i>[Signature]</i>	1075N Aaacho mvc	I Don't need it.	6-12-12
B				
VICKIE Wilson	<i>[Signature]</i>	973 W. Cherry Colton, CA 92324	NO MORE CHAINS SUPPORT LOCAL BUSINESS	6-12-12
Raymond Lee	<i>[Signature]</i>	1090 - N. 2nd St. Colton, Calif		6-12-12
John D. Cull	<i>[Signature]</i>	179 W. E - STREET	WE DON'T WANT	
Uptar Sandh.	<i>[Signature]</i>	1101 N. Rancho Ave.	NO MORE STORES HERE. PLEASE 7-11 in this NO NEED OF 7-11 in this	6-12-12
CAROL J. MACERA	<i>[Signature]</i>	1101 N. Rancho Ave.	NO more Beer & wine in this peaceful neighborhood.	6-12-12
Isabella Jauregui	<i>[Signature]</i>	1185 N. Rancho Ave.	There's already 2 gas stations & liquor stores nearby. Please no more traffic & noise. NO NOISE TRAFFIC.	6/12/12

Printed Name	Signature	Address	Committee	Date
Rubi Soberanis	Rubi Soberanis	840 N. Terrace Ave	No 7 Eleven here	06-12-12
Lisa Payne	Lisa Payne	875 W. Olive St	No 7 Eleven here!	06-12-12
William Loreda	William Loreda	2750 W Mill St #41	no need for more traffic	6/19/12
Georgette Knapp	Georgette Knapp	1801 N. Rancho Ave	No Seven Eleven	6-12-12
Eileen Labbe	Eileen Labbe	1801 N. Rancho Ave	No Seven Eleven	6-12-12
Einar Soberanis	Einar Soberanis	840 W Terrace Ave	No 7 Eleven here	06-12-12
Margaret Snow	Margaret Snow	845 W. Olive St	No 7 Eleven - ^{Enough} Crime	6-12-12
Mrsy Hernandez	Mrsy Hernandez	733 W Laurel St	No 7 Eleven	6-12-12
Carlos Aguilar	Carlos Aguilar	1280 N Rancho Av	No 7 eleven	6-12-12
MARIA APARCIA OLIVERA	MARIA APARCIA OLIVERA	1280 N Rancho Av	No 7 Eleven	6-12-12
Carlos E Alamillo	Carlos E Alamillo	1280 N Rancho Av	No 7 ELEVEN	6-12-12
Anthony Garcia	Anthony Garcia	1104 Bonito Dr viscelm		6-12-12
Albert Green	Albert Green	1001 N Rancho Ave	No 7 Eleven	6-12-12

Printed Name	Signature	Address	Comment	Date
RANDY VALDEZ	Randy Valdez	604 SAN CARLOS AVE	BEEN COMING HERE SINCE 1999 NO. 7-11	6/12/12
Mark Carr	Mark Carr	1025 Long Beach Dr	DONT NEED EVEN	6/12/12
Feresia Arevalo	Feresia Arevalo	817 W Olive St	DONT NEED MORE CRIME	6/12/12
Trisha Arevalo	Trisha Arevalo	817 W Olive St	DONT NEED TRAFFIC OR ANYMORE CRIME	6/12/12
JUAN ACEVALO	Juan Acevalo	517 W Olive St	" " "	6/12/12
Antonio Nolasco	Antonio Nolasco	1074 N. RANCHO	DONT APPROVE OF THIS	6/12/12
TERESA BURNS	Teresa Burns	1074 N. RANCHO AVE	TOO MANY ACCIDENTS AREA	6/12/12
Gloria Chavez	Gloria Chavez	2090 N RANCHO AVE		6/12/12



Memorandum

ATTACHMENT 4

CITY OF COLTON Development Services Department

Date: June 26, 2012
To: Planning Commission
From: Mark Tomich, AICP, Development Services Director
Subject: Continuation Consideration of Applications for
DAP-001-001,002,003 (7 Eleven) - 1089 N. Rancho Avenue

BACKGROUND

At the June 12, 2012 meeting of the Planning Commission, the Commission considered applications for (1) Architectural & Site Plan Review for a proposed 2,522-sf single-story retail building including site improvements, (2) Conditional Use Permit for the sale of beer & wine for off-site consumption (Type 20 ABC License – Off-Sale Beer & Wine) and a Public Convenience and Necessity Letter, if required, in conjunction with a convenience retail store in a new proposed building and (3) Sign Review of wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved 0.37-acre lot located at 1089 N. Rancho Avenue (SWC/Olive Street) and zoned C-1 (Neighborhood Commercial).

After receiving public testimony and discussion, the Planning Commission continued the item to the June 26, 2012, meeting to allow time for the following information to be provided at this meeting:

- Confirmation from the applicant agreeing to modify the proposal to not include alcohol sales (withdrawal of the conditional use permit).
- Confirmation from the applicant agreeing to reduce the proposed hours of operation from 24 hours daily to 7 a.m. to 11 p.m. daily.
- Information on the analysis of traffic impacts conducted for the application.

DISCUSSION

Elimination of Alcohol Sales/ Reduction of Hours of Operation

On June 18, 2012, the applicant submitted the attached signed letter stating that the elimination of alcohol sales and reducing the hours of operation, as discussed, were not financially viable for the project to move forward.

H-1
149

Traffic Impacts/ Environmental Determination

The issue of traffic impacts is related to the proposed environmental determination of the project so these are discussed together.

As required by State environmental law (California Environmental Quality Act, CEQA), applications are reviewed to determine if the project may create potential significant impacts. CEQA allows certain types of projects to be considered without detailed analysis if the project meets certain criteria for exemption. One such exemption is contained under Article 19, Section 15332 (In-Fill Development), Class 32 of the CEQA Guidelines and generally applies to projects in urbanized areas on lots less than 5 acres in size that are consistent with the General Plan and zoning, have no endangered habitat or threatened species located on-site, can be adequately served by all required utilities and public services and have no effects to traffic, noise, air quality, or water quality. It was determined that this application met the criteria, including having no significant traffic impacts that need addressing (mitigation) through further environmental analysis, such as an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND).

A Local Traffic Analysis Checklist, prepared by the Public Works Department in 2007, is used to determine if a traffic study (or TIA, traffic impact analysis) is required for applications. A copy of this Checklist is attached.

As stated in the Checklist, projects that generate 50 or more vehicle trips during a rush hour period (morning or afternoon) are considered to have potential significant impacts and require a TIA. The Checklist contains certain thresholds that determine whether a project will generate 50 or more trips. The trip generation is based on projections contained in the Trip Generation Manual, 7th Edition published by the Institute of Traffic Engineers (ITE), which contains projections for several different land uses.

The Checklist stipulates trips for retail uses based on a category for retail shopping centers (Code 820) even though the ITE Manual contains categories that address specific retail uses, including one for 24-hour convenience stores (Code 851). Using the projections specific to convenience stores show that a building of the proposed size would generate more than 50 trips during both morning and afternoon peak hour: 1,858 daily trips, including 168 trips during the AM peak hour, and 131 trips during the PM peak hour.

According to the Public Works Department staff, the shopping center category (Code 820) was used for this particular application instead of the more specific category, which is consistent with past practices. Based on this, the Checklist states that a TIA is not required for retail commercial less than 6,200 square feet "unless City staff determines that local conditions merit analysis."

Applying the rates stated in the latest edition of the ITE Manual (which differs from the Checklist) for Code 820 to the proposed 2,522 square foot building, the project may be projected to generate 96.6 daily trips, including 2.59 trips during the AM peak hour, and 9.45 trips during the PM peak hour. Since none of the peak hour trips are 50 or more, the project does not meet the local criteria for requiring a TIA and the Public Works Department did not ask for a TIA to discuss trip generation and congestion impacts.

Based on the General requirement in the Checklist that "projects requesting full access to a Collector or higher classification road within 250 feet of an adjacent intersection" require a TIA, the Public Works Department asked for traffic impact analysis in regard to access and circulation. Attached is a focused traffic analysis prepared by a traffic consultant discussing access and circulation impacts, such as ingress/egress safety of vehicles to the project site, existing & proposed cross access points with adjacent properties, internal circulation, and points of ingress/egress and/or driveways & curb cuts. The Public Works Department staff affirmed the findings and determined no further analysis was required.

Staff is recommending approval of the applications as originally recommended. The Planning Commission may also choose the following alternative:

1. Continue the public hearing to July 9, 2012 and direct staff to prepare a Resolution for Denial of the Conditional Use Permit for beer & wine sales and approval of Architectural & Site Plan Review and Sign Review subject to conditions.

RECOMMENDATION: Planning Commission take the following actions:

- Approve Architectural & Site Plan Review, subject to conditions.
- Approve Sign Review, subject to conditions.
- Adopt a resolution titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY LETTER, IF REQUIRED, IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEW PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

Prepared By:



Juan Enriquez
Associate Planner

Attachments

1. Letter from Don Tucker of 7 Eleven in Response to the Commission's Questions, dated June 18, 2012.
2. Focused Traffic Analysis, Prepared by Albert Grover & Associates, dated March 29, 2012.
3. City of Colton's Traffic Impact Analysis Checklist adopted January 2007.



Don Tucker | Real Estate Manager
7-Eleven, Inc.
330 East Lambert Road
Brea, CA 92821
Office: 714-686-6053
Email: Donald.Tucker@7-Eleven.com

June 18, 2012

Juan Enriquez

Associate Planner
City of Colton, Development Services
659 N. La Cadena Drive
Colton, CA 92324

RE: CUP Application for proposed 7-Eleven Rancho & Olive

Dear Juan:

The purpose of this letter is to clarify 7-Eleven's position related to the CUP application for the proposed 7-Eleven location at the corner of Rancho & Olive in the city of Colton.

Please keep in mind that a considerable investment would be made by both 7-Eleven and Walbern Development to build and equip the store. 7-Eleven does a careful analysis of each potential location for investment costs, sales, operating expenses and potential profit or return on investment.

Based on our internal analysis of the proposed on Rancho & Olive, 7-Eleven cannot operate the location without beer and wine as part of our product offering to the customers. We have previously agreed to reduce the hours of sale by ceasing alcohol sales after 12 midnight.

We also must be able to operate the business 24 hours per day. Again, with the amount of investment made, we must be able to earn a respectable return on the investment being made in the community.

We feel that with the improvements as submitted by Walbern, including the additional landscaping, the higher fences, the consideration for access/egress on Rancho, that our Project would be an enhancement to the area of Rancho Blvd.

We also feel that consideration should be given to the fact that we have two currently operating units in the City and that the operators have worked hard to contribute to the community, working closely with the Police Department as necessary, but also through charitable works, particularly with the needy.

To recap, we want to continue to the next Planning Commission meeting and would like the Planning Commissioners to approve our application as submitted.

Respectfully,

A handwritten signature in blue ink that reads "Don Tucker".

Don Tucker

ATTACHMENT 4-B



March 29, 2012

RECEIVED

APR 5 2012

CITY OF COLTON
COMMUNITY DEVELOPMENT

Mr. Matt Waken
Walbern Developments, USA, Inc.
29222 Rancho Viejo Road, Suite 207
San Juan Capistrano, California 92675

RE: Focused Traffic Analysis – Proposed 7-Eleven at the Rancho Avenue/Olive Street Intersection, City of Colton.

Dear Mr. Waken:

Albert Grover & Associates (AGA) is pleased to present to you this Focused Traffic Analysis regarding access and circulation observations, conclusions, and recommendations relative to the proposed 7-Eleven at the southwest corner of Rancho Avenue and Olive Street in the City of Colton.

Pursuant to the March 19, 2012 letter from Juan Enriquez, Associate Planner of the City of Colton's Development Services Department, to Catherine Otis of GreenbergFarrow, a focused traffic analysis addressing site access and circulation safety concerns should be prepared and submitted to the City for review and approval. The following analysis addresses those concerns. This analysis is based on our site visit/observations conducted on March 28, 2012, and on the Site Plan dated March 22, 2012 (attached). This most current Site Plan reflects changes based on discussions with City staff. It should be noted that the City's letter of March 19th was based (in part) on a previous version of the Site Plan dated January 20, 2012.

The proposed access to/from the site will be via one driveway on Rancho Avenue located at the south end of the site, and one driveway on Olive Street located at the west end of the site. The driveway on Olive Street is proposed to be full access; i.e., left and right turn into and out of the site will be allowed. It is proposed that left turns out of the driveway on Rancho Street not be allowed, and that movements at this driveway be allowed for right turns out, and left and right turns in. It is suggested that "Right Turn Only" signing be installed for traffic exiting the Rancho Avenue driveway. No other traffic control devices are recommended, nor is any street widening to provide acceleration and/or deceleration lanes recommended.

TRANSPORTATION CONSULTING ENGINEERS

211 E. Imperial Hwy., Suite 208, Fullerton, CA 92835

(714) 992-2990 - FAX (714) 992-2883 - E-Mail: aga@albertgrover.com

Mr. Matt Waken
March 29, 2012
Page 2

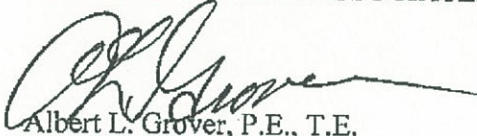
One of the key concerns expressed by the City relates to driveway width. While the earlier Site Plan showed 25' wide driveways, the current version shows 30' wide driveways on both Rancho Avenue and Olive Street. Increasing the driveway widths addresses the City's concerns relative to stacking space for exiting vehicles and provides more maneuvering area for deliveries and trash pickup, as well as easier access for traffic entering the site.

In summary, it is concluded that the project should provide 30' wide driveways and limit egress at the Rancho Avenue driveway to right out only via appropriate signing.

Should you have any questions regarding this analysis, please contact Mr. Rob Kuehn at our office.

Respectfully submitted,

ALBERT GROVER & ASSOCIATES



Albert L. Grover, P.E., T.E.
President/CEO

cc: Catherine Otis

Attachment: Site Plan dated 3/22/12

GreenbergFarrow

19000 MacArthur Blvd, Suite 250
Irvine, CA 92612
t: 949 296 0400 f: 949 296 0478

PROJECT INFORMATION

APN: 0181-144-01
 SITE AREA: 2.025 ACRES
 NET SITE AREA: 1.927 ACRES
 STREET LAYOUT: 0.107 ACRES
 GROSS SITE AREA: 2.037 ACRES
 BUILDING AREA: 7,117 SF
 TOTAL BLDG AREA: 2,922 SF
 TOTAL SITE COVERAGE: 18.64% (2,263,371 SF/12,142,000 SF)

PARKING SUMMARY

USER	RATIO REQUIRED	SPACES PROVIDED	SPACES REQUIRED
7 ELKEM	1.89/288 SF	10	10
TOTAL		10	11

TOTAL RATIO PROVIDED: 4.38 SF/1000 SF

ZONING INFORMATION
 JURISDICTION: CITY OF COLTON
 EXISTING ZONING: C-1
 PROPOSED ZONING: C-1
 NEIGHBORHOOD COMMERCIAL
 NEIGHBORHOOD COMMERCIAL

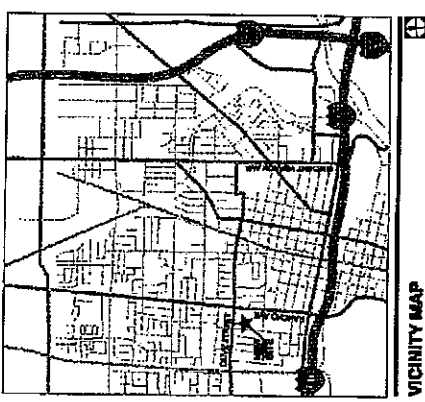
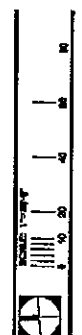
LANDSCAPE INFORMATION
 MIN. LANDSCAPE COVERAGE REQUIRED: 15.0%
 MIN. LANDSCAPE COVERAGE PROVIDED: 18.64%

PROJECT NOTES
 1. THIS PLAN IS A CONCEPTUAL SITE PLAN FOR PLANNING SUBMITTAL PURPOSES ONLY.
 2. THIS PLAN IS A CONCEPTUAL SITE PLAN FOR PLANNING SUBMITTAL PURPOSES ONLY.
 3. THIS PLAN IS A CONCEPTUAL SITE PLAN FOR PLANNING SUBMITTAL PURPOSES ONLY.

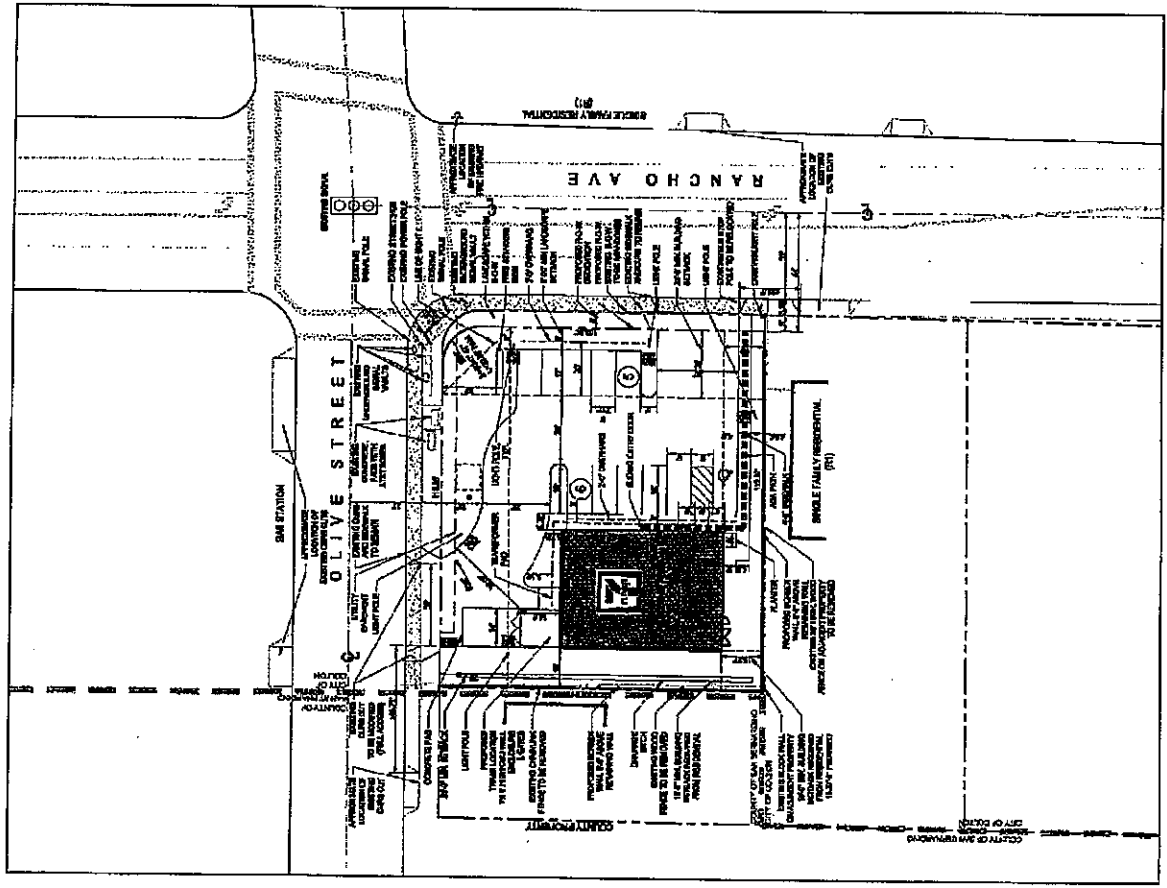
CLIENT
 CLIENT REPRESENTATIVE: WALTER DEVELOPMENT
 CLIENT: WITT WASH
 SITE PLANNER: CATHY HEDGECOCK
 SITE DEV. COORDINATOR: CATHY HEDGECOCK

1087 N. RANCHO AVE
 (SWC OLIVE STREET AND RANCHO AVE)
COLTON, CA

GFA PROJECT NUMBER: 20110554.0



VICINITY MAP



**CITY OF COLTON
TRAFFIC IMPACT ANALYSIS CHECKLIST**



January 2007

The City of Colton requires applicants for various types of development projects to prepare a traffic impact analysis consistent with guidelines as administered by the City Engineering Department. The purpose of this checklist is to help determine when a traffic impact analysis will be required. Projects may not be split in order to avoid traffic impact analysis requirements. Projects that are expected to generate 50 peak hour trips or more are generally required to prepare a traffic impact analysis. However, redevelopment type projects will receive credit for the land use being replaced by the new project. Projects that can demonstrate peak hour trip generation of less than 50 trips may be considered for exemption, on a case by case basis.

GENERAL

- Projects requesting full access to a Collector or higher classification road within 250 feet of an adjacent intersection: TIA required.
- Projects requesting right turn only access to a Collector or higher classification road within 125 feet of an adjacent intersection: TIA required.
- Redevelopment projects that are less intense than the original land use on the site: No TIA required, unless City staff determines that local conditions merit analysis.
- Redevelopment projects that are more intense than the original land use on the site: May require a TIA, however, credit will be given for the prior use on the property.

RESIDENTIAL

- Residential Parcel Maps - Four lots or less: No TIA required.
- Residential Tract Maps - Less than 45 lots: No TIA required, unless City staff determines that local conditions merit analysis.
- Residential Tract Maps - 45 lots or more: TIA required.
- Multiple Family Projects - Less than 75 units: No TIA required, unless City staff determines that local conditions merit analysis.
- Multiple Family Projects - 75 units or more: TIA required.

INDUSTRIAL

- Manufacturing - 51,000 square feet or less: No TIA required, unless City staff determines that local conditions merit analysis.
- Manufacturing - More than 51,000 square feet: TIA required.
- Warehouse - 110,000 square feet or less: No TIA required, unless City staff determines that local conditions merit analysis.
- Warehouse - More than 110,000 square feet: TIA required.

**CITY OF COLTON
TRAFFIC IMPACT ANALYSIS CHECKLIST
(CONTINUED)**

COMMERCIAL

- Retail Commercial - 6,200 square feet or less: No TIA required, unless City staff determines that local conditions merit analysis.
- Retail Commercial - More than 6,200 square feet: TIA required.
- Office - 5,500 square feet or less: No TIA required, unless City staff determines that local conditions merit analysis.
- Office - More than 5,500 square feet: TIA required.
- Vehicle Sales Lots - Less than 7 acres: No TIA required, unless City staff determines that local conditions merit analysis.
- Vehicle Sales Lots - 7 acres or more: TIA required.
- Fast Food Restaurant - 1,400 square feet or less: No TIA required, unless City staff determines that local conditions merit analysis.
- Fast Food Restaurant - More than 1,400 square feet: TIA required.
- Hotel/Motel - Less than 100 rooms: No TIA required, unless City staff determines that local conditions merit analysis.
- Hotel/Motel - 100 rooms or more: TIA required.

**CITY OF COLTON
TRFFIC IMPACT ANALYSIS CHECKLIST**



Checklist Assumptions

January 2007

Assumes that the trip threshold to trigger a TIA is generally 50 peak hour trips.

**TRIP RATES FOR VARIOUS LAND USE CATEGORIES
50 TRIP THRESHOLD CALCULATIONS**

Category	Units	ITE Code	PM Trip Rate	50 Trip Threshold	Recommended
Single Family	Dwelling Units	210	1.07	46.7 d.u.s	45 d.u.s
Multiple Family	Dwelling Units	220	0.63	79.3 d.u.s	75 d.u.s
Industrial	1,000 SF	110	0.98	51,020 SF	51,000 SF
Warehouse	1,000 SF	150	0.54	106,383 SF	110,000 SF
Retail Commercial	1,000 SF	820	7.95	6,289 SF	6,200 SF
Office	1,000 SF	710	9.05	5,524 SF	5,500 SF
Vehicle Sales Lots ⁽¹⁾	acres	n.a.	6.952	7 acres	7 acres
Fast Food	1,000 SF	834	33.48	1,493 SF	1,400 SF
Hotel/Motel	rooms	320	0.47	106 rooms	100 rooms

⁽¹⁾ Vehicle Sales Lots - Trip generation rate based on Fontana Truck Trip Generation Study, August, 2005 (Truck sales and leasing).



CITY OF COLTON
PLANNING COMMISSION MEETING MINUTES
Tuesday, June 26, 2012 – Proposed

Planning Commission meeting held on the above given date at 6:30 p.m., in the Council Chambers of City Hall with Vice-Chair Prieto presiding.

A. CALL TO ORDER.

At 6:30 p.m. Vice-Chair Prieto called the meeting to order.

B. ROLL CALL

Commissioners Present:

Chair (Vacant)
Vice-Chair Richard Prieto
Thomas Archuleta
Angel Delgado
Frank Navarro
Cynthia L. Ramirez
Joe Perez III
Dell Wright

Staff Present:

Mark Tomich, AICP, Development Services Director
Rahsaan J. Tilford, Deputy City Attorney
Jay Jarrin, AICP, Senior Planner
Juan Enriquez, Associate Planner
Reggie Torres, Associate Engineer

C. PLEDGE OF ALLEGIANCE

Commissioner Prieto led the pledge of allegiance.

D. ELECTION OF OFFICERS

Commissioner Prieto elected new Chairperson and Commissioner Archuleta as new Vice-Chair

1. Motion and second by Commissioner Archuleta/Commissioner Ramirez; to nominate Commissioner Prieto as new Chairperson; vote 7 to 0 to elect.
2. Motion and second by Commissioner Prieto/Commissioner Delgado; to nominate Commissioner Archuleta as new Vice-Chair; vote 7 to 0 to elect.

E. ORAL COMMUNICATIONS

None

F. APPROVAL OF MINUTES

None

G. CONSENT CALENDAR

None

H. PUBLIC HEARING

1. CONTINUED FROM JUNE 12, 2012

7 ELEVEN @ RANCHO MILL

FILE INDEX NUMBER(S): DAP-001-001,002,003

APPLICANT: Catherine Otis, project manager
7 Eleven, operator

PROPERTY OWNER: M & E Living Trust

REQUEST: (1) Architectural & Site Plan Review for a proposed 2,522-sf single-story retail building including site improvements, (2) Conditional Use Permit for the sale of beer & wine for off-site consumption (Type 20 ABC License – Off-Sale Beer & Wine) and a Public Convenience and Necessity Letter, if required, in conjunction with a convenience retail store in a new proposed building and (3) Sign Review of wall signs on a new building and a proposed freestanding monument sign on a vacant unimproved 0.37-acre lot and zoned C-1 (Neighborhood Commercial).

LOCATION: 1089 N. Rancho Avenue (SWC/Olive Street)

ASSESSOR'S PARCEL NUMBER: 0161-144-01

ENVIRONMENTAL DETERMINATION: Categorical Exemptions, Class 1, 11, and 32

RECOMMENDATION: Planning Commission to take the following actions:

- Approve Architectural & Site Plan Review, subject to conditions.
- Approve Sign Review, subject to conditions.
- Adopt a resolution titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY LETTER, IF REQUIRED, IN CONJUNCTION WITH A

CONVENIENCE RETAIL STORE IN A NEW PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

Juan Enriquez, Associate Planner, provided a presentation summarizing a memorandum providing following information requested by the Commission:

- The applicant did not agree to modify the proposal to not include alcohol sales (withdrawal of the conditional use permit).
- The applicant did not agree to reduce the proposed hours of operation from 24 hours daily to 7 a.m. to 11 p.m. daily.
- Information on the analysis of traffic impacts conducted by Staff for the application. City staff member Reggie Torres of the Public Works Department spoke regarding this issue.

Matt Waken, the applicant, submitted a petition with 39 signatures in support of the project (Attachment 5a) from local residents and a traffic consultant (Rob Keen of Albert Grover & Associates) representing the applicant provided traffic analysis information. The Planning Commission stated that since the information has not been provided before the meeting to allow for its review by staff and did not account for additional trips for pick-up and drop-off of students at nearby school during the regular school calendar year, the information was not accepted. Additionally, Catherine Otis of GreenbergFarrow (project manager), Don Tucker, Real Estate Manager of 7 Eleven, and Satinder Chima, store operator of another &-11 in Colton spoke on behalf of the application.

The following persons raised concerns about the project:

- Selena Garcia, resident
- Shannon Frazier, resident
- Matthew Frazier, resident
- Jesus Ordonez, resident
- Einer Soberanis, resident
- Teresa Arevalo, resident
- Lisa Payne, resident
- Mike Payne, resident
- Rosanne Reyez, resident
- Upkar Sandhu, local businessowner
- George Aguilar, resident
- Loretta Valdez, resident

The following persons also spoke regarding this project:

- Gary Grossich, local businessowner
- John Anaya, Sr., resident

After further testimony by the applicant and representatives and other speakers and Commission deliberation, the Planning Commission took the following actions:

1. Motion and second by Commissioner Wright/Commissioner Perez; to approve Architectural & Site Plan Review and Sign Review subject to conditions; vote 7 to 0.
2. Motion and second by Commissioner Wright/Commissioner Perez; to deny Conditional Use Permit fo; vote 6 to 0, with Commissioner Ramirez voting to abstain. The Planning Commission directed staff to bring a Resolution of denial at the July 10, 2012 meeting for adoption.

2. **FILE INDEX NUMBER(S):** DAP 924 & 925

APPLICANT/PROPERTY OWNER: Edward Berki

REQUEST: DAP-000-924: (1) Conditional Use Permit for the establishment of a new vehicle sales business in a 2,625 sf building located at 1384 N. La Cadena Drive and for the continued operation of various existing vehicle-related uses, including auto repair, auto sales, and auto body repair, and **DAP-000-925:** (2) Conditional Use Permit for the operation of a religious assembly use within a two-story 5,000 sf building located at 1380 N. La Cadena Drive, on a +/- 5 acre site consisting of eight properties located at 1370 through 1390 N. La Cadena Drive and zoned C2 (General Commercial).

LOCATION: 1370-1390 N. La Cadena Drive

ASSESSOR'S PARCEL NUMBER(S): 0160-262-11,12,13,14,15,28,29,30

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 1

RECOMMENDATION: Adopt the resolutions titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF AN AUTO SALES BUSINESS LOCATED AT 1384 N. LA CADENA DRIVE AND THE CONTINUED OPERATION OF VARIOUS EXISTING VEHICLE RELATED USES, INCLUDING AUTO REPAIR, AUTO SALES AND AUTO BODY REPAIR WITHIN A MULTIPLE-TENANT BUSINESS/COMMERCIAL CENTER ON A 5-ACRE SITE CONSISTING OF EIGHT PROPERTIES WITH SHARED PARKING AND LOCATED AT 1370-1390 N. LA CADENA DRIVE AND ZONED C-2 (GENERAL COMMERCIAL)(FILE INDEX NO: DAP-000-924)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RELIGIOUS ASSEMBLY USE INCLUDING

ANCILLARY OFFICES FOR A TOTAL OF 5,000 SQUARE FEET WITHIN A MULTIPLE-TENANT BUSINESS/COMMERCIAL CENTER ON A 5-ACRE SITE CONSISTING OF EIGHT PROPERTIES WITH SHARED PARKING AND LOCATED AT 1380 N. LA CADENA DRIVE AND ZONED C-2 (GENERAL COMMERCIAL) (FILE INDEX NO: DAP-000-925)

Juan Enriquez, Associate Planner, provided a presentation recommending adoption of the proposed Resolutions. The Applicant, Edward Berki, was not present at the meeting. Brian King (Engineer) spoke on behalf of Edward Berki.

The following persons also spoke regarding this project:

- Gary Grossich, local businessowner

After Commission deliberation, the Planning Commission took the following actions:

1. Motion and second by Commissioner Navarro/Commissioner Ramirez; to approve Conditional Use Permit for auto related uses with the following change to the draft Resolution; vote 7 to 0.

Add Condition 3 to read: **Within one (1) year of this approval or prior to first Business Occupancy Permit (BOP) submittal, whichever is first, the applicant shall execute a covenant, which shall be approved to form by the Colton City Attorney's office, and duly recorded by the owner of record, running with the land, whereby the existing eight lots are legally joined together.**

2. Motion and second by Commissioner Navarro/Commissioner Wright; to deny Conditional Use Permit for a religious assembly use; vote 4 to 3, with Commissioners Ramirez, Delgado and Archuleta voting no. The Planning Commission directed staff to bring a Resolution of denial at the July 10, 2012 meeting for adoption.

I. COMMISSION CONSIDERATION

None

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

1. Colton Iron & Metal will be an item on the July 24, 2012 Planning Commission Meeting Agenda.
2. Discussion of Agenda mailout.

K. COMMISSION COMMENT

Vice-Chair Archuleta

1. Question regarding status of Diesel Injection Services opening at Canyon RV Site.

2. Question regarding what is occurring at 12345 S. La Cadena Drive.
3. Question regarding utility cabinet on S. La Cadena Drive next to cell site.
4. Comment on Co-Parts fence on Rancho Avenue.

Commissioner Navarro

Complaint regarding:

1. Unpermitted bus company pick-up/drop-offs at Plaza Las Glorias.
2. Bus company advertising banner above travel agency at Plaza Las Glorias.
3. Mobile advertising vehicle.

Commissioner Ramirez

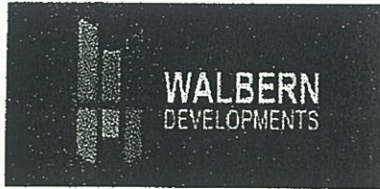
1. Question regarding activity at former Heilig Meyers site
2. Comment that C Street underpass needs cleaning
3. Comment on graffiti problems at McDonald's, flower shop on 7th Street, and at Leno's Rico Taco

K. ADJOURNMENT

At 11:00 p.m., a motion and second by Commissioner Archuleta/Commissioner Ramirez to adjourn the Planning Commission Regular Meeting.

Approved by: _____

Mark R. Tomich, AICP
Development Services Director



29222 Rancho Viejo Road, Ste 207
San Juan Capistrano, CA 92675
Office: 949-276-7570

June 26, 2012

Dear Members of the Planning Commission:

Walbern Developments has been working closely with the City of Colton Staff and all departments for the past 6 months to design, develop, and bring a quality project to the City. During this time, we have met with every City department, requested, received and implemented all feedback and comments relating to the design standards of our 7-Eleven Project, including multiple design upgrades. It is our mission statement to develop quality neighborhood projects, to work closely with each City, and design and develop a project we all can be proud of. We feel we have successfully fulfilled each of these standards with the 7- Eleven Project.

On Sunday, June 24th I had the pleasure of visiting the project neighborhood and speaking with a number of the residents. In the essence of time, I identified two (2) streets within a block of the subject site and knocked on each and every door. The response I received was warm and welcoming and the feedback I received for our Project was overwhelmingly favorable. The time I spent with the residents had a profound impact on me and the goodness of the people I spoke with touched my heart. The demographic ranged from young families to a 90 year old couple. A few of whom have resided in Colton for over 55 years!!

Attached you will find the results of the public outreach. Please note we received 99% support from the houses I surveyed. Only ONE (1) home declined to support as they were in the middle of a family gathering and could not speak with me. Over all, every home expressed that a 7-Eleven located at the Project site would benefit the neighborhood and would provide a needed public convenience. The attached results were achieved in only one (1) day and clearly illustrate, as a direct subset of the Project neighborhood, the significant support this project has from the neighborhood.

Walbern appreciates your support of the 7-Eleven Project and requests your unanimous approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew J. Waken", written over a horizontal line.

Matthew J. Waken, Vice President

I support the development of the 7- Eleven at 1089 North Rancho Ave.

Date	Name	Signature	Street address	Comments
6-24-12	Betty Bantoff	Betty Bantoff	1096 Grand Ave	Good idea
6-24-12	Ramiro Valenzuela	Ramiro Valenzuela	1092 Grand Ave	Great idea
6/24/12	KARON ORALEWIS	Karon Lewis	1092 Grand Ave	AMAZING!
6/24/12	JEFF LEWIS	Jeff Lewis	1091 GRAND AVE	Good IDEA
6-24-12	David T. Jones	David T. Jones	1050 Grand Ave	Change is good
6-24-12	Jennie Quiñones	Jennie Quiñones	974 Grand Ave	Needs Improvement Thank you !!
6/24/12	Guillermo G.	Guillermo G.	974 Grand Ave.	Good Idea
6/24/12	Rick Keys	Rick Keys	960 Grand Ave	Need it.
6/21/12	R. Warren	R. Warren	960 GRAND AVE	ONLY IF COLTON P.D CAN HANDLE IT.
6/24/12	Raquel Martinez	Raquel Martinez	954 Grand Ave	Good Idea
6/24	Ilia Gonzalez	Ilia Gonzalez	950 Grand ave	Good idea
6/24	Paul Parham	Paul Parham	950 Grand ave	Good idea
6/24	Melissa C. Lyford	Melissa C. Lyford	846 Grand Ave	Think it's a great Idea
6-24	Roberto Vasquez	Roberto Vasquez	861 GRAND AVE	LIVE THIS. IT'S GOOD.
6/24	Kirstine Fernandez	Kirstine Fernandez	820 Grand Ave	great
6/24	Claudia Calderon	Claudia Calderon	810 Grand Ave	good idea

*

I support the development of the 7- Eleven at 1089 North Rancho Ave.

Date	Name	Signature	Street address	Comments
6/24/12	Elsa Arreola	Elsa Arreola	804 Grand Ave Colton	
6-24-12	Diana Arches	Clara Arches	901 W. C St.	my kids like slurpees
6-24-12	Rosalia Barrera	Rosalia Barrera	811 Grand Ave.	
6/24/12	Concepcion Barrera	Concepcion Barrera	837 Grand Ave	Thank
6/24/12	Margarita Arce	Margarita Arce	821 Grand Ave	Calif
6/24/12	Ruby Pérez	Ruby Pérez	841 Grand Ave	Makes space look nice
6/24/12	FRANCISCA PAR	Francisca Par	841 Grand Ave	
6-24-12	Beca Fuhs	Beca Fuhs	851 Grand Ave	Help the comm.
6/24/12	Kristen Duke	K. Duke	911 Grand Ave	Need store closer
6-24-12	John R Calderon	John R Calderon	901 N Grand Ave	I like it
6-24-12	Martine Calderon	Martine Calderon	921 Grand Ave	" "
6-24-12	Alan Thomas	Alan Thomas	941 Grand Ave	Makes in driveway
6-24-12	Maria Vergas	Maria Vergas	951 N Grand Ave	
6-24-12	B. PRIETO	B. PRIETO	961 GRAND AVE	COMMON PROJECTS
6-24-12	Antonio Ascencio	Antonio Ascencio	101 Grand Ave	
6-24-12	Lizbeth Ascencio	Lizbeth Ascencio	101 Grand Ave	Awesome cant wait"



CRIME DETERRENCE PROGRAM

An overview of 7-Eleven stores' program to provide a safe shopping and working environment

More Than 30 Years of Research

Store-Personnel Training Program

Timed-Access Cash Controllers

Bright Lighting Inside and Outside

Closed-Circuit Television Surveillance Cameras

For more than 80 Years, 7-Eleven has been America's neighborhood food store, bringing convenience into the lives of millions. As part of its commitment to the communities it serves and its neighborhood store employees, the company has put in place one of the most comprehensive crime-deterrence programs in the convenience store industry.

7-Eleven developed and implemented its robbery and violence deterrence program in 1975-76, based on research interviews with convicted robbers. The program has been continually updated with ongoing research. 7-Eleven's crime-deterrence program is based on four primary components of visibility into and out of the stores, lighting, effective cash control, and store-personnel training. Additionally, 7-Eleven has installed video surveillance systems in its stores.

"OPERATION ALERT" TRAINING

7-Eleven corporate-store employees and new franchisees participate in a multimedia training program and are supplied with comprehensive resource materials on crime deterrence and violence avoidance.

The program, called "Operation Alert", includes information on security procedures, proper store maintenance, violence avoidance and recommended behaviors for managing a robbery or other potentially violent encounter.

The training emphasizes the high value the company places on the safety of all 7-Eleven store personnel and customers, and 7-Eleven's no-resistance philosophy toward robbery. At 7-Eleven, the safety of store personnel and customers is more important than protecting the company's money or property during a robbery.

THE "FISHBOWL"

Research indicates that robbers do not like stores that are brightly lit, with store staffers and cash registers clearly visible from the street. That is why 7-Eleven puts the cash register in the front of the stores and keeps windows in front of the sales area free of signs and merchandise so police and others can see inside. It's called the "fishbowl" effect because store employees are on display for passersby, including police, to see. As part of a nationwide remodeling program, the company installed bright interior and exterior lighting.

TIMED-ACCESS SAFES

Research also shows that keeping less than \$50 in the cash register deters 80 percent of potential robbers. Most robbers say the "risk" is greater than the "take" for that small amount of money.

7-Eleven store employees are instructed to keep no more than \$50 (\$30 at night) in the cash-register. Signs notify would-be robbers that less than \$30 is kept in the cash register after dark and that the store staffers cannot open the safe. All 7-Eleven stores use a Timed-Access Cash Controller to keep a minimal amount of money in the register yet still serve customers efficiently.

One section of the timed-access safe contains a locked drop-safe where large bills and checks are deposited by the clerk. Another section dispenses change (coins or bills) only at predetermined time intervals.

ATTACHMENT 5-B

RECEIVED

JUN 26 2012

CITY OF COLTON
DEVELOPMENT SERVICES DEPARTMENT

STATE-OF-THE-ART VIDEO CAMERA SYSTEMS

7-Eleven has spent millions of dollars to install and maintain state-of-the-art video camera systems and alarms in its stores nationwide. This system includes a 24-hour, closed-circuit video camera with audio capabilities and a high-resolution color monitor mounted in clear view of the customers. The alarm system includes fixed and remote-activator devices.

FACTS

The robbery rate at 7-Eleven stores has decreased by 65 percent since 7-Eleven's robbery deterrence program was implemented in 1976.

7-Eleven is recognized in the convenience store industry and by many law enforcement agencies as the first major retailer to institute a formal crime deterrence program nationwide.

7-Eleven's Operation Alert Training Program has been certified/approved in several states.

HISTORY OF 7-ELEVEN'S ROBBERY DETERRENCE PROGRAM

1975 - The Western Behavioral Sciences Institute, in conjunction with 7-Eleven stores, conducted a robbery deterrence study with a grant from the U.S. Department of Justice. In the test stores, robbery deterrence measures recommended by robbers were implemented in order to determine their impact on crime. These steps included training employees in robbery deterrence, reducing available cash and

removing signs from store windows. The result was a 30 percent decrease in robberies in the test stores.

1976 - A six-month follow-up study in Houston indicated the same 30 percent decrease in robberies. The message was that robbers steal for cash, and if stores reduce their cash availability and publicize it, they can deter robberies. The robbery deterrence program - including training for store personnel, cash management, additional field staff security managers, posters, signs and decals - was adopted companywide.

1980 - A study for 7-Eleven by Athena Research Corporation (Athena) found that security cameras and alarms did not reduce the robbery rate in the experimental stores. 7-Eleven began installation of timed-access cash controller safes in its stores.

1985 - 7-Eleven supported a survey by Athena of armed robbers in prison. The results indicated robbers still looked for the same things in stores targeted for robbery - cash availability and visibility into and out of the stores.

1991 - One part of a three-part study by the National Associations of Convenience Stores showed robbery decreased in the first year after installation of high-resolution, closed-circuit television systems and alarms.

1993 - 7-Eleven began nationwide installation of closed-circuit television systems and alarms in its stores as part of its nationwide remodeling program.

1995 - Athena conducted new research of armed robbers in prison to update its 1985 study, which indicated robbers still looked for the same factors.

1996 - 7-Eleven completed a nationwide installation of closed-circuit television systems and alarms in its stores. The company updated its robbery deterrence/violence avoidance training program for store personnel.

2003 - 7-Eleven supported a survey by Athena of teenage robbers to see if the younger robbers looked at things differently than the adult robbers. The study found that they look at the target and security measures in essentially the same way, with escape route and money being the most important factors.

2004 - The Operation Alert training program was updated including computer-based training for all stores.

2005 - 7-Eleven began installing new safes with high-speed bill acceptors and additional security and accountability features.

2007 - "Operation Alert" training, including visibility, lighting and cash control, has been reemphasized in all of its stores.

Security Plan -



PHYSICAL SECURITY

- A SECURITY SYSTEM WILL BE INSTALLED THAT WILL COMBINE MOTION DETECTORS, CONTACTS AT DOORS, AUDIO ALARM AND A CLOSED CIRCUIT TELEVISION MONITOR TO SECURE THE PREMISES.
- THE MAIN HUB OF THIS SYSTEM WILL BE LOCATED IN THE OFFICE THAT IS LOCKED AT ALL TIMES WITHIN THE STORE. DATA WILL BE STORED FOR A MINIMUM OF 30 DAYS AND EMPLOYEES WILL BE TRAINED TO PROVIDE DATA TO THE POLICE DEPARTMENT WHEN REQUESTED.
- SECURITY CAMERAS WILL BE INSTALLED, EXTERIOR AND INTERIOR, TO MONITOR ACTIVITY AND TO AVOID ANY PROBLEMS OR CONCERNS.
- THE CAMERAS WILL BE OPERATING 24 HOURS A DAY, 7 DAYS A WEEK. IT IS EXTREMELY IMPORTANT THAT 7-ELEVEN PROVIDES A SAFE AND UPSCALE ENVIRONMENT FOR OUR PATRONS.
- ADVERTISING POSTERS WILL NOT OBSTRUCT THE VIEW OF THE POS AND SALES COUNTER AREA.

Security Plan -



PHYSICAL SECURITY

- "NO LOITERING" SIGNS SHALL BE PLACED AS SOON AS THE STORE OPENS FOR BUSINESS AND REMAIN CLEARLY POSTED AROUND THE BUSINESS, AND ANY LOITERING SHOULD BE STRICTLY MONITORED AND AGGRESSIVELY DISCOURAGED BY MANAGEMENT.
- THE CONVENIENCE STORE SHALL INSTALL A WORKING "STATE OF THE ART" VIDEO SURVEILLANCE SYSTEM IN PLACE TO ALLOW THE POLICE DEPARTMENT PERSONNEL TO ASSIST IN CRIMINAL INVESTIGATIONS. THE STORE MEDIUM SHALL BE SECURED IN SUCH A MANNER AS TO NOT FACILITATE THE EASY REMOVAL BY UNAUTHORIZED PERSONAL OR STORE EMPLOYEES UNDER DURESS.
- STORE MANAGEMENT SHALL ESTABLISH AN ON-GOING LIAISON RELATIONSHIP WITH MEMBERS OF THE POLICE DEPARTMENT, SO THAT COMMUNICATION CAN BE EASILY FACILITATED IN A TIMELY AND EFFECTIVE MANNER WHEN PROBLEMS OCCUR.

Security Plan -



OPERATIONAL SECURITY

CASH CONTROL - DAILY RECEIPTS WILL BE DEPOSITED AT THE BANK SO THAT MINIMAL CASH IS MAINTAINED ON THE PREMISES AT ANY GIVEN TIME. LIMITED AMOUNTS OF CASH ON THE PREMISES WILL BE IN A WELL SECURED AND TIMED SAFE.

POS - WE WILL USE ONLY ONE REGISTER AT NIGHT. DOLLAR BILLS HIGHER THAN 20'S AND LARGER ARE DEPOSITED RIGHT AWAY IN A TIME LOCKED SAFE.

FRONT SIGN - WE WILL POST A SIGN AT THE FRONT DOOR UPON THE STORE OPENING THAT SAYS "STORE HAS LESS THAN \$40 AFTER DARK" AND "TIME LOCKED SAFE - CLERK CANNOT OPEN".

Security Plan



OPERATIONAL SECURITY

LIGHTING - THE STORE WILL BE WELL LIT, CLEAN AND ORGANIZED TO CREATE A SAFE ENVIRONMENT TO OUR PATRONS. THE APPLICANT WILL PROVIDE SUFFICIENT LIGHTING TO THE EXTERIOR OF THE PREMISES.

GRAFFITI - REMOVAL OF ALL GRAFFITI TO THE STOREFRONT SHALL BE DONE WITHIN 24 HOURS OF NOTICE OR KNOWLEDGE.



GUESSING'S HARD...
THAT'S WHY WE CARD.



NATIONAL MYSTERY SHOP PROGRAM

- Who** All corporate stores and participating franchised stores
- What** One shop per month per store
- When:** Program begins in January 2008
- Provider:** BARS
- Process:** Monthly shops will alternate between alcohol and tobacco products
- Cost:** \$16.25 per shop
- Cost shared (50% 7-Eleven / 50% Franchisee) in participating franchise stores
 - Franchisee share charged monthly (\$8 and change) to participating Franchisee's Financial Summary
 - Annual cost to participating Franchisee: \$97.50
- Benefits:** Increased Focus = Improved Performance!
Improved Performance = Reduced Risk of Violations!
- Participation:** To participate, please sign the attached Participation Agreement and give it to your Field Consultant

ATTACHMENT 6

RESOLUTION NO. R-18-12

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON**
3 **DENYING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR**
4 **OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND**
5 **A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION IN CONJUNCTION**
6 **WITH A CONVENIENCE RETAIL STORE IN A NEWLY PROPOSED BUILDING**
7 **LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1**
8 **(NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).**

9 **WHEREAS**, an application (File Index No. DAP 001-002) was filed with the City of
10 Colton by Matt Waken for 7 Eleven, (hereinafter "Applicant") for a Conditional Use Permit
11 (hereinafter "Project") for the operation of a 2,522-square foot convenience retail store with the
12 sale of alcohol (Type 20 ABC License-Off-Sale beer & Wine) for off-site consumption and a
13 Determination of Public Convenience and Necessity located at 1089 N. Rancho Avenue on a
14 0.37-acre site (hereinafter "Subject Property") and zoned C-1, Neighborhood Commercial; and

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

17 **WHEREAS**, on June 12, 2012, the Planning Commission of the City of Colton held a
18 duly noticed public hearing at which time all persons wishing to testify in connection with the
19 application were heard and the application was fully examined. After receiving public testimony
20 and discussion, the Planning Commission continued the public hearing to the June 26, 2012,
21 meeting to allow time for the Applicant to submit additional information needed for the
22 Commission to make a determination; and

23 **WHEREAS**, on June 26, 2012, the Planning Commission of the City of Colton held a
24 duly noticed public hearing at which time all persons wishing to testify in connection with the
25 application were heard and the Application was fully examined; and

26 **WHEREAS**, pursuant to the Guidelines for the California Environmental Quality Act
27 ("CEQA"), the proposed Project is Categorically Exempt under Article 19, Section 15303 (New
28 Construction or Conversion of Small Structures), Class 3 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 finds that the
public convenience is not served by, and there is no necessity for, issuance of an off-sale alcohol
license to operate the proposed 2,522-sf single-story retail building located at 1089 N. Rancho
Avenue for the following reasons:

- A. There are three (3) active Alcoholic Beverage Control (ABC) "off-sale" alcohol
licenses located within Census Tract 66.01, within which the proposed retail
building is located.

- 1 B. There are ample venues within Census Tract 66.01 from which alcoholic
2 beverages may be purchased.
- 3 1. A liquor store with a Type 21 license currently operates at 871 N. Rancho
4 Avenue (License No. 257649).
- 5 2. A liquor store with a Type 21 license currently operates at 457 West Valley
6 Boulevard (License No. 297000).
- 7 3. A convenience store with a Type 21 license currently operates at 1091
8 West Valley Boulevard (License No. 394864).
- 9 C. The public has expressed public safety concerns such as increased traffic, noise
10 and vagrancy with issuance of an additional off-sale alcohol license in an area that
11 meets the State criteria for over-concentration, and, in particular, at a location that
12 is adjacent to residential uses to the west, south and east of the proposed use.

13 **SECTION 2.** Based on the entire record before the Planning Commission and all written
14 and oral evidence presented, including the staff report, the Planning Commission makes the
15 following findings in accordance with the Colton Municipal Code:

16 *The proposed use is not in accord with the objectives of the Zoning Ordinance, and the purposes*
17 *of the zone in which the site is located.*

- 18 A. The Zoning Ordinance allows for alcohol sales for off-sale consumption through
19 Conditional Use Permit (CUP) approval.
- 20 B. CUP's are required for land use classifications typically having unusual site
21 development features or operating characteristics requiring special consideration
22 so that the use is designed, located and operated compatibly with uses on adjoining
23 properties and in the surrounding area.
- 24 C. The proposed use for alcohol sales is located in the C-1 Neighborhood
25 Commercial Zone. The C-1 Neighborhood Commercial Zone is intended to serve
26 the neighborhood needs for convenience goods only. Stores within this
27 designation are intended to fit into the residential pattern of development and not
28 create either architectural or traffic conflicts.
- D. During public testimony, many members of the public testified that the proposed
 alcohol use would result in increased traffic, noise and vagrancy and would
 negatively impact adjacent residential uses.
- E. Due to the fact that the proposed alcohol use will likely result in increased traffic,
 noise and vagrancy, the proposed use does not fit within the residential pattern of
 development and as a result is not in accord with the objectives of the Zoning
 Ordinance, and the purposes of the zone in which the site is located.

The proposed use, together with the conditions applicable thereto will be detrimental to the
 public health, safety or welfare, or materially injurious to properties or improvements in the
 vicinity.

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A. Many members of the public testified that the proposed alcohol use would result in increased traffic, noise and vagrancy and would negatively impact adjacent residential uses. This alone is detrimental to the public health, safety and welfare.

SECTION 3. The Planning Commission of the City of Colton, in accordance with the California Environmental Quality Act, has found that the Project will not have a significant impact on the environment and is Categorical Exempt from CEQA under Article 19, Section 15303 (New Construction or Conversion of Small Structures), Class 3 of the CEQA Guidelines. This section consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

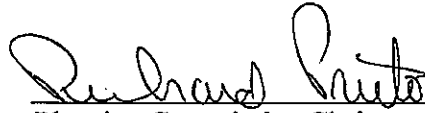
SECTION 4. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby denies the requested Conditional Use Permit and Public Convenience and Necessity Determination.

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

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

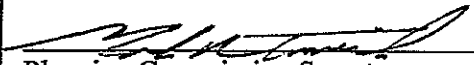
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PASSED, APPROVED, AND ADOPTED this 10th day of July 2012.



Planning Commission Chairperson
Richard Prieto

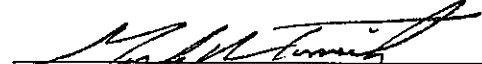
ATTEST:



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 July 10, 2012, by the following vote of the Planning Commission:

AYES: (6) Prieto, Archuleta, Delgado, Navarro, Perez, Wright
NOES: (0) None
ABSENT: (1) Ramirez
ABSTAIN: (0) None



Planning Commission Secretary
Mark R. Tomich, AICP



CITY OF COLTON
PLANNING COMMISSION MEETING MINUTES
Tuesday, July 10, 2012 – Proposed

Planning Commission meeting held on the above given date at 6:30 p.m., in the Council Chambers of City Hall with Vice-Chair Prieto presiding.

A. CALL TO ORDER.

At 6:30 p.m. Chair Prieto called the meeting to order.

B. PLEDGE OF ALLEGIANCE

Chair Prieto led the pledge of allegiance.

C. ROLL CALL

Commissioners Present:

Chair Richard Prieto
Vice-Chair Thomas Archuleta
Angel Delgado
Frank Navarro
Cynthia L. Ramirez
Joe Perez III

Staff Present:

Mark Tomich, Development Services Director
Rahsaan J. Tilford, Deputy City Attorney

Absent:

Dell Wright (Excused)

D. ORAL COMMUNICATIONS

None

E. APPROVAL OF MINUTES

None

F. CONSENT CALENDAR

1. Affirm adoption of the following resolutions:

- A) A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RELIGIOUS ASSEMBLY USE INCLUDING ANCILLARY OFFICES FOR A TOTAL OF 5,000 SQUARE FEET WITHIN A MULTIPLE-TENANT BUSINESS/COMMERCIAL CENTER ON A 5-ACRE SITE CONSISTING OF EIGHT PROPERTIES WITH SHARED PARKING AND LOCATED AT 1380 N. LA CADENA DRIVE

AND ZONED C-2 (GENERAL COMMERCIAL) (FILE INDEX NO: DAP-000-925)

B) A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY LETTER IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEW PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

Motion and second to approve both resolutions by Commissioner Navarro/Commissioner Archuleta; 6 to 0 (Commissioner Ramirez absent)

G. PUBLIC HEARING

None

H. COMMISSION CONSIDERATION

None

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

Reminder to visit Colton Iron & Metal site

J. COMMISSION COMMENT

Commissioner Perez

1. Light on back side of new Dollar General is not operating.

K. ADJOURNMENT

At 6:47 p.m., a motion and second by Commissioner Navarro/Commissioner Archuleta to adjourn the Planning Commission Regular Meeting.

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

180

RESOLUTION NO. R-60-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR THE SALE OF BEER & WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ABC LICENSE-OFF-SALE BEER & WINE) AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION IN CONJUNCTION WITH A CONVENIENCE RETAIL STORE IN A NEWLY PROPOSED BUILDING LOCATED AT 1089 N. RANCHO AVENUE ON A +/- 0.37-ACRE SITE AND ZONED C-1 (NEIGHBORHOOD COMMERCIAL) (FILE INDEX NO: DAP-001-002).

WHEREAS, Matt Waken for 7 Eleven ("Applicant") filed an application (File Index No. DAP-001-002) requesting approval of a Conditional Use Permit (hereinafter "Project") for the operation of a 2,522-square foot convenience retail store with the sale of alcohol (Type 20 ABC License-Off-Sale beer & Wine) for off-site consumption and a Determination of Public Convenience and Necessity located at 1089 N. Rancho Avenue on a 0.37-acre site (hereinafter "Subject Property") and zoned C-1, Neighborhood Commercial; and

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

WHEREAS, the General Plan designation of the subject property is designated on the General Plan Land Use Map as LC – Limited Commercial and zoned C-1, Neighborhood Commercial; and

WHEREAS, on June 12, 2012, the Planning Commission conducted a duly noticed public hearing on the Project at which time all persons wishing to testify in connection with the proposed Project were heard, and the Project was comprehensively reviewed and concerns were raised by the public and adjacent property owners. After receiving public testimony and discussion, the Planning Commission continued the item to the June 26, 2012, meeting to allow time for the additional information to be submitted by the Applicant to make a determination; and

WHEREAS, on June 26, 2012, 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 Project was fully examined. Following considerable discussion and public testimony regarding the Project, the Planning Commission voted 6 to 0 with 1 abstention to deny the Project and direct staff to return with a Resolution of denial at the July 10, 2012 meeting for consideration; and

WHEREAS, on July 10, 2012, the Planning Commission voted 6 to 0 with 1 absence to deny the Project and adopt Planning Commission Resolution Number R-18-12.

WHEREAS, on July 19, 2012, a timely appeal of the Planning Commission's denial was received by the City Clerk ("Appeal"); and

WHEREAS, on August 21, 2012, the City Council of the City ("City Council") conducted a duly noticed public hearing on the Appeal at which time all persons wishing to testify in connection with the Appeal were heard, and the Appeal was comprehensively reviewed and considered; and

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

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

SECTION 1. The Recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. Based on the entire record before the City Council, all written and oral evidence presented, and the findings made in this Resolution, the City Council hereby denies the **Appeal** and **upholds** the decision of the Planning Commission denying the Project.

SECTION 3. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report, the City Council cannot make the following required findings in accordance with Colton Municipal Code Section 18.58.060(H) as follows:

- A. *The proposed use is not in accord with the objectives of the Zoning Ordinance, and the purposes of the zone in which the site is located.*
1. The Zoning Ordinance allows for alcohol sales for off-sale consumption through Conditional Use Permit (CUP) approval.
 2. CUP's are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that the use is designed, located and operated compatibly with uses on adjoining properties and in the surrounding area.
 3. The proposed use for alcohol sales is located in the C-1 Neighborhood Commercial Zone. The C-1 Neighborhood Commercial Zone is intended to serve the neighborhood needs for convenience goods only. Stores within this designation are intended to fit into the residential pattern of development and not create either architectural or traffic conflicts.
 4. During public testimony, many members of the public testified that the proposed alcohol use would result in increased traffic, noise and vagrancy and would negatively impact adjacent residential uses.
 5. Based on the evidence in the record, including evidence from the Planning Commission meeting and evidence concerning the operating characteristics of the site when compared to nearby alcohol establishments, the City Council has determined that the proposed alcohol

use will result in increased traffic, noise and vagrancy in the area without any physical buffers. Thus, the proposed use does not fit within the residential pattern of development and as a result is not in accord with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

6. The distinguishing characteristics noted in the record of this proposed use to a recently approved use with alcohol sales evidence why the inclusion of alcohol sales in this application is materially different and why it makes this application not in accord with the objectives of the Zoning Ordinance and the purposes of the zone in which it is located.

B. *The proposed use, together with the conditions applicable thereto will be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

1. Many members of the public testified that the proposed alcohol use would result in increased traffic, noise and vagrancy, and would negatively impact adjacent residential uses. Based on the evidence in the record, including evidence from the Planning Commission meeting and evidence concerning the operating characteristics of the site when compared to nearby alcohol establishments, the City Council has determined that the proposed alcohol use will result in increased traffic, noise and vagrancy in the area without any physical buffers. Thus, the proposed will be detrimental to the public health, safety and welfare.
2. The distinguishing characteristics noted in the record of this proposed use to a recently approved use with alcohol sales evidence why the inclusion of alcohol sales in this application is materially different and why it makes this application detrimental to the public health, safety and welfare.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report, the City Council finds that the public convenience is not served by, and there is no necessity for, issuance of an off-sale alcohol license to operate the proposed 2,522-sf single-story retail building located at 1089 N. Rancho Avenue for the following reasons:

A. *The proposed Project is located in an area where there is an undue concentration of active "off-sale" alcohol licenses (Type 21).*

An undue concentration exists for off-sale alcohol licenses when the ratio of off-sale alcohol licenses to population in the census tract or census division in which an applicant's premises are located exceed the ratio of off-sale retail licenses to population in the County.

1. The proposed Project is located in Census Tract 66.01. There are three (3) active off-sale alcohol licenses (Type 21) within Census Tract 66.01 according to the State of California Department of Alcoholic Beverage Control (ABC). Census Tract 66.01 has a current population of 4,564 based on the most recent United States decennial census (2010). Therefore, the ratio of off-sale alcohol licenses to population in Census Tract 66.01 is 0.07%.

2. The County of San Bernardino has seven hundred and thirty-nine (739) active off-sale alcohol licenses (Type 21) according to ABC (State of California Alcoholic Beverage Control Report dated June 30, 2012). The County of San Bernardino has a current population of 2,063,919 based on the most recent annual population estimate for California counties published by the Population Research Unit of the Department of Finance. Therefore, the ratio of off-sale alcohol licenses to population in the County of San Bernardino is 0.04%.
3. Since the ratio of off-sale alcohol licenses (Type 21) in Census Tract 66.01 to population in Census Tract 66.01 exceeds the ratio of off-sale retail licenses (Type 21) in the County of San Bernardino to population in the County, there is an undue concentration.

B. *The proposed Project does not encourage public convenience.*

1. The Project consists of a newly constructed 2,522 sf single story retail building on a parcel zoned C-1 (Neighborhood Commercial) with no other commercial uses on the parcel containing the proposed Project. Unlike other projects that the City has recently approved in a multi-tenant setting, the proposed Project is limited to the sale of food and sundry items in a single-story retail building. As the Project is currently proposed, City residents cannot avail themselves of the breadth of readily available products (other than food and sundry items) and services in one location and will have to travel to other locations to purchase these products or services.
2. As a result of the reasons stated in "1" above and elsewhere in the record, the public convenience is not served by the issuance of an off-sale alcohol license.

C. *The proposed Project is not necessary.*

1. There are ample venues within Census Tract 66.01 from which alcoholic beverages may be purchased.
 - a. A liquor store with a Type 21 license currently operates at 871 N. Rancho Avenue (License No. 257649).
 - b. A liquor store with a Type 21 license currently operates at 457 West Valley Boulevard (License No. 297000).
 - c. A convenience store with a Type 21 license currently operates at 1091 West Valley Boulevard (License No. 394864).
2. As a result of the reasons stated in "1" above and elsewhere in the record, it is not necessary to permit the issuance of an additional off-sale alcohol license.

Colton City Council Resolution No. R-60-12
August 21, 2012

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2012.

Sarah S. Zamora, Mayor

ATTEST:

Eileen C. Gomez, City Clerk

Colton City Council Resolution No. R-60-12
August 21, 2012

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO)

CITY OF COLTON)

I, EILEEN C. GOMEZ, City Clerk of the City of Colton, do hereby certify that the foregoing Resolution No. R-60-12 was duly and regularly adopted by the City Council of the City of Colton at a regular meeting thereof on the 21st day of August, 2012 and that the same was passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eileen C. Gomez, City Clerk