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RESOLUTION NO. R-24-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON APPROVING AN APPEAL TO THE CITY COUNCIL REGARDING THE DECISION BY THE PLANNING COMMISSION TO DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT (CUP) RELATED TO THE SALE OF ALCOHOL (FILE INDEX NO.: DAP-001-136); AND APPROVING A CONDITIONAL USE PERMIT (CUP) FOR THE CONTINUED USE OF AN EXISTING VEHICLE-RELATED USE, A FULL-SERVICE CAR WASH/GASOLINE SALES WITH CONVENIENCE MARKET; A PROPOSED 24 HOUR RETAIL OPERATION; AND THE SALE OF ALCOHOL, AS A NEW ABC LICENSE TYPE 20-OFF-SALE BEER & WINE, INCLUDING A DETERMINATION REGARDING PUBLIC CONVENIENCE OR NECESSITY (PCN), ON A 0.89-ACRE PARCEL LOCATED AT 1140 SOUTH MOUNT VERNON AVENUE (ASSESSOR PARCEL NUMBER 0276-144-01) WITHIN A SHOPPING CENTER ZONED C-2, GENERAL COMMERCIAL. (FILE INDEX NO.: DAP - 001-190)

WHEREAS, an application (File Index No. DAP 001-136) was filed with the City of Colton, California by Tejas Modi of Centerpoint Car Care, LLC (hereinafter "Property Owner/ Applicant") for a **Conditional Use Permit ("CUP")** for the sale of alcohol (hereinafter "proposed use"), as a new ABC License Type 20-Off-Sale Beer & Wine (hereinafter "Project") at an existing full-service car wash/ gasoline sales/ convenience market use (dba "CenterPointe Car Wash") located at 1140 South Mount Vernon Avenue; APN 0276-144-01 (hereinafter "Subject Property") on a 0.89-acre parcel within a 28-acre shopping center ("CenterPointe Plaza") on nine (9) parcels zoned C-2, General Commercial, in the City of Colton, California.

WHEREAS, upon review of said application, it was found that the subject site is located within an area (Census Tract No. 71.08) identified as having an "undue concentration" of alcohol licenses, as defined by Alcoholic Beverage Control (ABC), and, therefore, a **Determination regarding Public Convenience or Necessity ("PCN")**, pursuant to Section 23958.4(b)(2) of the California Business & Professions Code, is required as part of

1 consideration of the conditional use permit for the requested alcohol license to be issued for
2 said Project; and
3

4 **WHEREAS**, on October 14, 2014, the Planning Commission of the City of Colton
5 held a duly noticed public hearing at which time all persons wishing to testify in connection
6 with the application were heard and the Application was comprehensively reviewed; and
7

8 **WHEREAS**, a staff report was prepared for the applications and the Planning
9 Commission found it to be true, adopted as Findings and incorporated in this Resolution; and
10

11 **WHEREAS**, on October 14, 2014, the Planning Commission, by a vote of 5-to-2,
12 adopted **Planning Commission Resolution No. R-19-14** denying the application; and
13

14 **WHEREAS**, a timely appeal by the applicant ("Appellant") of the Planning
15 Commission's denial was received by the City Clerk ("Appeal") consistent with procedures
16 contained in Section 18.58.100 of the Colton Municipal Code; and
17

18 **WHEREAS**, the hearing by the City Council for consideration of the appeal was
19 postponed to the meeting of December 16, 2014 at the appellant's request; and

20 **WHEREAS**, on December 16, 2014 and continued to January 20, 2015, the City
21 Council of the City ("City Council") conducted a duly noticed public hearing on the Appeal at
22 which time all persons wishing to testify in connection with the Appeal were heard, and the
23 Appeal was comprehensively reviewed and considered; and
24

25 **WHEREAS**, on January 20, 2015, the City Council continued the public hearing to
26 March 17, 2015 to allow for the re-noticing of the public hearing due to a request by the
27 applicant to add a 24-hour retail operation to the CUP; and
28

1 **WHEREAS**, the CUP has been modified to include a 24-hour retail operation in
2 addition to continuance of the existing vehicle-related use and proposed alcohol sales
3 (“Modified Application”); and
4

5 **WHEREAS**, on March 17, 2015, the City Council conducted a duly re-noticed public
6 hearing on the Appeal and Modified Application at which time all persons wishing to testify
7 in connection with the Appeal and Modified Application were heard, and the Appeal and
8 Modified Application was comprehensively reviewed and considered; and
9

10 **WHEREAS**, pursuant to the Guidelines for the California Environmental Quality Act
11 (“CEQA”), the proposed project is Categorical Exempt under Article 19, Section 15301
12 (Existing Facilities), Class 1 of the State CEQA Guidelines; and
13

14 **WHEREAS**, all other legal prerequisites to the adoption of this Resolution have
15 occurred.
16

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

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

21 **SECTION 2.** Based on the entire record before the City Council and all written and
22 oral evidence presented, including the staff report, the City Council finds that the findings
23 required for the issuance of a conditional use permit may be made based on the following:
24

25 **1. The use is in accord with the Colton General Plan, the objectives of Chapter 18
26 of the Colton Municipal Code, and the purposes of the C-2 zone:**

- 27
- 28 a) **The continued use of an existing vehicle-related use, a full-service car
wash/gasoline sales with convenience market; a proposed 24 hour retail
operation; and the proposed sale of alcohol, as a new ABC License Type
20-Off-Sale Beer & Wine, at this location is in accord with the Colton**

1 **General Plan.** The uses are consistent with **General Plan Land Use**
2 **Element Goal LU-9**, which reads: “*Maintain a diverse mix of commercial*
3 *uses that benefit the community in terms of needed commercial services, tax*
4 *revenue, and employment opportunities*” and **Policy LU-3.1**: “*Provide for*
5 *land uses that allow a variety of retail, service, manufacturing, institutional,*
6 *office, and recreational businesses to locate in Colton.*” The granting of this
7 conditional use permit will serve to maintain a diverse mix of commercial
8 uses to serve the needs of residents and visitors. There are presently no other
9 full-service car wash/gasoline sales, convenience markets, 24 hours retail use
10 or other uses similar in size and function that also sell alcohol within a close
11 proximity (500 feet) of the subject location. Therefore, allowing the sale of
12 alcohol at this subject location will add convenience for customers wanting
13 to make purchases during the same trip as car wash service or gasoline sales
14 24 hours a day, including purchase of beer and wine during hours that beer
15 and wine sales are allowed. Based on this, the granting of the conditional
16 use permit would be consistent with the general plan goals and policies.

17 b) **The continued use of an existing vehicle-related use, a full-service car**
18 **wash/gasoline sales with convenience market; a proposed 24 hour retail**
19 **operation; and the proposed sale of alcohol, as a new ABC License Type**
20 **20-Off-Sale Beer & Wine, is in accord with the objectives of Title 18**
21 **(Zoning) of the Colton Municipal Code.** The uses at this location is
22 consistent with the objectives of the C-2 zone stated in Section
23 18.01.030.A.4, which reads: *To overcome present problems and effectively*
24 *manage future challenges that may result from the use and development of*
25 *land and property.*” Specifically, the approval of a conditional use permit
26 allows for the imposition of conditions which may address potential issues at
27 the site, including limiting the hours for certain functions (such as sale of
28 alcoholic beverages), requiring a minimum number of employees, and
29 providing adequate outdoor lighting. The approval is consistent with Section
30 18.01.030.A.2., which reads: “*To promote the public health, safety, general*
31 *welfare and preserve and enhance the aesthetic quality of the City by*
32 *providing regulations to ensure an appropriate mix of land uses in an*
33 *orderly manner.*”

34 c) **The continued use of an existing vehicle-related use, a full-service car**
35 **wash/gasoline sales with convenience market; a proposed 24 hour retail**
36 **operation; and the proposed sale of alcohol, as a new ABC License Type**
37 **20-Off-Sale Beer & Wine, is in accord with the purpose of the zone in**
38 **which the site is located.** The purpose of the C-2, General Commercial,
39 zone reads: “*The C-2 General Commercial Zone is intended to permit a wide*
40 *range of retail and commercial services, professional offices, and medical*
41 *facilities. The General Commercial designation supports higher-intensity*
42 *commercial uses such as fast-food and sit-down restaurants, offices, auto*
43 *services, and community-wide and regional retail establishments. Since*
44 *many of these uses tend to be large in scale, appropriate locations provide*
45 *regional exposure, high traffic visibility, and contain sites capable of*
46 *accommodating expansive floor area and customer parking.*” The project is
47 appropriate at this location due to the property’s location as part of a larger

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shopping center, which can accommodate the uses, which is consistent with the purpose of the C-2 zone, allowing for a wide range of uses in that zone.

- 2. That the continued use of an existing vehicle-related use, a full-service car wash/gasoline sales with convenience market; a proposed 24 hour retail operation; and the sale of alcohol, as a new ABC License Type 20-Off-Sale Beer & Wine, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;**

The uses will not be detrimental to nearby properties since there are no properties developed or zoned for sensitive uses, including residences, schools, or parks, within 500 feet of the subject location which could negatively impacted by the use. The subject site is located on a parcel within a larger shopping center that is large enough to accommodate the use and allows for measures to mitigate potential impacts. The approval of a conditional use permit will allow for the imposition of conditions on an existing business that does not presently have a conditional use permit. These conditions address including limiting the hours for certain functions (such as sale of alcoholic beverages), requiring a minimum number of employees, and providing adequate outdoor lighting. Additionally, the conditional use permit allows for the revocation of the permit if it is found that conditions are no complied or public health and safety is otherwise impacted.

- 3. The continued use of an existing vehicle-related use, a full-service car wash/gasoline sales with convenience market; a proposed 24 hour retail operation; and the sale of alcohol, as a new ABC License Type 20-Off-Sale Beer & Wine, complies with each of the applicable provisions of Chapter 18 (Zoning) of the Colton Municipal Code.**

The use will not create or worsen any existing nonconformities by the subject property to the development code standards of the C-2 zone. The proposed sale of

1 alcohol, as an upgrade from ABC License Type 20-Off-Sale Beer & Wine to Type
2 21 Off-Sale General, conforms to the code requirement specific to alcohol sales
3 which requires a minimum 500 feet distance between the entrance of a business with
4 alcohol sales and the entrance of any sensitive uses identified as school, park,
5 childcare facility, or religious worship facility. There are no such sensitive uses
6 within 500 feet of the subject property. Therefore, the use conforms to each of the
7 applicable provisions of Chapter 18 (Zoning) of the Colton Municipal Code.
8

9
10 **SECTION 3.** Based on the entire record and all written and oral evidence presented,
11 including the staff report, the City Council hereby finds that a third off-sale license at the
12 subject property located within an area (Census Tract No. 71.08) where more than one off-
13 sale license is deemed as creating an “undue concentration” of alcohol licenses by the State of
14 California Alcoholic Beverage Control (ABC) would further serve public convenience or
15 necessity, pursuant to Section 23958.4(b)(2) of the California Business & Professions Code,
16 based on the following findings:

- 17 1. There are no other uses in the vicinity of the subject site, the Cooley Ranch area north
18 of the I-215 Freeway, that are similar to the subject business, which contains three
19 distinct parts (convenience market, gasoline sales, car wash), which provides the
20 added convenience to shoppers to make purchases of beer & wine during the same trip
21 as vehicle fuel (gasoline) purchases and car wash service.
- 22 2. There are no other uses with an off-sale alcohol license in close proximity (within 500
23 feet) to the subject location, which may inconvenience shoppers wanting to purchase
24 beer & wine.
- 25 3. The subject location is located within a shopping center where there are no
26 convenience markets, with or without gasoline sales or car wash service, with off-sale
27 alcohol licenses.
- 28 4. The only other use with an off-sale alcohol license within the shopping center of the
subject location is a large retailer (WalMart – 1120 S Mt Vernon). Based on this,
potential customers wanting to make small purchases, which may include beer &
wine, may be inconvenienced having to navigate through long distances inside a large
retailer store to find products and waiting in queues to checkout among other
customers making large purchases.

1 **SECTION 4.** The City Council of the City of Colton, in accordance with the
2 California Environmental Quality Act, has found that the project will not have a significant
3 impact on the environment and is Categorical Exempt from CEQA under Article 19,
4 Section 15301 (Existing Facilities), Class 1 of the CEQA Guidelines. This section pertains to
5 existing facilities that involve negligible or no expansion beyond what currently exists at the
6 time of environmental determination.
7

8 **SECTION 5.** Based on the entire record before the City Council, all written and oral
9 evidence presented, and the findings set forth in Sections 1, 2, 3, and 4 made in this
10 Resolution, the City Council hereby approves the **Appeal** (File Index No. DAP-001-190) and
11 **overturns** the decision of the Planning Commission denying the applications (File Index No.
12 DAP-001-136) for a **Conditional Use Permit** and a Determination that **Public Convenience**
13 **or Necessity** is not served by the proposed use.
14

15 **SECTION 6.** Based upon the findings set forth in Sections 1, 2, 3, 4, and 5 made in
16 this Resolution, the City Council hereby conditionally approves the requested applications
17 (File Index No. DAP-001-136) for **Conditional Use Permit** and Determination that **Public**
18 **Convenience or Necessity**, as amended and subject to conditions of approval listed on the
19 attached sheet labeled Exhibit "A".
20

21 **SECTION 7.** This land use entitlement shall become null and void if not exercised
22 within one (1) year of this approval and the applicant has not been granted an extension of
23 time by the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal
24 Code.

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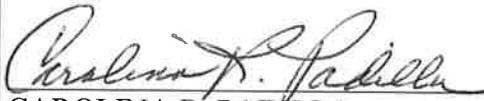
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SECTION 8. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2015.


RICHARD DELAROSA, Mayor

ATTEST:


CAROLINA R. PADILLA
City Clerk

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EXHIBIT "A"

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

1. This approval is for a Conditional Use Permit for the continued use of an existing vehicle-related use, as a full-service car wash/gasoline sales with convenience market; a proposed 24 hour retail operation; and the sale of alcohol, as a new ABC License Type 20-Off-Sale Beer & Wine, including a Determination regarding Public Convenience or Necessity (PCN), on property located at 1140 South Mount Vernon Avenue on a 0.89-acre parcel within a 28-acre shopping center, as shown on the site plan and floor plan, stamped and dated 3-17-2015, by the Development Services Department, except as amended by the following conditions.
2. The Applicant agrees to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with this project.
3. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Commission to make a determination.
4. Within thirty (30) days after twelve (12) months after the date of this approval, the City Council shall review this conditional use permit to ensure that the site is operated in a manner consistent with the conditions of approval and in a manner which is not detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity. The review shall include consideration of adding a condition to require a minimum of two employees in the inside of the market portion of the business during the hours when the inside of the market is open to customers if it is shown that sales at the site have increased since the start of beer and wine sales. After its review, if the City Council deems that there is sufficient reason to warrant modification or revocation, a public hearing to consider modification or revocation with the Planning Commission shall be set.
5. The Conditional Use Permit shall become null and void, and the sale of beer & wine shall no longer occur if the full service car wash use is not open to customers for more than ninety (90) days while the market and gasoline sales are still in operation. The sale of beer & wine shall not be allowed to resume until a new Conditional Use Permit application is approved.

- 1 6. If construction is proposed, plans submitted for building plan check and construction
2 plans shall contain an exact reproduction of these conditions of approval on one of its
3 sheets.
- 4 7. Prior to the granting of clearance from the Director of Development Services to State
5 Alcoholic Beverage Control (ABC) for the stated alcoholic license, or any start of the
6 sale of alcoholic beverages (beer & wine) at the site, the following shall be obtained:
- 7 a. Obtain approval of an updated business occupancy permit (BOP) to reflect the
8 updated operation and layout. A BOP application shall be submitted to the
9 Development Services Department with the appropriate fee for inspections. At
10 a minimum, the following shall be provided:
- 11 1) Correct any code violations present at the site.
 - 12 2) Pass inspections from the various City departments.
 - 13 3) Confirm that lighting conforms to minimum illumination required.
 - 14 4) Remove/replace any dead or damaged planting and restore planting in
15 barren landscape areas, as determined by Planning Division Staff.
 - 16 5) Re-paint, repair, and/or replace the damaged trash enclosure gates.
 - 17 6) Remove the unpermitted canopy structures, equipment, or any other
18 objects obstructing required driveway access and parking.
 - 19 7) Remove unpermitted signs.
 - 20 8) Remove or replace damaged directional signs.
 - 21 9) Address Fire Code violations, if any, relative to the room used to
22 monitor security cameras and, if necessary, obtain necessary permits
23 from the Building Division and/or Electric Department to correct
24 violations.
- 25 b. Obtain approval of a lighting plan from the Director of Development Services,
26 which shall include a photometric plan demonstrating conformance with CMC
27 Section 15.10.130, including parking lots and access, building doors, and
28 address signs are provided with a minimum illumination level of one foot-
candle. At a minimum, the plan shall demonstrate that the outdoor areas on all
four sides of the building, including the car wash driveways and waiting areas,
within the subject parcel are provided the minimum 1-foot candle illumination
on the ground surface. The plan shall include a site plan showing the locations
and features (height, type, wattage) of existing (and proposed, if any) building-
mounted and free-standing lighting used to meet this requirement. All lighting
shall be properly shielded so as to not trespass or disturb neighboring
residences, adjacent businesses, or persons while driving vehicles upon the
roadway, pursuant to CMC Sections 18.42.090 and 18.42.100. If new lighting
is proposed, the applicant shall submit information necessary for design review
and plan check, with appropriate fee, to the Development Services Department
and an electrical permit (and building permit, if applicable) shall also be
obtained and lighting installed prior to clearance to ABC.

- 1 c. Obtain approval of a Sign Permit from the Development Services Department
2 for signage related to the business, including the removal of any unpermitted
3 wall-mounted or free-standing sign and the repair of any damaged sign. The
4 applicant shall submit information necessary for plan check, with appropriate
5 fee, to the Development Services Department before permits are issued, and
6 the signs shall be removed, repaired, installed and/or modified prior to
7 clearance to ABC.
- 8 d. Obtain approval of a Security Plan from the Police Department that describes
9 various features related to crime prevention. A draft security plan shall be
10 submitted to the Police Department for review and, once approved, a copy of
11 the approved Security Plan, shall be forwarded to the Development Services
12 Department. The Plan shall address methods to maintain visibility to the
13 market interior from the parking lot and vice versa. Approval of the Security
14 Plan shall be obtained prior to clearance to ABC.
- 15 8. The site operation shall be subject to the following:
- 16 a. The inside of the market portion of the building may remain open to customers
17 24 hours, seven days a week.
- 18 b. Alcohol (beer and wine) sales shall stop at 9:00 p.m. daily or when the inside
19 of the market portion of the building is closed to customers, whichever occurs
20 earliest, and not resume until 6:00 a.m. the following morning or when the
21 inside of the market portion of the building is reopened to customers,
22 whichever occurs latest.
- 23 c. The full-service car wash portion of the business shall be closed to customers
24 between 8:00 p.m. daily and 8:00 a.m. the following morning.
- 25 d. Gasoline sales through self-pay by customers at the pump may remain
26 available to customers 24 hours, seven days a week, including hours when the
27 inside of the market portion of the building is closed to customers.
- 28 e. The exterior cashier window may remain open to customers 24 hours, seven
days a week.
- f. A copy of these conditions shall be kept on the premises and available upon
request by designated City staff.
- g. No signs advertising the sale of alcoholic beverages shall be displayed on
windows or outside the store.
- h. Window displays and other objects shall not be placed to obstruct views
through storefront windows of the inside of the business from the street.
- i. Outdoor lighting shall be the required illumination from dusk until the
termination of operation of any part of the business, as required by Section
15.10.130 of the Colton Municipal Code.
- j. **A minimum of 24 security cameras at the site shall be provided and
maintained, and remain in use during open business hours.**
- k. Portable tables and seating provided in the outdoor car wash customer waiting
area shall be stored inside the building when the car wash is not open for
business.

- 1 l. A special events permit shall be obtained from the Community Services
2 Department for any special events on site (e.g., grand opening, temporary
3 outdoor sales, etc).
4 m. The site shall be developed and maintained consistent with the approved plans
5 and the conditions of approvals.
6 n. The premises shall be kept clean and the operator of the establishment shall
7 ensure that no trash or litter originating from the site is deposited onto the
8 neighboring properties or onto the public right-of-way.
9. Comply with the requirements of the City of Colton Fire Department, where
10 applicable.
- 11 10. Comply with the requirements of the City of Colton Public Works Department, where
12 applicable.
- 13 11. Comply with the requirements of the City of Colton Electric Department, where
14 applicable.
- 15 12. Comply with the requirements of the City of Colton Building Division.
- 16 a. Any construction on the above project shall comply with the current California
17 Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. Plans shall
18 be submitted to the Building & Safety Division as a separate submittal.
- 19 b. If required, site development shall be designed to provide access to all
20 entrances and exterior ground floor exits and access to normal paths of travel,
21 and where necessary to provide access, Paths of travel shall incorporate (but
22 not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps,
23 curb ramps, warning curbs, detectable warnings, signage, gates, lifts and
24 walking surface material. The accessible route(s) of travel shall be the most
25 practical direct route between accessible building entrances, site facilities,
26 accessible parking, public sidewalks, and the accessible entrance(s) to the site.
27 Commercial buildings on the site shall be accessible per California Building
28 Code (CBC) 11B.
- c. If required, Site facilities such as parking (open and covered), and trash
dumpsters, shall be accessible per California Building Code (CBC) 11B.
- d. Prior to the issuance of a building permit, the applicant shall submit a properly
completed "Waste Management Plan" (WMP), as required, to the Compliance
Official (Building Official) as a portion of the building or demolition permit
process.

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e. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls, light standards, and signage.

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

a. Landscaping: Property manager or tenant shall 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 shall be secured in a locked metal cage to prevent theft or vandalism.

b. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior.

c. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which they have control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be 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. Exterior Lighting: All lightning shall be maintained in good working order. Lighting shall be designed and installed in such a manner that provides adequate illumination to all parking spaces, stalls, walkways, corridors, and stairways, insuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.) Lighting level shall be a minimum of 1 footcandle. All lighting shall 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 shall have the lighting repaired within 72 hours.

e. 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

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

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- 4 f. Disabled Parking: All disabled parking spaces will comply with Americans with
5 Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition,
6 disabled parking will be clearly indicated by all three indicia: 1.) blue wheel stop
7 and/or curb, 2.) blue sign with white wheelchair symbol at head of space, and 3.)
8 blue field with wheelchair symbol and blue striping painted on the ground. All
9 parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).
- 10 g. Storage: Parking and trash areas will not be used for storage of hazardous
11 materials, including but not limited to tires, waste oil, and inoperable or
12 unregistered vehicles. Property manager or tenant shall promptly abate hazardous
13 materials or inoperable vehicles. General exterior storage areas will be screened
14 from public view.
- 15 h. Signage: Applicant will fully comply with Colton Municipal Code 18.50 Sign
16 Ordinance as amended. Refer to the Municipal Code for additional signage
17 permitting and requirements.
- 18 i. Advertisements: Handbills or advertisements may be distributed in public places
19 person-to-person but will not be placed or left upon unoccupied vehicles or
20 otherwise left unattended in public places.
- 21 j. Special Events: Per Colton Municipal Code Section 5.44, applicant shall not
22 conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a
23 special event or permit the subject property to be used for any special event
24 without first obtaining a special event permit. Special events include, but are not
25 limited to, sales events where merchandise, goods, or vehicles are displayed for
26 sale on the property, political functions, fundraising events by non-profit entities,
27 and events featuring motivational or educational speakers. The Special Event
28 Committee may expressly grant a minor variance of conditions specific to
individual special events.
- k. 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.

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- 1. 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 conditions, patrolling, investigating crimes, and enforcing laws and ordinances on the subject property. Permittee shall grant “right of access” to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

- m. 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.

- n. 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.

- o. 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.

- p. Exterior collection bins, donation receptacles, or storage containers are not permitted except by express approval of Development Services Director.

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- q. **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.

- r. **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.

- s. **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.

- t. **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.

- u. 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.

- v. 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.

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- w. **Interior Lighting:** All interior areas of the premises shall 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.

- x. **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.

- y. **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.

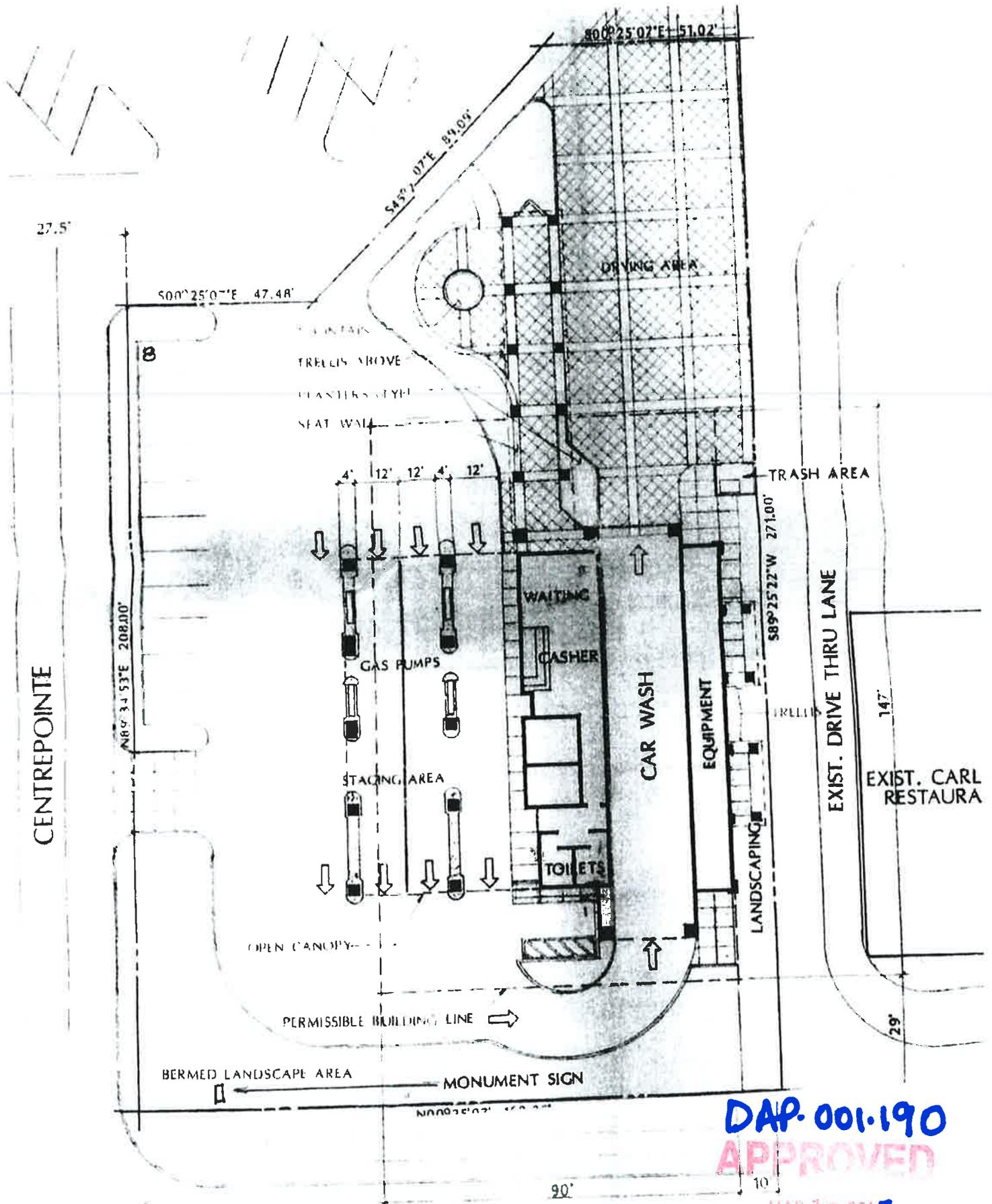
- z. **Complaints.** Three (3) or more verified complaints or occurrences within a one (1) month period, or six (6) or more verified complaints or occurrences within a three (3) month period, or twelve (12) or more verified complaints or occurrences within a one (1) year period regarding disturbances 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.

- aa. **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.

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- 14. 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.
- 15. The Applicant and/or Property Owner shall, at all times, maintain the property so as not to constitute a nuisance in the community.

###



CENTREPOINTE

MT. VERNON AVE.

DAP-001-190
 APPROVED

MAR 17 2015
 BY: COUNCIL RESO 24-15
 CITY OF COLTON
 PLANNING DIVISION

PURPOSE:

Submit a CUP – DAP 001-138
To allow this activity to sell
Beer & Wine for off sale
Avenue
Consumption

APPLICANT:

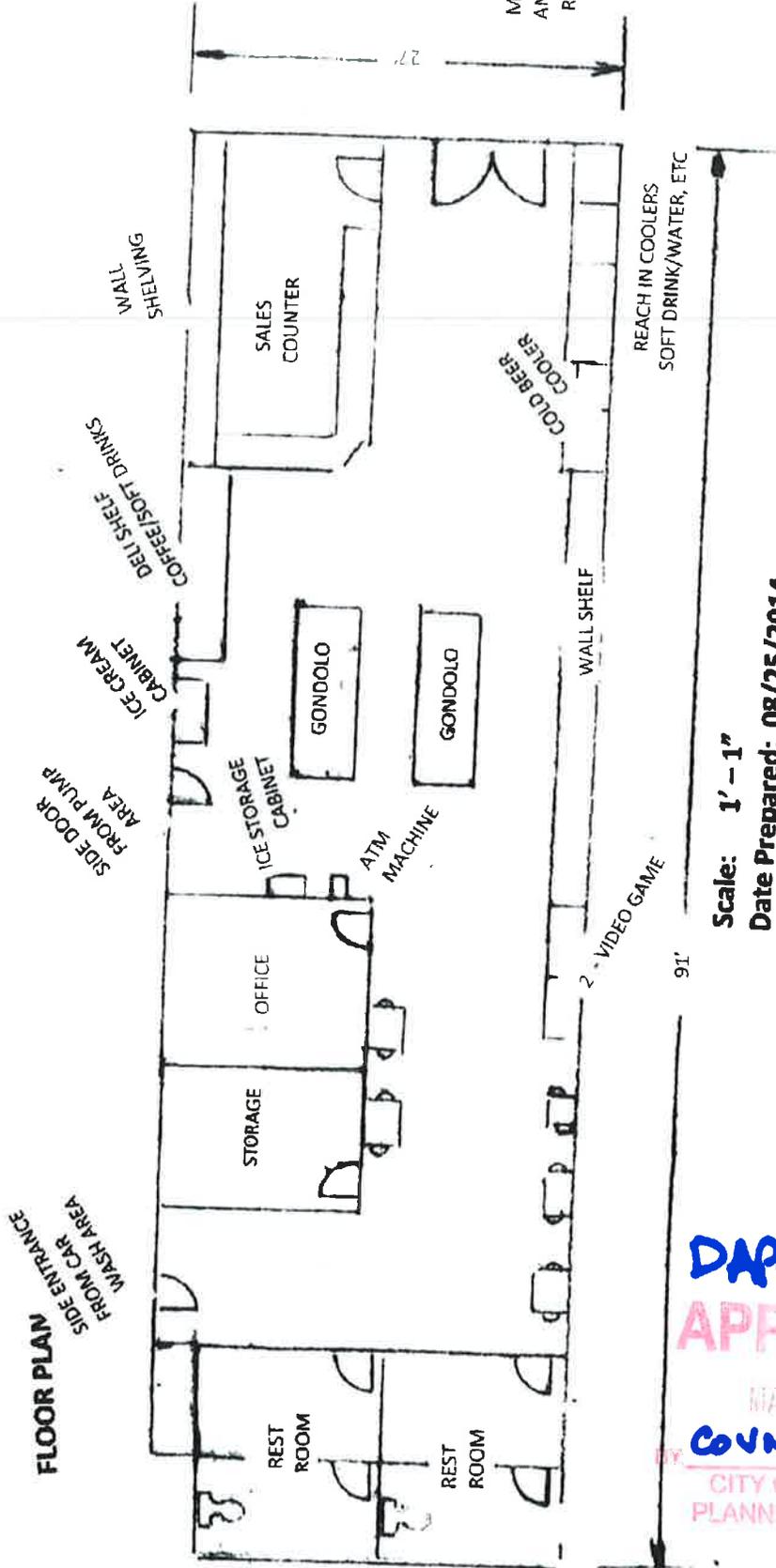
Centerpoint Car Care, LLC
1140 S. Mount Vernon

Colton, CA. 92324
APN: 0276-144-01

CONSULTANT:

DICK EVITT
ALL STAR REALTY
5905 WINNCLIFF DRIVE
RIVERSIDE, CA. 92509
(909) 821-6426
dickevitt@earthlink.net

FLOOR PLAN



Scale: 1' - 1"

Date Prepared: 08/25/2014
Prepared by: DICK EVITT

DAP-001-136

DAP 001.190
APPROVED

MAR 17 2015
BY **COUNCIL RESO 24.15**
CITY OF COLTON
PLANNING DIVISION

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

4 **CERTIFICATION**

5 **I, CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do
6 hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO.**
7 **R-24-15**, duly adopted by the City Council of said City, and approved by the Mayor of
8 said City, at its Regular Meeting of said City Council held on the **17th day of March,**
9 **2015**, and that it was adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorin, González, and Mayor
11 DeLaRosa
12 NOES: COUNCILMEMBER Suchil, MPT Navarro
13 ABSTAIN: COUNCILMEMBER None
14 ABSENT: COUNCILMEMBER Bennett

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

18
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21 _____
22 **CAROLINA R. PADILLA**
23 City Clerk
24 City of Colton

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28 (SEAL)