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RESOLUTION NO. R-19-14

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 (FILE INDEX NO: DAP-001-099) FOR THE OPERATION OF A CONCRETE CONTRACTORS' STORAGE YARD ON AN EXISTING 7.6-ACRE DEVELOPED SITE LOCATED AT 240 E. CONGRESS STREET ZONED M-1/SDA – LIGHT INDUSTRIAL AND SENSITIVE DEVELOPMENT AREA OVERLAY (APPEAL FILE INDEX NO: DAP-001-108).

WHEREAS, Largo Concrete, Inc. ("Applicant") filed an application (File No. DAP-001-108) requesting the City Council overturn the Planning Commission's decision to allow a concrete contractors' storage yard on an existing 7.6 acre developed site located at 240 E. Congress Street legally described as Assessor Parcel Numbers 0163-391-11 (hereinafter "Subject Property"); and

WHEREAS, the General Plan designation of the Project Site is designated on the General Plan Land Use Map as Light Industrial and zoned M-1/SDA – Light Industrial/Sensitive Development Area Overlay zone; and

WHEREAS, on July 23, 2013, the Planning Commission conducted a duly noticed public hearing on the Application at which time all persons wishing to testify in connection with the proposed Application were heard, and the Application was comprehensively reviewed and concerns were raised by the public and adjacent property owners such that the Planning Commission closed the public hearing and voted not to accept the resolution for approval and for staff to return in two weeks, August 13, 2013, with a new resolution with the intent to deny; and

WHEREAS, On August 13, 2013, following considerable discussion regarding the Project, the Planning Commission voted 4 to 1, with 1 abstention and 1 absence to deny the Project by adopting Resolution Number R-15-13; and

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

WHEREAS, on March 4, 2014, the City Council of the City ("City Council") conducted a duly noticed public hearing on the Appeal at which time all persons wishing to

1 testify in connection with the Appeal were heard, and the Appeal was comprehensively
2 reviewed and considered; and

3 **WHEREAS**, pursuant to the Guidelines for the California Environmental Quality Act
4 (“CEQA”), the denial of a proposed project is exempt from the requirements of CEQA as per
5 State CEQA Guidelines sections 15061(b)(4) and 15270; and

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

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

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

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

14 **SECTION 3.** Based on the entire record before the City Council and all written and
15 oral evidence presented, including the staff report, the City Council cannot make the following
16 required findings in accordance with Colton Municipal Code, Title 18 (Zoning Ordinance),
17 Chapters 18.30 (Sensitive Development Area) and 18.58.060 (Conditional Use Permits) made
18 in this Resolution as follows:

- 19 1. *That the proposed use is in accord with the General Plan, the objectives of this title,
20 and the purposes of the zone in which the site is located;*

21 The proposed concrete contractors’ storage yard use is not consistent with the
22 following General Plan Policy Principles and Standards for the “Industrial” Land Use
23 Designation:

- 24 A. The Colton General Plan Land Use Principles and Standards #C.1 - “Industrial”:
25 Industrial uses need to be located in areas compatible with surrounding uses such
26 as adjacent to railroads and freeways; in that the subject property is located in an
27 area in transition where existing railroad right-of-way and railroad infrastructure
28 are in the process of being removed and replaced with asphalt pavement. Removal of the railroad may result in less intensive industrial uses in the future. Therefore, the proposed construction storage yard adjacent to single-family residential neighborhood abutting 1,112 lineal feet along the east property line has been determined by the City Council to be an incompatible use because of semi-truck traffic, flatbed trucks, vehicles, forklifts and other machines used to operate the storage use. The proposed contractor’s storage use would also be incompatible with existing Veterans Park and Woodrow Wilson Elementary School located approximately 55’ and 630 feet, respectively, to the west and north

1 of subject site. This is due to potential vehicle hazards to pedestrians walking
2 to/from school and the park. The City Council took into consideration the
3 neighborhood public testimony, petition and letters with general reasons why they
4 are in opposition of the project. In addition, the aesthetics of the neighborhood
5 will be negatively impacted because of the high screening necessary to screen the
6 outdoor storage of steel frames, aluminum frames, wood material and other metal
7 construction material from Congress Street.

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- B. The Colton General Plan Land Use Principles and Standards #C.3 – “Industrial”:
Light-Industrial activities within established sections of Colton need to be limited
in their effects on surrounding residential environments and should provide a
buffer from heavy industrial activities.

The proposed contractor’s storage yard will deliver and pick-up metal, aluminum,
and wood materials that will potentially result in long-term noise and truck traffic
impacts, which will render the proposed use incompatible with existing single-
family residential neighborhood abutting east of the subject property.

In addition, the proposed contractors’ storage yard will require a number of
industrial vehicles and two to three different truck types that will generate noise.
Furthermore, the increased traffic will contribute to the deterioration of East
Congress Street’s roadbed, which is the primary access for the adjacent single-
family neighborhood. The City Council has determined that 27 daily trip ends
would substantially negatively impact the neighborhood’s existing traffic levels,
therefore, causing an increase in accident potential and risks to children and
residents walking in the neighborhood and to Woodrow Wilson Elementary
School and to Veterans Memorial Park. Further, the City Council took into
consideration the opposition raised during public testimony and petition/letters
submitted in opposition of the project.

- C. The Colton General Plan Circulation Policy 1.5 – Safe Convenient and Efficient
Transportation System: “Logically relate local street patterns to overall network
of arterial and collector streets as provided for the Circulation Network.
Driveway entrances onto surround arterial, secondary and major streets should be
restricted when practical, and through traffic on interior residential streets should
be minimized.”

The City Council heard testimony from the public opposing the project because
the potential daily semi-truck and flatbed truck traffic on an existing deteriorating
street going through an existing single family residential neighborhood would
increase potential conflicts between pedestrians, specifically children walking to
Woodrow Wilson Elementary School and existing public park facilities. The
elementary school and park are located within 50 feet and 630 feet, respectively,
to the west and north of the subject property. The City Council finds that these

1 incompatible uses are a potential danger to the neighborhood in general and
2 insufficient mitigation is proposed to reduce potential negative impacts.

- 3 2. *That the proposed Use, together with the conditions applicable thereto will not be*
4 *detrimental to the public health, safety or welfare, or materially injurious to*
5 *properties or improvements in the vicinity;*

6 The proposed concrete contractors' storage yard use will be detrimental to the public
7 health, safety or welfare or materially injurious to properties or improvements in the
8 vicinity for the following reasons:

9 A. The City Council finds that the proposed conditions of approval were not
10 sufficient or adequate in addressing pedestrian safety, increased traffic conditions,
11 screening of storage material, hours of operation, and noise generated by the
12 proposed contractors' storage yard. It is the City Council's determination that the
13 existing traffic levels of service were not analyzed sufficiently to understand
14 impacts and hazards from the 27 daily trip ends on Congress Street. The City
15 Council has also determined that recommended conditions of approval did not
16 adequately address noise from vehicles arriving at the subject site adequately and
17 other noises occurring prior to the start of business. The conditions of approval
18 do not adequately address noise emanating from steel and other metal materials
19 being stored and managed on site.

20 B. On July 23, 2013, a Petition with signatures and 12 letters in opposition of the
21 project was received. In addition, after hearing public testimony with no
22 members of the public in support of the project, receiving seven (7) additional
23 signatures in opposition of the project, and an additional letter opposing the
24 project, the City Council found that the project is detrimental to the public health,
25 safety and welfare and materially injurious to the properties and improvements in
26 the vicinity including streets, traffic, pedestrian safety, aesthetics and increased
27 noise levels.

- 28 3. *"That the proposed Use complies with each of the applicable provisions of this title."*

The concrete contractors' storage yard use does not completely conform with the
Sensitive Development Area Overlay Zone of the Colton Zoning Code:

A. Pursuant to Chapter 18.30, the Sensitive Development Area Overlay Zone is
intended to reduce flexibility in design and restrict development of parcels of land
in certain areas of the City deemed to require sensitive development standards.
The City Council considered the public testimony provided by surrounding
residents in their efforts to preserve their neighborhood character and safety
including potential increases in daily semi-truck and flatbed truck traffic on an
existing deteriorating street going through an existing single family residential
neighborhood increases potential conflicts between pedestrians, specifically

1 children walking to Woodrow Wilson Elementary School and existing public park
2 facilities. In addition, the City Council determined that the noise levels from early
3 morning idling of trucks, vehicles and mechanical equipment would disrupt the
adjacent single family residential neighborhood.

4 **SECTION 4.** The City Clerk shall certify to the adoption of this Resolution.

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

6 **PASSED, APPROVED AND ADOPTED** this 4th day of March, 2014.
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9 
SARAH S. ZAMORA, Mayor

10 ATTEST:

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13 EILEEN C. GOMEZ, CMC
14 City Clerk

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF COLTON**)

4 **CERTIFICATION**

5 **I, EILEEN C. GOMEZ**, City Clerk of the City of Colton, California, do hereby
6 certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-19-14**,
7 duly adopted by the City Council of said City, and approved by the Mayor of said City, at
8 its Regular Meeting of said City Council held on the **4th day of March, 2014**, and that it
9 was adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Navarro, Bennett, Suchil

11 NOES: COUNCILMEMBER None

12 ABSTAIN: COUNCILMEMBER None

13 ABSENT: COUNCILMEMBER Oliva, Gonzales and Mayor Zamora

14 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official
15 seal of the City of Colton, California, this _____ day of _____, 20__.

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20 _____
21 EILEEN C. GOMEZ, CMC
22 City Clerk
23 City of Colton

24 (SEAL)
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