CITY OF COLTON
PLANNING COMMISSION AGENDA

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

REGULAR MEETING – Tuesday, June 28, 2016– 6:30 P.M.

Agenda June 28, 2016

Documents: PC AGENDA 6-28-2016.PDF

A. CALL TO ORDER

. B. ROLL CALL

. C. PLEDGE OF ALLEGIANCE

. D. APPROVAL OF MEETING MINUTES

. . Planning Commission Minutes_05-10-26

Documents: PC MEETING MINUTES _ 5-10-16.PDF

. . Planning Commission Minutes 05-24-16

Documents: PC MEETING MINUTES_ 5-24-16.PDF

. . E. PUBLIC COMMENTS

. F. BUSINESS ITEMS

. . F-1_Conformity With General Plan Staff Report

Documents: ITEM F-1_CONFORMITY WITH GENERAL PLAN STAFF REPORT.PDF

G. PUBLIC HEARINGS

. Item G-1_Staff Report And Attachments 1-6

Documents: ITEM_G1_DAP-001-307_STAFF REPORT_AND ATTACHMENTS 1-4.PDF, ITEM_G1_DAP-001-307_ATTACHMENT - 6.PDF, ITEM_G1_DAP-001-307_ATTACHMENT - 5.PDF

. Item G-2_DAP-001-325_Zoning Text Amendment (Minor CUP)

Documents: PC RESOLUTION - DAP-001-325 - TITLE 18 CODE AMENDMENT_MINOR CUP.PDF, DAP-001-325-PC STAFF REPORT_MINOR CUP ZONING TEXT AMENDMENT.PDF

H. COMMISSION INFORMATION

. Item H-1_Status Report_Colton Iron Metal

Documents: COVER MEMO_DAP-000-881_DAP-001-023 CIM STATUS REPORT_6-28-16.PDF, CIM FINAL STATUS REPORT.PDF

. Item H-2_Status Report_1235 S. Lincoln St._Pallet Use

Documents: ITEM H-2_STATUS REPORT_1235 S. LINCOLN STREET_PALLET USE.PDF

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

J. COMMISSION COMMENTS

. K. ADJOURNMENT

Next Scheduled Meeting: Tuesday, July 12, 2016 at 5:30 p.m.

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

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

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

CITY OF COLTON
PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE, COLTON, CA 92324
REGULAR MEETING – Tuesday, June 28, 2016 – 5:30 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MEETING MINUTES

1. May 10, 2016 Planning Commission Meeting Minutes.
2. May 24, 2016 Planning Commission Meeting Minutes.

E. PUBLIC COMMENTS

F. BUSINESS ITEMS:

1. **RESOLUTION NO. R-17-16 - Making findings of conformity** with the General Plan as required by California Government Code Section 65402 for the sale of certain real property located at the southeast corner of Valley Boulevard and Pepper Avenue consisting of approximately 2.97 acres on property zoned Retail within the HUB City Centre Specific Plan.

G. PUBLIC HEARINGS:

1. FILE INDEX NUMBER: DAP-001-307 **Colton's Downtown Code and Design Manual**

APPLICANT: **City-Initiated**

REQUEST: **Amending the General Plan Land Use Plan Map** from "General Commercial" to "Mixed-Use Downtown" and **adopting the Downtown Design Manual** and **Amendment to Title 18,** Updating and Revising Several Zoning Code Chapters and Amending the Zoning Map by Adding C-2/D (General Commercial-Downtown Overlay) Zone and changing certain parcels from C-2 (General Commercial) to M-U/D (Mixed-Use/Downtown) Zone.

Project Location / Boundaries: The Design Manual Area (also known as Downtown Area) is bound to the north and south by C Street and Interstate 10, respectively. The eastern and western boundaries are not as linear: the eastern boundary starts at the Colton Avenue/B Street intersection following Colton Avenue to E Street, where the boundary meanders to the south through residential lots, to H Street where it jogs to the east ending at Mt. Vernon Avenue; and the western boundary generally follows the BNSF Railroad, and includes the Amko Recycling property at the southwest end.

ENVIRONMENTAL DETERMINATION: Pursuant to the California Environmental Quality Act ("CEQA"), CEQA Guidelines a draft Initial Study has been prepared to assess environmental impacts for the applications. The draft Initial Study determined that the project would not create any significant adverse impacts on the environment. Public notice was published in the newspaper regarding the public comment period and of the intent to adopt the Negative Declaration. Therefore, the Planning Commission will consider recommendation of the adoption of a Negative Declaration to the City Council.

RECOMMENDATION: Staff recommends that the Planning Commission recommend to the City Council approval of the draft ordinance by adopting Resolution Nos. R-18-16 and R-19-16:

A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN AMENDMENT TO CITY'S GENERAL PLAN LAND USE MAP CHANGING GENERAL PLAN LAND USE DESIGNATION FROM "GENERAL COMMERCIAL" TO "MIXED-USE / DOWNTOWN" FOR CERTAIN PARCELS IN DOWNTOWN AND TO ADOPT THE "DOWNTOWN DESIGN MANUAL" A COMPANION DOCUMENT TO TITLE 18 (ZONING CODE). (FILE INDEX NO. DAP-001-307)

A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING CHAPTERS 18.06 (USES PERMITTED IN EACH ZONE) AND 18.23 (MIXED-USE DOWNTOWN) OF THE MUNICIPAL CODE AND ADDING NEW CHAPTER 18.23.4 (C-2 GENERAL COMMERCIAL OVERLAY ZONE) AND TO DESIGNATE CERTAIN PARCELS WITH C-2/D (GENERAL COMMERCIAL-DOWNTOWN OVERALAY) ZONE AND CHANGING THE ZONE ON SPECIFIC PARCELS FROM C-2 (GENERAL COMMERCIAL) TO M-U/D (MIXED-USE/DOWNTOWN). (FILE INDEX NO. DAP-001-307)

2. FILE INDEX NUMBER: DAP-001-325 ZONING TEXT AMENDMENT (MINOR CUP)

APPLICANT: **City-Initiated**

REQUEST: **Zoning Text Amendment** (ordinance) to modify various provisions of Title 18 of the Colton Municipal Code related to Section 18.58.060 (Conditional Use Permits) and 18.06.060 (Uses Permitted in Each Zone) to establish a new permit category: Minor Conditional Use Permit

LOCATION: **Citywide**

ENVIRONMENTAL DETERMINATON: Exempt from CEQA because it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. Therefore, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the Planning Commission recommend to the City Council approval of the draft ordinance by adopting Resolution No. R-16-16:

RESOLUTION NO. R-20-16. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COLTON AMEND SECTIONS 18.58.060 and 18.06.060 OF TITLE 18 OF THE COLTON MUNICIPAL CODE (FILE INDEX NO. DAP-001-325).

H. COMMISSION INFORMATION

1. **Status Report On Colton Iron & Metal – Implementation Of Conditions Of Approval**
   (File Index No's: DAPs-000-648, 000-881 and 001-123)

   Recommendation: Receive and file report**.**

2. **45-Day Status Report – 1235 S. Lincoln Street**
   (File Index No. DAP-001-309)

   Recommendation: Receive and file report.

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

J. COMMISSION COMMENTS

K. ADJOURNMENT

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CITY OF COLTON
PLANNING COMMISSION AGENDA MINUTES
REGULAR MEETING – Tuesday, May 10, 2016– 5:30 P.M.

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

B. ROLL CALL

Commissioners Present:
Chair Prieto
Vice Chair Thomas Archuleta
Angel Delgado
Rosa Granado-Dominguez
Gary Grossich
Kirk Larson

Commissioners Absent:
None.

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

C. PLEDGE OF ALLEGIANCE

Commissioner Delgado led the pledge of allegiance.

D. APPROVAL OF MEETING MINUTES

1. April 26, 2016 Planning Commission Meeting Minutes

Motion and second by Commissioner Archuleta /Commissioner Delgado 5 to 0 to approve. Roll call vote as follows: Ayes- Vice Chair Archuleta, Commissioner Delgado, Commissioner Granado-Dominguez, Commissioner Grossich, and Commissioner Larson. Noes-none. Chair Prieto and Commissioner Arrieta abstained (did not attend 5-26-16 meeting).

E. PUBLIC COMMENTS
Jonathan Zane.

Chair Prieto acknowledged attendance by Council Member Toro and Council Member Gonzalez.

F. BUSINESS ITEMS:

1. **FILE INDEX NUMBER: DAP-001-240 CAL MED SURGERY CENTER**

APPLICANT: Hydam Construction (Abdul Mohammed, AIA)

PROPERTY OWNER: Gnanadev Family Trust

PROPERTY LOCATION: 1281 West C Street

ASSESSOR'S PARCEL NUMBER: 0162-281-51 and 67

PRESENTED BY: Mario Suarez, Senior Planner

PUBLIC COMMENTS

- Mohammed Esa, Architect.

REQUEST: Master Plan Review for Area 24 of the Colton HUB City Center Specific Plan and **Architectural and Site Plan Review** to allow a 30,645 square foot, three story office building consisting of a pharmacy, medical offices and surgery center the HUB City Centre Specific Plan on a site located in Planning Area 24 within the RMU (Retail Mixed Use) Zone of the Colton HUB City Centre Specific Plan on property measuring approximately 2.18 acres (File Index No. DAP–001-240).

ENVIRONMENTAL DETERMINATION: Pursuant to the California Environmental Quality Act ("CEQA"), Section 15332 (Infill Development Projects), the project is categorically exempt from CEQA because the project meets the criteria for infill development projects in size and location and would not result in significant environmental impacts..

RECOMMENDATION: Staff recommends that the Planning Commission approve the Master Plan and Architectural & Site Plan Reviews through the adoption of attached Resolutions titled:

RESOLUTION NO. R-14-16: A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION APPROVING MASTER PLAN AND ARCHITECTURAL AND SITE PLAN REVIEWS TO ALLOW FOR THE CONSTRUCTION OF A PROPOSED 30,645 SQUARE FOOT, THREE STORY SURGERY CENTER BUILDING CONSISTING OF A PHARMACY, MEDICAL OFFICES AND SURGERY FACILITIES WITHIN THE HUB CITY CENTRE SPECIFIC PLAN ON A SITE LOCATED IN PLANNING AREA 24 WITHIN THE RMU (RETAIL MIXED USE) ZONE OF THE COLTON HUB CITY CENTRE SPECIFIC PLAN ON PROPERTY MEASURING APPROXIMATELY 2.18 ACRES LOCATED AT 1281 W. C STREET (APNs: 0162-281-51 and 67) (FILE INDEX NO. DAP–001-240).

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

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

- Valley Pallets appeal- hearing on 5-17-16.
- Roquet Ranch moving forward.

- Carport ordinance returning to Planning Commission on 5-24-16.

J. COMMISSION CONSIDERATION

Arrieta

- Question regarding date for Relay for Life (5-21-16).

Delgado

- Comments regarding Safe Routes to School Program (Consultants were recently at Wilson Elementary School).
- Questions/ comments regarding cars parked in area off Mt. Vernon approach to I-10.

Grossich

- Question regarding Planning commission involvement in appeal process.
- Comments regarding carports and side yard setbacks.

Larson

- City USA Tree Program comments. Colton isn't a part of the program.

Prieto

- Comments regarding the value of mature trees.
- Family health issues/appreciation for recent sympathy cards and comments.
- Would like a report on Squires Lumber- (F street location) at next meeting.

K. ADJOURNMENT

Motion and second by Commissioner Larson/ Commissioner Archuleta to adjourn the meeting at 6:19 p.m.

Approved by: _____
Mark R. Tomich, AICP

CITY OF COLTON
PLANNING COMMISSION AGENDA MINUTES
REGULAR MEETING – Tuesday, May 24, 2016– 5:30 P.M.

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

B. ROLL CALL

Commissioners Present:
Chair Prieto
Vice Chair Thomas Archuleta
Gilbert Arrieta
Angel Delgado-arrived 5:34 p.m.
Rosa Granado-Dominguez
Gary Grossich

Commissioners Absent:
Kirk Larson- excused

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

C. PLEDGE OF ALLEGIANCE

Commissioner Delgado led the pledge of allegiance.

D. APPROVAL OF MEETING MINUTES

None available.

E. PUBLIC COMMENTS
None.

F. BUSINESS ITEMS:

Chair acknowledged attendance by Council Member Navarro.

1. FILE INDEX NUMBER: DAP-001-306 WALMART CUP EXTENSION

APPLICANT: Wal Mart Stores, Inc.
Brent R. McManigal, Gresham, Savage, Nolan & Tilden PC (Attorney-In-Fact)

PROPERTY OWNER: WAL-MART REAL ESTATE BUSINESS TRUST

PROPERTY LOCATION: 1120 S. Mount Vernon Avenue

ASSESSORS PARCEL NO.: 0276-144-07

PRESENTED BY: Jay Jarrin, Senior Planner

PUBLIC COMMENTS:
None.

REQUEST: Extension of time (First) for one year for the approval of a **Major Modification of Conditional Use Permit (CUP) (File Index Number: DAP 001-217)** relating to (1) alcohol consumption for (a) the addition of a ABC License Type 86-Instructional Tasting- to allow the instructional tasting on the premises of beer, wine and distilled spirits, as an ancillary part of an existing retail operation; and (b) continued operation of ABC License Type 21-Off Sale General for the sale of beer, wine, and distilled spirits for off-premises consumption; and (2) the continued 24-hour retail operation, for an existing general merchandise retailer located at 1120 South Mount Vernon Avenue on a 13.21-acre parcel within a 28-acre shopping center ("Centrepointe Plaza") on nine (9) parcels zoned C-2, General Commercial. Assessor Parcel Number (APN): 0276-144-01; 02; 03; 04; 05; 06; 07; 08; and 38. Expiration Date: 4/28/16 – automatically extended to 6/8/16.

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

STAFF RECOMMENDATION: Approval of a One-Year Time Extension (First), setting a new expiration date of 4/28/2017.

Motion and second by Commissioner Archuleta/Commissioner Arrieta 6 to 0 to approve. Roll Call vote as follows: Ayes- Chair Prieto, Vice Chair Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Granado-Dominguez and Commissioner Grossich. No- None. Commissioner Larson absent from vote.

2. FILE INDEX NUMBER: DAP-001-317 GLOBAL PREMIER DEVELOPMENT EXTENSION

APPLICANT: Global Premier Development

PROPERTY OWNER: Global Premier Devlopment

PROPERTY LOCATION: 2010 Main Street;

COUNTY ASSESSOR PARCEL NO.: 0164-161-30

PRESENTED BY: Steve Gonzales, Associate Planner

PUBLIC COMMENTS:
None.

REQUEST: One-Year Time Extension request (***First Time Extension***) for approved **Architectural and Site Plan Review** for the construction of a new two story 61,400 square foot assisted living/memory care facility consisting of 79 units/103 beds (47 assisted living units and 56 memory care beds) located on a 1.95 acre lot and within the R-3 (Multiple Family Residential) Zone.

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

STAFF RECOMMENDATION: Approval of the Time Extension (First Time Extension), setting a new expiration date of 5/12/2017.

Motion and Second by Commissioner Grossich/ Commissioner Archuleta 6 to 0 to approve. Roll call vote as follows: Ayes-Vice Chair Archuleta, Commissioner Arrieta , Commissioner Delgado, Commissioner Granado-Dominguez, Commissioner Grossich, Chair Prieto. No-None. Commissioner Larson absent from vote.

G. COMMISSION CONSIDERATION

1. **Status Report on Squires Lumber, 333 East F Street.**

Commission requested that status reports be submitted on a monthly basis, starting in June 2016.

H. PUBLIC HEARINGS:

1. **FILE INDEX NUMBER: DAP-001-287B ZONING TEXT AMENDMENT (CARPORTS)**

APPLICANT: City-initiated

PRESENTED BY: Mark R. Tomich, Development Services Director

PUBLIC COMMENTS:

- Jon Zane
- Kathy Holland-Smith
- John Anaya, Sr.

REQUEST: Zoning Text Amendment (ordinance) to modify various provisions of Title 18 of the Colton Municipal Code related to Section 18.12.060 (Building Projections – R-1 Zone), and 18.12.170 (Parking Requirements – R-1 Zone) Pertaining to Carports. (File Index No. DAP–001-287B).

ENVIRONMENTAL DETERMINATION: Exempt from CEQA because it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Therefore, the adoption of this Ordinance is exempt from the requirements of the California

Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the Planning Commission recommend to the City Council approval of the draft ordinance by adopting Resolution No. R-15-16:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COLTON AMEND SECTION 18.12.060 (BUILDING PROJECTIONS – R-1 ZONE), AND SECTION 18.12.170 (PARKING REQUIREMENTS – R-1 ZONE) OF TITLE 18 OF THE COLTON MUNICIPAL CODE (FILE INDEX NO. DAP-001-287B).

Motion and Second by Commissioner Delgado/ Commisioner Archuleta 6 to 0 to approve and to adopt Resolution to request that City Council direct staff to study expanding the ordinance to allow carports within side yard setbacks. Roll call vote as follows: Ayes- Vice Chair Archuleta, Commissioner Arrieta, Commissioner Delgado, Commissioner Granado-Dominguez, Commissioner Grossich, Chair Prieto. No-None. Commissioner Larson absent from vote.

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

J. COMMISSION CONSIDERATION

Arrieta

- Comments regarding Relay for Life.

Delgado

- Enjoy Memorial Day weekend.
- Residents have questions regarding opening of Laurel St. underpass. (ribbon cutting is scheduled for June 9).

Granado- Dominguez

- Requested confirmation of Commissioner attendance at Colton Car Give-Away at Colton High School.
- Status of Rancho / I-10 bridge construction.
- Reference to ads in newspaper for Colton businesses.

Grossich

- Thanks to staff for supporting Commission on Valley Pallets appeal.
- Industrial construction activity is up.
- Comments regarding the Budget Workshop/ Business Incentive Program.
- Recommended limiting number of uses that require a CUP.

Prieto

- Comments regarding Walk for Life.
- Problem with drivers running stop signs.

- Thanks to staff.

K. ADJOURNMENT

Motion and second by Commissioner Granado- Dominguez/ Commissioner Arrieta to adjourn the meeting at 7:16 p.m.

Approved by: _____
Mark R. Tomich, AICP

DRAFT

Staff Report

CITY OF COLTON
Development Services Department
Economic Development Division

DATE: June 28, 2016

TO: Planning Commission

FROM: Mark Tomich, Development Services Director

PREPARED BY: Arthur Morgan, Economic Development Manager

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, MAKING FINDINGS OF CONFORMITY WITH THE GENERAL PLAN REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTION 65402 FOR THE SALE OF CERTAIN REAL PROPERTY LOCATED AT THE SEC OF VALLEY BOULEVARD AND PEPPER AVENUE CONSISTING OF APPROXIMATELY 2.971 ACRES ON PROPERTY ZONED RETAIL (HUB CITY CENTRE SPECIFIC PLAN)

BACKGROUND

The City has been in discussions with a Lumar Devco, LLC, its successors and assigns, ("Developer") to create a retail development at the southeast corner of Valley Boulevard and Pepper Avenue. The Developer plans a redevelopment and expansion of retail at the corner, with plans to purchase both parcels at that corner, consisting of a portion of the Old Valley Boulevard right-of-way and a parcel owned by a private party.

In 1998, certain remnant properties of Old Valley Boulevard, after the realignment of Valley Boulevard, were under a Land Exchange Agreement ("Exchange Agreement") with the County of San Bernardino relating to a 1995 Memorandum of Understanding for traffic mitigation and infrastructure improvements associated with the construction of the Arrowhead Regional Medical Center (ARMC). This realignment and intersection project for Valley Boulevard and Pepper Avenue, and a later exchange of properties created unused Old Valley right-of-way and remnant parcels both east and west of Pepper.

One of the remnant parcels (APN 0254-191-09), consisting of .93 acres on the east side of Pepper Avenue, was purchased by Pacific Ocean Drive 3315, LLC ("Pacific Ocean Drive") and has been used by Edward Berki in recent years as a used car dealership. The other remnant parcel (APN 0254-191-11), on the east is the former right-of-way, is identified as "Old Valley Boulevard", and is approximately 2.041 acres. It is owned in fee by the County of San Bernardino pursuant to the

first amendment to the Exchange Agreement, approved by the Colton City Council on January 18, 2011.

The City has been in ongoing conversations with the County of San Bernardino Real Estate Services Department regarding the sale of the County Parcel to the City. This transaction is similar to the transaction on the southwest corner of Valley and Pepper, through which a County remnant parcel resulting from the same realignment of Valley Boulevard was sold for redevelopment. The County is allowed to sell land directly to a City for an economic development use to benefit the City and further the vision of the City.

A Purchase and Sales Agreement between the City and the County has been prepared for the purchase of the County Parcel (approximately 88,906 square feet) by the City. The City has received a letter of intent from the owner of the Pacific Ocean Drive parcel to sell his parcel of 0.93 acres to the City (approximately 40,511 square feet) and a Purchase and Sales Agreement has been prepared. Both parcels (**See Attachment A**) will be sold to the Developer through a Disposition and Development Agreement ("DDA") between the City and the Developer. Because of the economic benefit to the City of a larger retail use on the site, the City will sell the parcels to the Developer at cost.

The DDA between the City and the Developer has been prepared for the sale of both parcels to the Developer, comprising the "Project Site". The combined approximate size is 129,417 square feet, or approximately 3 acres for the development of retail uses. (**See Attachment B**). The DDA will clarify that Developer will, among other things, develop the Site with retail uses, such as quick service restaurants, casual dining, or other uses acceptable to the City. (**See Attachment C**).

Government Code section 65402 requires the disposition of City property be presented to the City's Planning Commission for a finding that the disposition of the properties from the City to Developer is in conformance with the City's General Plan. Since the sale of both parcels by the City to the Developer will occur as soon as is practicable, the finding of conformity action is being taken now to minimize the length of time the City will own the parcels.

PROPERTY INFORMATION

Location:	Southeast corner of Valley Boulevard and Pepper Avenue.
Lot Size:	Approximately 3 acres. APN 0254-191-11; Old Valley Boulevard, County Parcel, comprised of 88,906 square feet; and a privately owned parcel, APN 0254-191-09, comprised of 40,511 square feet. Total Project Size is 129,417 square feet; approximately 3 acres
Existing/Previous Land Use:	Corner parcel has existing used car lot; Old Valley Boulevard portion developed as street right-of-way.
General Plan Land Use:	Retail within the Hub City Centre Specific Plan
Zoning:	Retail

Surrounding Properties:

	Existing Land Use	**Zoning**	**General Plan Land Use**
North	Hospital (West ½) Habitat Conservation (East ½)	Public Institution Public Institution	Public Institution Hub City Centre Specific Plan
South	Interstate 10	Not Applicable	Not Applicable
East	Retail	Office Mixed Use	Hub City Centre Specific Plan
West	Retail	Retail	Hub City Centre Specific Plan

ANALYSIS

GENERAL PLAN CONFORMITY

The General Plan designation of the Site is Retail within the Hub City Centre Specific Plan. The proposed project is retail. The retail project described in the DDA is a use allowed by right in a Retail area.

Pepper Avenue is also designated as "Major Gateway" for the City. As such, Goal LU-17 in the General Plan seeks to "Revitalize...Pepper Avenue as (an) attractive and economically healthy commercial corridor." The project, as reflected in the DDA, is planned to meet that goal, by providing for new construction on the site, including development of quick service restaurants, restaurant or casual dining, and other retail space.

Development of this project meets several of the goals of the General Plan. Key goals met by the project are:

- ***General Plan Land Use Element Policy LU-1.5:*** *Encourage the assemblage of small lots to create more cohesive development sites.*
- ***General Plan Goal LU-3:*** *"Ensure a strong and diversified economic base to provide for fiscal stability and sustainability."*
- ***General Plan Goal LU-9:*** *"Maintain a diverse mix of commercial uses that benefit the community in terms of needed commercial services, tax revenue, and employment opportunities."*
- ***General Plan Land Use Goal LU-17:*** *Revitalize Valley Boulevard and Pepper Avenue as attractive and economically healthy commercial corridors.*
- ***General Plan Land Use Policy LU-17:10****: Encourage and facilitate revitalization of properties along Pepper Avenue and Valley Boulevard through lot mergers, street vacations, and City-sponsored programs.*

It is staff's opinion that the sale of the property for a planned development of quick service restaurants, casual dining or other retail space, at this location is in conformity with the General Plan's Land Use Element.

ZONING CONFORMITY

The zoning classification of the Site is Retail. The "Major Gateway" designation of Pepper Avenue encourages property mergers (Policy LU-17.10) to aggregate smaller parcels in to a single, larger commercial site, and has only designated larger expanses of vacant land as Retail to encourage the location of regional-serving and chain store operations to those locations.

It is staff's opinion that the sale of the property for a planned development of quick service restaurants, casual dining or other retail space at this location is in conformity with the General Plan's Zoning Ordinance.

FINDINGS OF CONFORMITY

As required by California Government Code Section 65402, before any City-owned property is sold or disposed of, the Planning Commission is required to review and make certain findings that the location, purpose and extent of the sale as reflected in the DDA, is in conformity with the adopted General Plan.

Upon the Planning Commission's finding of General Plan conformity, the City will be able to move forward with the purchase and subsequent conveyance of the subject parcels to the Developer. The DDA sets out the parameters of the escrow period and terms of sale. The planned development of the site will follow all pertinent procedures to develop a project in the City of Colton.

ENVIRONMENTAL DETERMINATION

The sale of property is not a "project" requiring environmental review pursuant to the California Environmental Quality Act (Public Resources Code, sections 21000, *et seq.*); rather, a sale does not involve any commitment to any specific project and, as a result, is excluded from the definition of "project" in section 15378(b)(4) of the State CEQA Guidelines (Title 14 California Code of Regulations sections 15000, *et seq.*).

The project, as described in the DDA, will be analyzed for any environmental impacts as part of the CEQA process required of any development project in the City, and any impacts will be addressed/mitigated as part of that process.

RECOMMENDATION:

Staff recommends Planning Commission approval of the finding of conformity with the General Plan, of parcel 0254-191-11, owned by the County to be purchased by the City and sold to the Developer and the Privately Parcel, 0254-191-09 to be purchased by the City and sold to Developer pursuant to that certain DDA, by adopting Resolution No. R-17-16 (**See Attachment D**)

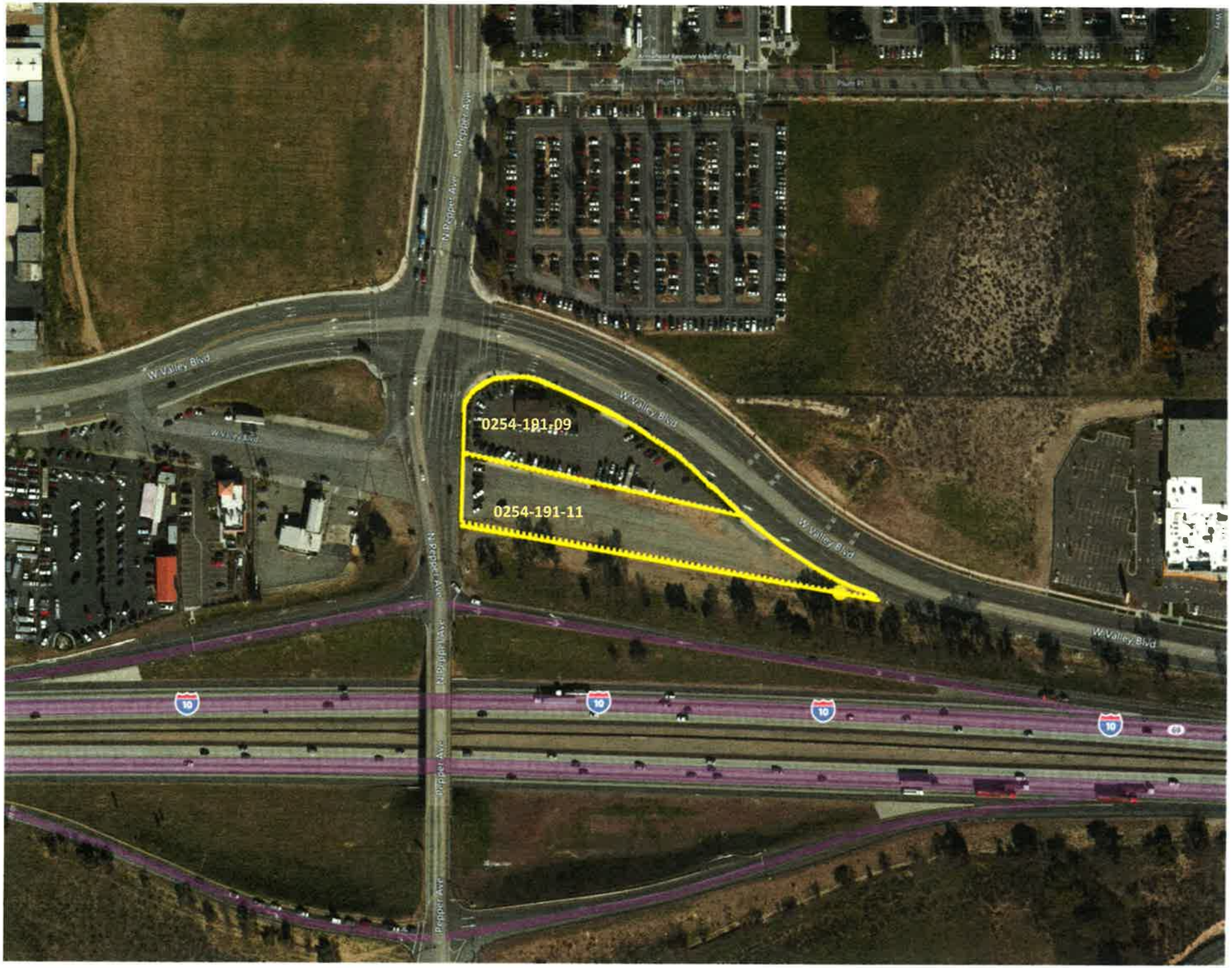
Prepared by:
Art Morgan, Economic Development Manager

Reviewed by:
Mark R. Tomich, AICP, Director

ATTACHMENTS

Attachment A - Aerial of Subject Parcels
Attachment B - Disposition and Development Agreement with LuMar Development, LLC
Attachment C - Draft Site Plan
Attachment D - Planning Commission Resolution No. R-17-16

Attachment A—Aerial of Subject Parcels



DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

by and between the

CITY OF COLTON,
a California municipal corporation

and

LUMAR DEVCO, LLC
a California limited liability company

[Dated as of _____, 2016, for reference purposes only]

DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

This DISPOSITION AND DEVELOPMENT AGREEMENT (Valley & Pepper) ("**Agreement**") is dated as of _____, 2016, for reference purposes only, and is entered into by and between the CITY OF COLTON, a California municipal corporation ("**City**"), and LUMAR DEVCO, LLC, a California limited liability company ("**Developer**"). City and Developer enter into this Agreement with reference to the following recitals of fact (each, a "**Recital**"):

RECITALS

A. City is in the process of negotiating a purchase and sale agreement with Ed Berki DBA Pacific Ocean Drive 3315 LLC ("**Berki Agreement**") for City to acquire approximately 40,615 square feet (0.93 acres) of real property located at 1595 West Valley Boulevard, in the City of Colton, County of San Bernardino, State of California (APN 0254-191-09) ("**Berki Parcel**"), as more particularly described in Exhibit A-1 attached to this Agreement and incorporated into this Agreement by this reference.

B. City is also in the process of negotiating a purchase and sale agreement with the County of San Bernardino, a political subdivision of the State of California ("**County Agreement**") for City to acquire approximately 88,862 square feet (2.04 acres) of real property previously designated as Valley Boulevard, located to the east of Pepper Avenue, in the City of Colton, County of San Bernardino, State of California (APN 0254-191-11) ("**County Parcel**"), as more particularly described in Exhibit A-2 attached to this Agreement and incorporated into this Agreement by this reference.

C. Developer desires to acquire and redevelop the Berki Parcel and County Parcel (collectively, the "**Property**") as quick service restaurants, casual dining or other acceptable retail uses, as more specifically defined in Section 1.1.79 of this Agreement as the "**Project**."

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION AND THE PROMISES AND COVENANTS OF CITY AND DEVELOPER SET FORTH IN THIS AGREEMENT, CITY AND DEVELOPER AGREE, AS FOLLOWS:

TERMS AND CONDITIONS

1. DEFINITIONS; EFFECTIVE DATE.

1.1 Definitions. The following words, terms and phrases are used in this Agreement with the following meanings, unless the particular context or usage of a word, term or phrase requires another interpretation:

1.1.1 **Affiliate**. Any other Person, directly or indirectly, Controlling or Controlled by or under common Control with the specified Person.

1.1.2 **Agreement**. This Disposition and Development Agreement (Valley & Pepper) by and between City and Developer, including all of the exhibits attached to this Agreement.

1.1.3 **ALTA Survey**. A survey of the Property prepared by a State licensed civil engineer or surveyor selected by Developer in accordance with current ALTA/ASCM standards and sufficient for the Title Company to issue the Developer Title Policy.

1.1.4 **Application.** Any agreement, application, certificate, document or submission (or amendment of any of the foregoing): (a) necessary or appropriate for the Project, including any application for any building permit, Certificate of Occupancy, utility service or hookup, easement, covenant, condition, restriction, subdivision or such other instrument as Developer may reasonably request for the Project; or (b) to enable Developer to seek any Approval or to use and operate the Project in accordance with this Agreement.

1.1.5 **Approval.** Any license, permit, approval, consent, certificate, ruling, variance, authorization, conditional use permit, or amendment to any of the foregoing, as shall be necessary or appropriate under any Law to commence, perform or complete the construction of the Project on the Property, including any associated CEQA Document.

1.1.6 **Automobile Liability Insurance**. Insurance coverage against claims of personal injury (including bodily injury and death) and property damage covering all owned, hired and non-owned vehicles used by Developer regarding the Project, with minimum limits for bodily injury and property damage of One Million Dollars ($1,000,000). Such insurance shall be provided by a business or commercial vehicle policy and may be provided through a combination of primary and excess or umbrella policies, all of which shall be subject to pre-approval by City, which approval shall not be unreasonably withheld.

1.1.7 **Bankruptcy Law**. Title 11, United States Code, and any other or successor State or Federal statute relating to assignment for the benefit of creditors, appointment of a receiver or trustee, bankruptcy, composition, insolvency, moratorium, reorganization, or similar matters.

1.1.8 **Bankruptcy Proceeding**. Any proceeding, whether voluntary or involuntary, under any Bankruptcy Law.

1.1.9 **Berki**. Ed Berki DBA Pacific Ocean Drive 3315 LLC, a California limited liability company.

1.1.10 **Berki Agreement**. A purchase and sale agreement between Berki and City for City to acquire the Berki Parcel.

1.1.11 **Berki Parcel**. That certain parcel of real property specifically described in Exhibit A-1 attached to this Agreement.

1.1.12 **Builder's Risk Insurance**. Builder's risk or course of construction insurance covering all risks of loss, less policy exclusions, on a completed value (non-reporting) basis, in an amount sufficient to prevent co-insurance, but in any event not less than one hundred percent (100%) of the completed value of the subject construction, including cost of debris removal, but excluding foundation and excavations. Such insurance shall also: (a) grant permission to occupy; and (b) cover, for replacement cost, all materials on or about any offsite storage location intended for use in, or in connection with, the Property.

1.1.13 **Business Day**. Any weekday on which the City is open to conduct regular municipal functions with City personnel.

1.1.14 **CEQA**. The California Environmental Quality Act, Public Resources Code Section 21000 et seq.

1.1.15 **CEQA Documents**. Any exemption determination, any Negative Declaration (mitigated or otherwise) or any Environmental Impact Report (including any addendum or amendment to, or subsequent or supplemental Environmental Impact Report) required or permitted by any Government, pursuant to CEQA, to issue any discretionary Approval required to approve this Agreement.

1.1.16 **Certificate of Occupancy**. A Certificate of Occupancy as defined in the California Building Code, as the same may be amended from time to time or adopted or modified by the City from time to time.

1.1.17 **City**. The City of Colton, California, a California municipal corporation.

1.1.18 **City Deed**. A grant deed conveying City's interest in the Property from City to Developer, at the Close of Escrow, substantially in the form of Exhibit B attached to this Agreement.

1.1.19 **City Manager**. The City Manager of City or his or her designee or successor in function.

1.1.20 **Claim**. Any claim, loss, cost, damage, expense, liability, lien, action, cause of action (whether in tort, contract, under statute, at law, in equity or otherwise), charge, award, assessment, fine or penalty of any kind (including consultant and expert fees and expenses and investigation costs of whatever kind or nature, and if an Indemnitor improperly fails to provide a defense for an Indemnitee, then Legal Costs) and any judgment.

1.1.21 **Close of Escrow**. The first date on which the Escrow Agent has filed all of the documents set forth in Section 3.9.1 with the County for recording in the official records of the County in accordance with Section 3.9.1.

1.1.22 **Completion Certificate**. City's written certification acknowledging that the Project is complete in accordance with the terms and conditions of this Agreement, substantially in the form of Exhibit G attached to this Agreement.

1.1.23 **Construction Drawings**. The final construction drawings and specifications and finished grading and landscape plans for the Project.

1.1.24 **Control**. Possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether by ownership of Equity Interests, by contract or otherwise.

1.1.25 **County**. The County of San Bernardino, California.

1.1.26 **County Agreement**. A purchase and sale agreement between the County and City for City to acquire the County Parcel.

1.1.27 **County Parcel**. That certain parcel of real property specifically described in Exhibit A-2 attached to this Agreement.

1.1.28 **Default**. An Escrow Default, Monetary Default or Non-Monetary Default.

1.1.29 **Default Interest**. Interest at an annual rate equal to the lesser of: (a) eight percent (8%) per annum; or (b) the Usury Limit.

1.1.30 **Deposit.** Twenty Five Thousand Dollars ($25,000) in cash or immediately available funds.

1.1.31 **Developer**. Lumar Devco, LLC, a California limited liability company, and any successors or assigns of such Person permitted under the terms and conditions of this Agreement.

1.1.32 **Developer Official Action**. The official action of the Board of Directors, shareholders, members, managers or other Persons in Control of Developer in substantially the form attached to this Agreement as Exhibit D authorizing Developer to enter into and perform this Agreement.

1.1.33 **Developer Parties**. Collectively, Developer and the directors, officers, employees, agents, shareholders, members, managers and partners of Developer.

1.1.34 **Developer Title Policy**. An ALTA owners' policy of title insurance issued by the Title Company, with coverage in the amount of the Purchase Price, showing title to the Property vested in Developer.

1.1.35 **Due Diligence Completion Notice**. A written notice from Developer delivered to City prior to the end of the Due Diligence Period and stating Developer's unconditional acceptance of the condition of the Property or stating Developer's rejection of the condition of the Property and refusal to accept a conveyance of title to the Property, describing in reasonable detail the actions that Developer reasonably believes are indicated to allow Developer to unconditionally accept the condition of the Property.

1.1.36 **Due Diligence Investigations**. Developer's due diligence investigations of the Property to determine the suitability of the Property for development and operation of the Project, including investigation of the environmental and geotechnical suitability of the Property, as deemed appropriate in the reasonable discretion of Developer, all at the sole cost and expense of Developer.

1.1.37 **Due Diligence Period**. The time period of four (4) months commencing on the Escrow Opening Date.

1.1.38 **Effective Date.** This Agreement shall become effective on the first date on which all of the following have occurred: (a) City has received three (3) counterpart originals of this Agreement signed by the authorized representative(s) of Developer; (b) City has received

a certified copy of the Developer Official Action signed by the authorized representative(s) of Developer; (c) this Agreement is approved by the City Council of City; (d) this Agreement is signed by the authorized representative(s) of City; (e) one (1) original of this Agreement signed by the authorized representative(s) of City has been delivered by City to Developer; (f) the County has approved a purchase and sale agreement for the County Parcel; and (g) Berki has approved a purchase and sale agreement for the Berki Parcel. City shall send Notice of the Effective Date to Developer within seven (7) days following the Effective Date. Developer shall sign and return a copy of such Notice to City within seven (7) days after receipt of such Notice.

1.1.39 **Entitlements**. All governmental designations, permits, Approvals, and certifications necessary to commence construction of the Project. Entitlements may be legislative or adjudicatory, ministerial or discretionary, and issued by any Government with jurisdiction over the Project. Examples of Entitlements include but are not limited to general and community plan designations, specific plans, zoning requirements, tentative subdivision maps, tentative parcel maps, final subdivision maps, parcel maps, CEQA Documents, use permits, variances, building permits, sign permits and site plan approvals, to be submitted by Developer and approved by City, in City's sole and absolute discretion.

1.1.40 **Environmental Claim**. Any and all claims, demands, damages, losses, liabilities, obligations, penalties, fines, actions, causes of action, judgments, suits, proceedings, costs, disbursements and expenses, including Legal Costs and fees and costs of environmental consultants and other experts, and all foreseeable and unforeseeable damages or costs of any kind or of any nature whatsoever, directly or indirectly, relating to or arising from any actual or alleged violation of any Environmental Laws or Hazardous Substance Discharge.

1.1.41 **Environmental Laws**. All Federal, State, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements of any government authority regulating, relating to, or imposing liability or standards of conduct concerning any Hazardous Substance (as later defined), or pertaining to occupational health or industrial hygiene (and only to the extent that the occupational health or industrial hygiene laws, ordinances, or regulations relate to hazardous substances on, under, or about the Property), occupational or environmental conditions on, under, or about the Property, as now or may at any later time be in effect, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") [42 USC Section 9601 et seq.]; the Resource Conservation and Recovery Act of 1976 ("RCRA") [42 USC Section 6901 et seq.]; the Clean Water Act, also known as the Federal Water Pollution Control Act ("FWPCA") [33 USC Section 1251 et seq.]; the Toxic Substances Control Act ("TSCA") [15 USC Section 2601 et seq.]; the Hazardous Materials Transportation Act ("HMTA") [49 USC Section 1801 et seq.]; the Insecticide, Fungicide, Rodenticide Act [7 USC Section 6901 et seq.] the Clean Air Act [42 USC Section 7401 et seq.]; the Safe Drinking Water Act [42 USC Section 300f et seq.]; the Solid Waste Disposal Act [42 USC Section 6901 et seq.]; the Surface Mining Control and Reclamation Act [30 USC Section 101 et seq.] the Emergency Planning and Community Right to Know Act [42 USC Section 11001 et seq.]; the Occupational Safety and Health Act [29 USC Section 655 and 657]; the California Underground Storage of Hazardous Substances Act [California Health & Safety Code Section 25288 et seq.]; the California Hazardous Substances Account Act [California Health & Safety Code Section 25300 et seq.]; the California Safe Drinking Water and Toxic Enforcement Act [California Health & Safety Code Section 24249.5 et seq.]; the Porter-Cologne Water Quality Act [California Water Code Section 13000 et seq.]; together with any amendments of or regulations

promulgated under the statutes cited above or any other Federal, State, or local law, statute, ordinance, or regulation now in effect or later enacted that pertains to occupational health or industrial hygiene (to the extent the occupational health or industrial hygiene laws, ordinances, or regulations relate to Hazardous Substances on, under, or about the Property) or the regulation or protection of the environment, including ambient air, soil, soil vapor, groundwater, surface water, or land use.

1.1.42 **Equity Interest**. All or any part of any direct equity or ownership interest(s) (whether stock, partnership interest, beneficial interest in a trust, membership interest in a limited liability company, or other interest of an ownership or equity nature) in any entity, at any tier of ownership, that directly owns or holds any ownership or equity interest in a Person.

1.1.43 **Escrow**. An escrow, as defined in Civil Code Section 1057 and Financial Code Section 17003(a), that is conducted by the Escrow Agent with respect to the conveyance of the Property from City to Developer pursuant to this Agreement.

1.1.44 **Escrow Agent**. First American Title Company, through its office located at 323 W Court St, San Bernardino, CA 92401, or such other Person mutually agreed upon in writing by both City and Developer.

1.1.45 **Escrow Closing Statement**. A statement prepared by the Escrow Agent indicating, among other things, the Escrow Agent's estimate of all funds to be deposited or received by City or Developer, respectively, and all charges to be paid by City or Developer, respectively, through the Escrow.

1.1.46 **Escrow Default**. The unexcused failure to submit any document or funds to the Escrow Agent as reasonably necessary to close the Escrow, pursuant to the terms and conditions of this Agreement, after all other conditions precedent to the Close of Escrow for the benefit of such Party are satisfied or waived by such Party.

1.1.47 **Escrow Opening Date**. The first date on which a copy of this Agreement signed by both City and Developer is deposited with the Escrow Agent but no later than thirty (30) days following the Effective Date.

1.1.48 **Event of Default**. The occurrence of any one or more of the following:

(a) *Monetary Default*. A Monetary Default that continues for seven (7) calendar days after Notice from the non-defaulting Party, specifying in reasonable detail the amount of money not paid and the nature and calculation of each such payment;

(b) *Escrow Default*. An Escrow Default that continues for seven (7) calendar days after Notice from the non-defaulting Party, specifying in reasonable detail the document or funds not submitted;

(c) *Bankruptcy or Insolvency*. Developer admits in writing that Developer is unable to pay its debts as they become due or becomes subject to any Bankruptcy Proceeding (except an involuntary Bankruptcy Proceeding dismissed within ninety (90) days after commencement), or a custodian or trustee is appointed to take possession of, or an attachment, execution or other judicial seizure is made with respect to, substantially all of Developer's assets

or Developer's interest in this Agreement, the Property or the Project (unless such appointment, attachment, execution, or other seizure was involuntary, and is contested with diligence and continuity and vacated and discharged within ninety (90) days);

(d) *Transfer.* The occurrence of a Transfer, whether voluntarily or involuntarily or by operation of Law, in violation of the terms and conditions of this Agreement; or

(e) *Non-Monetary Default.* Any Non-Monetary Default other than those specifically addressed in Section 1.1.48(c) or Section 1.1.48(d) that is not cured within thirty (30) days after Notice to the Party alleged to be in Default describing the Non-Monetary Default in reasonable detail, or, in the case of a Non-Monetary Default that cannot with reasonable diligence be cured within thirty (30) calendar days after the effective date of such Notice, if the Party alleged to be in Default does not do all of the following: (a) within thirty (30) calendar days after the initial Notice of such Non-Monetary Default, advise the other Party of the intention of the Party alleged to be in Default to take all reasonable steps to cure such Non-Monetary Default; (b) duly commence such cure within such period; and (c) diligently prosecute such cure to completion within a reasonable time under the circumstances.

1.1.49 **Federal**. The federal government of the United States of America.

1.1.50 **Form 593**. A California Franchise Tax Board Form 593-C.

1.1.51 **Government**. Any and all courts, boards, agencies, commissions, offices, or authorities of any nature whatsoever for any governmental unit (Federal, State, County, district, municipal, City or otherwise) whether now or later in existence.

1.1.52 **Hazardous Substance**. Any flammable substances, explosives, radioactive materials, asbestos, asbestos-containing materials, polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxicity, pollutants, contaminants, hazardous wastes, medical wastes, toxic substances or related materials, explosives, petroleum, petroleum products and any "hazardous" or "toxic" material, substance or waste that is defined by those or similar terms or is regulated as such under any Law, including any material, substance or waste that is: (a) defined as a "hazardous substance" under Section 311 of the Water Pollution Control Act (33 U.S.C. § 1317), as amended; (b) designated as "hazardous substances" pursuant to 33 U.S.C. § 1321; (c) defined as a "hazardous waste" under Section 1004 of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended; (d) defined as a "hazardous substance" or "hazardous waste" under Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq., or any so-called "superfund" or "superlien" law; (e) defined as a "pollutant" or "contaminant" under 42 U.S.C. § 9601(33); (f) defined as "hazardous waste" under 40 C.F.R. Part 260; (g) defined as a "hazardous chemical" under 29 C.F.R. Part 1910; (h) any matter within the definition of "hazardous substance" set forth in 15 U.S.C. § 1262; (i) any matter, waste or substance regulated under the Toxic Substances Control Act ("TSCA") [15 U.S.C. Sections 2601 et seq.]; (j) any matter, waste or substance regulated under the Hazardous Materials Transportation Act, 49 U.S.C. Sections 1801 et seq.; (k) those substances listed in the United States Department of Transportation (DOT)Table [49 C.F.R. 172.101]; (l) any matter, waste or substances designated by the EPA, or any successor authority, as a hazardous substance [40 C.F.R. Part 302]; (m) any matter, waste or substances defined as

"hazardous waste" in Section 25117 of the California Health and Safety Code; (n) any substance defined as a "hazardous substance" in Section 25316 of the California Health and Safety Code; (o) subject to any other Law regulating, relating to or imposing obligations, liability or standards of conduct concerning protection of human health, plant life, animal life, natural resources, property or the enjoyment of life or property free from the presence in the environment of any solid, liquid, gas, odor or any form of energy from whatever source; or (p) other substances, materials, or wastes that are, or become, regulated or classified as hazardous or toxic under Law or in the regulations adopted pursuant to said Law, including manure, asbestos, polychlorinated biphenyl, flammable explosives and radioactive material.

1.1.53 **Hazardous Substance Discharge**. Any deposit, discharge, generation, release, or spill of a Hazardous Substance that occurs at, on, under, into or from the Property, or during transportation of any Hazardous Substance to or from the Property, or that arises at any time from the construction, installation, use or operation of the Project or any activities conducted at on, under or from the Property, whether or not caused by a Party.

1.1.54 **Indemnify**. Where this Agreement states that any Indemnitor shall "indemnify" any Indemnitee from, against, or for a particular Claim, that the Indemnitor shall indemnify the Indemnitee and defend and hold the Indemnitee harmless from and against such Claim (alleged or otherwise). "**Indemnified**" shall have the correlative meaning.

1.1.55 **Indemnitee**. Any Person entitled to be Indemnified under the terms of this Agreement.

1.1.56 **Indemnitor**. A Party that agrees to Indemnify any other Person under the terms of this Agreement.

1.1.57 **Institutional Lender**. Any of the following: (a) a bank (State or Federal), trust company (in its individual or trust capacity), insurance company, credit union, savings bank (State or Federal), pension, welfare or retirement fund or system, real estate investment trust (or an umbrella partnership or other entity of which a real estate investment trust is the majority owner), Federal or State agency regularly making or guaranteeing mortgage loans, investment bank or a Fortune 500 company; or (b) any Person that is an Affiliate of or is a combination of any one or more of the Persons described in clause "(a)" of this Section 1.1.57.

1.1.58 **Insurance Documents**. Insurance policies and endorsements evidencing all insurance coverage required to be obtained by Developer pursuant to Section 5.

1.1.59 **Law**. Every law, ordinance, requirement, order, proclamation, directive, rule, or regulation of any Government applicable to the Property or the Project, in any way, including any development, use, maintenance, taxation, operation, or occupancy of, or environmental conditions affecting the Property or the Project, or relating to any taxes, or otherwise relating to this Agreement or any Party's rights, obligations or remedies under this Agreement, or any Transfer of any of the foregoing, whether in force on the Effective Date or passed, enacted, modified, amended or imposed at some later time, subject in all cases, however, to any applicable waiver, variance, or exemption.

1.1.60 **Legal Costs**. In reference to any Person, all reasonable costs and expenses such Person incurs in any legal proceeding (or other matter for which such Person is

entitled to be reimbursed for its Legal Costs), including reasonable attorneys' fees, court costs and expenses and consultant and expert witness fees and expenses.

1.1.61 **Liability Insurance**. Commercial general liability insurance against claims for bodily injury, personal injury, death, or property damage occurring upon, in, or about the Property, the Project or adjoining streets or passageways, at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars ($2,000,000) for any one occurrence and which may be provided through a combination of primary and excess or umbrella insurance policies. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Property or the general aggregate limit shall be twice the required minimum liability limit for any one occurrence.

1.1.62 **Monetary Default**. Any failure by either Party to pay or deposit, when and as this Agreement requires, any amount of money, any bond or surety or evidence of any insurance coverage required to be provided under this Agreement, whether to or with a Party or a Third Person, except to the extent constituting an Escrow Default.

1.1.63 **Non-Monetary Default**. The occurrence of any of the following, except to the extent constituting a Monetary Default or an Escrow Default: (a) any failure of a Party to perform any of its obligations under this Agreement; (b) any failure of a Party to comply with any material restriction or prohibition in this Agreement; or (c) any other event or circumstance that, with passage of time or giving of Notice, or both, or neither, would constitute a breach of this Agreement by a Party.

1.1.64 **Notice**. Any consent, demand, designation, election, notice, or request relating to this Agreement, including any Notice of Default. All Notices must be in writing.

1.1.65 **Notice of Agreement**. A notice in substantially the form of Exhibit C attached to this Agreement to be signed by both City and Developer and recorded against the Property at the Close of Escrow to provide constructive record notice of the existence and application of this Agreement to the Property.

1.1.66 **Notice of Default**. Any Notice claiming or giving Notice of a Default or alleged Default.

1.1.67 **Notify**. To give a Notice.

1.1.68 **Outside Closing Date**. Twelve (12) months from the Escrow Opening Date; provided, however, that Developer may in writing exercise its option to extend the Outside Closing Date for up to three (3) consecutive two (2) month extensions, in its sole and absolute discretion.

1.1.69 **Parties**. Collectively, City and Developer.

1.1.70 **Party**. Individually, either City or Developer, as applicable.

1.1.71 **Performance Schedule**. The schedule for performance of various actions by Developer or City under this Agreement attached as Exhibit E to this Agreement.

1.1.72 **Permanent Loan**. A loan from an Institutional Lender to the Developer that will be used solely to completely pay-off the Project Construction Financing, including the reasonable costs of obtaining the loan and any reasonable and customary fees or charges relating to pay-off of the Project Construction Financing.

1.1.73 **Permitted Encumbrance**. Any or all of the following: (a) all items shown in the Preliminary Report, as exceptions to coverage under the proposed Developer Title Policy, that are approved by Developer pursuant to Section 2.2; (b) any lien for non-delinquent property taxes or assessments; (c) any Laws applicable to the Property; (d) this Agreement; (e) the covenants, conditions or powers in the City Deed; (f) the Notice of Agreement; (g) any existing improvements on the Property; (h) a Permitted Security Instrument; (i) reasonable construction, utility, access or other easements or licenses, reciprocal easement agreements, declarations of conditions, covenants and restrictions, memoranda of lease or similar agreements made or entered into in connection with the development or operation of the Project on the Property by Developer in accordance with this Agreement and the City Deed; and (j) any other document or encumbrance expressly required or allowed to be recorded against the Property or the Project under the terms of this Agreement.

1.1.74 **Permitted Security Instrument**. Any Security Interest: (a) that encumbers only the Property or any interest in the Property; (b) a copy of which (recorded or unrecorded) is promptly after execution delivered to City, with a certification by the Institutional Lender that the copy is accurate and stating the Institutional Lender's name and notice address; (c) that is held by an Institutional Lender that is subject to the jurisdiction of the courts of the State, not immune from suit and cannot elect to be immune from suit; and (d) only secures: (i) the repayment of the Project Construction Financing; (ii) the Permanent Loan; (iii) a delivery assurance fee regarding a Permanent Loan that is refundable to Developer at the close of the Permanent Loan; or (iv) any refinancing permitted under the terms and conditions of this Agreement.

1.1.75 **Person**. Any association, corporation, governmental entity or agency, individual, joint venture, joint-stock company, limited liability company, partnership, trust, unincorporated organization, or other entity of any kind.

1.1.76 **Preliminary Report**. One or more preliminary reports issued by the Title Company in contemplation of issuance of the Developer Title Policy, accompanied by the best available copies of all documents listed in Schedule B of the report as exceptions to coverage under the proposed policy of title insurance.

1.1.77 **Prevailing Wage Action**. Any of the following: (a) any determination by the State Department of Industrial Relations that prevailing wage rates should have been paid, but were not; (b) any determination by the State Department of Industrial Relations that higher prevailing wage rates than those paid should have been paid; (c) any administrative or legal action or proceeding arising from any failure to comply with any of California Labor Code Sections 1720 through 1781, as amended from time to time, or any Federal Law regarding prevailing wages, including maintaining certified payroll records pursuant to California Labor Code Section 1776; or (d) any administrative or legal action or proceeding to recover wage amounts at law or in equity, including pursuant to California Labor Code Section 1781 or applicable Federal Law.

1.1.78 **Prohibited Encumbrance**. Any Security Instrument, mechanic's lien, easement or other encumbrance recorded or asserted against the Property or the Project that is not a Permitted Encumbrance.

1.1.79 **Project**. The planning, design, construction and initial occupancy of the Property as quick service restaurants, casual dining or other acceptable retail uses.

1.1.80 **Project Construction Financing**. One or more loans that Developer shall obtain from one or more Institutional Lenders, the proceeds of which are to be used and applied solely to pay the reasonable costs of obtaining such loan(s), the costs of acquiring the Property, and the planning, designing and building of the Project. Such loan(s) shall provide for normal and customary disbursement controls for the payment of construction costs as construction progresses and normal and customary fees and expenses for loan(s) of similar size and purpose.

1.1.81 **Property**. Collectively, the Berki Parcel and County Parcel. An aerial depiction of the Property is attached to this Agreement as Exhibit A-3 and incorporated into this Agreement by this reference.

1.1.82 **Punchlist Work**. Construction of an insubstantial nature that, if not completed, will not delay issuance of a final Certificate of Occupancy (or equivalent Approval) for the Project by the City or materially interfere with the use or operation of the Project.

1.1.83 **Purchase Price**. An amount equal to: (a) the purchase price for the County Parcel in the amount of One Million One Hundred Thirty-Four Thousand Dollars ($1,134,000), as set by the County Agreement; (b) any escrow fees and costs incurred by City under the County Agreement; (c) the purchase price for the Berki Parcel in the amount of One Million Six Hundred Thousand Dollars ($1,600,000), as set by the Berki Agreement; and (d) any escrow fees and costs incurred by City under the Berki Agreement.

1.1.84 **Security Instrument**. Any security instrument, deed of trust, security deed, contract for deed, deed to secure debt, or other voluntary real property (including leasehold) security instrument(s) or agreement(s) intended to grant real property (including leasehold) security for any obligation (including a purchase-money or other promissory note) encumbering the Property, as entered into, renewed, modified, consolidated, increased, decreased, amended, extended, restated, assigned (wholly or partially), collaterally assigned, or supplemented from time to time, unless and until completely paid, satisfied, and discharged of record.

1.1.85 **State**. The State of California.

1.1.86 **Third Person**. Any Person that is not a Party, an Affiliate of a Party or an elected official, officer, director, manager, shareholder, member, principal, partner, employee or agent of a Party.

1.1.87 **Title Company**. First American Title Company, or such other Person mutually agreed upon in writing by both City and Developer.

1.1.88 **Title Notice**. A written notice from Developer to City stating Developer's acceptance of the state of the title to the Property, as described in the Preliminary

Report for the Developer Title Policy, or Developer's disapproval or conditional approval of specific matters shown in Schedule B of such Preliminary Report as exceptions to coverage under the proposed Developer Title Policy, describing in reasonable detail the actions that Developer reasonably believes are indicated to obtain Developer's unconditional approval of the state of the title to the Property.

1.1.89 **Title Notice Response**. The written response of City to the Title Notice, in which City either elects to: (a) cause the removal from the Preliminary Report for the Developer Title Policy of any matters disapproved in the Title Notice; (b) obtain title or other insurance or endorsement in a form reasonably satisfactory to Developer insuring against any matters disapproved or conditionally approved in the Title Notice; or (c) not take either action described in clause "(a)" or "(b)" of this Section 1.1.89.

1.1.90 **Title Notice Waiver**. A written notice from Developer to City waiving Developer's previous disapproval or conditional approval in the Title Notice of specific matters shown in Schedule B of the Preliminary Report for the Developer Title Policy as exceptions to coverage under the proposed Developer Title Policy.

1.1.91 **Transfer**. Regarding the Property or each and every right or obligation of Developer under this Agreement, any of the following, whether by operation of Law or otherwise, whether voluntary or involuntary, and whether direct or indirect: (a) any assignment, conveyance, grant, hypothecation, mortgage, pledge, sale, or other transfer, whether direct or indirect, of all or any part of the Property or any or all of Developer's rights or obligations under this Agreement, or of any legal, beneficial, or equitable interest or estate in all or any part of the Property or any or all of Developer's rights or obligations under this Agreement (including the grant of any easement, lien, or other encumbrance); (b) any conversion, exchange, issuance, modification, reallocation, sale or other transfer of any Equity Interest(s) in the owner of all or any part of the Property or any or all of Developer's rights or obligations under this Agreement by the holders of such Equity Interest(s); (c) any conversion, exchange, issuance, modification, reallocation, sale, or other transfer of any Equity Interest(s) in any Person or combination of Persons owning fifty percent (50%) or more of the Equity Interests in Developer or otherwise in Control of Developer by the holders of such Equity Interest(s) (any such transactions occurring within twenty-four (24) months of each other shall be aggregated for the purpose of determining whether or not a Transfer has occurred pursuant to this clause); or (d) any transaction that is in substance equivalent to any of the foregoing. A transaction affecting Equity Interests, as referred to in clauses "(b)" through "(c)" of this Section 1.1.91, shall be deemed a Transfer by Developer even though Developer is not technically the transferor. A "Transfer" shall not, however, include any of the following (provided that the other Party has received thirty (30) calendar days prior Notice of such occurrence) relating to all or any portion of the Property, any or all of the rights or obligations of Developer under this Agreement or any Equity Interest: (i) a mere change in form of ownership with no material change in beneficial ownership and constitutes a tax-free transaction under Federal income tax law and the State real estate transfer tax; or (ii) a conveyance only to member(s) of the immediate family(ies) of the transferor(s) or trusts for their benefit.

1.1.92 **Unavoidable Delay**. A delay in either Party performing any obligation under this Agreement arising from or on account of any cause whatsoever beyond the Party's reasonable control, including strikes, labor troubles or other union activities, casualty, war, acts of terrorism, riots, litigation, governmental action or inaction, regional natural disasters, or

inability to obtain materials. Unavoidable Delay shall not include delay caused by a Party's financial condition or insolvency.

1.1.93 **Usury Limit**. The highest rate of interest, if any, that Law allows under the circumstances.

1.1.94 **Waiver of Subrogation**. A provision in, or endorsement to, any insurance policy, by which the carrier agrees to waive rights of recovery by way of subrogation against either Party to this Agreement for any loss such policy covers.

1.1.95 **Worker's Compensation Insurance**. Worker's compensation insurance complying with the provisions of State law and an employer's liability insurance policy or endorsement to a liability insurance policy, with a minimum liability limit of One Million Dollars ($1,000,000) per accident for bodily injury or disease, covering all employees of Developer.

2. PROPERTY PURCHASE AND SALE

2.1 Purchase and Sale.

2.1.1 Opening of Escrow. Subject to all of the terms and conditions of this Agreement, City shall convey title to the Property to Developer in consideration of Developer paying the Purchase Price to City and Developer's performance of Developer's promises and covenants set forth in this Agreement. Developer shall accept conveyance of title to the Property from City, subject to the Permitted Encumbrances, pursuant to the terms, conditions, covenants, and agreements set forth in this Agreement or the City Deed. For the purposes of exchanging documents to complete the conveyance of title to the Property from City to Developer and the acquisition of title to the Property by Developer from City, pursuant to the terms and conditions of this Agreement, City and Developer agree to open the Escrow with the Escrow Agent. The provisions of Section 3 of this Agreement are the joint escrow instructions of the Parties to the Escrow Agent for conducting the Escrow.

2.1.2 Deposit. Concurrent with its opening of the Escrow, Developer shall deliver the Deposit to the Escrow Agent. The Deposit is nonrefundable and shall be paid to the City separate from, and in addition to, the Purchase Price at the Close of Escrow. The Parties agree that the Deposit is Developer's consideration to City for any City expenses arising from or related to City's acquisition of the Berki Parcel and County Parcel, excluding the purchase price of the Berki Parcel and County Parcel, which is included in the Purchase Price, and any related escrow charges, as further provided in Section 3.11. Notwithstanding the foregoing, in the event Developer obtains all Entitlements and is able to close Escrow prior to the Outside Closing Date, Developer shall be credited one-twelfth (1/12) of the Deposit for each full calendar month between the Close of Escrow and the Outside Closing Date.

2.2 Independent Contract Consideration. Upon the Effective Date, Developer shall deliver to City the sum of $100.00 ("**Independent Contract Consideration**"), which amount has been bargained for and agreed to as adequate consideration for Developer's right to purchase the Property with the right to terminate this Agreement during the Due Diligence Period and for City's execution, delivery and performance of this Agreement. The Independent Contract Consideration

is in addition to and independent of all other consideration provided in this Agreement and is nonrefundable to Developer in all events.

2.3 Developer Approval of Title to Property.

2.3.1 **Title Notice**. After the Escrow Opening Date, Developer shall request that Title Company prepare and deliver the Preliminary Report to both City and Developer. Within thirty (30) days following Developer's receipt of the Preliminary Report, but in all cases before the end of the Due Diligence Period, Developer shall send the Title Notice to City.

2.3.2 **Failure to Deliver Title Notice**. If Developer fails to send the Title Notice to City within the time period provided in Section 2.3.1, Developer will be deemed to disapprove the status of title to the Property and refuse to accept conveyance of title to the Property and either Developer or City shall have the right to cancel the Escrow and terminate this Agreement upon seven (7) calendar days advance Notice, in their respective sole and absolute discretion.

2.3.3 **Title Notice Response**. Within fifteen (15) days following City's receipt of the Title Notice (if any), City shall send the Title Notice Response to Developer. If the Title Notice does not disapprove or conditionally approve any matter in the Preliminary Report or Developer fails to deliver the Title Notice, City shall not be required to send the Title Notice Response. If City does not send the Title Notice Response, if necessary, within the time period provided in this Section 2.3.3, City shall be deemed to elect not to take any action in reference to the Title Notice. If City elects in the Title Notice Response to take any action in reference to the Title Notice, City shall complete such action, prior to the Close of Escrow or as otherwise specified in the Title Notice Response.

2.3.4 **Title Notice Waiver**. If City elects or is deemed to have elected not to address one or more matters set forth in the Title Notice to Developer's reasonable satisfaction, then within ten (10) calendar days after the earlier of: (a) Developer's receipt of City's Title Notice Response; or (b) the last date for City to deliver its Title Notice Response pursuant to Section 2.3.3, Developer shall either: (i) refuse to accept the title to and conveyance of the Property, or (ii) waive its disapproval or conditional approval of all such matters set forth in the Title Notice by sending the Title Notice Waiver to City. Failure by Developer to timely send the Title Notice Waiver, where the Title Notice Response or City's failure to deliver the Title Notice Response results in City's election not to address one or more matters set forth in the Title Notice to Developer's reasonable satisfaction, will be deemed Developer's continued refusal to accept the title to and conveyance of the Property, in which case either Developer or City shall have the right to cancel the Escrow and terminate this Agreement upon seven (7) calendar days advance Notice, in their respective sole and absolute discretion.

2.3.5 **Amendments to Preliminary Report**. Upon the issuance of any amendment or supplement to the Preliminary Title Report which adds additional exceptions, the foregoing right of review and approval shall also apply to said amendment or supplement, provided, however, that Developer's initial period of review and approval or disapproval of any such additional exceptions shall be limited to five (5) days following receipt of notice of such additional exceptions, together with copies of the underlying documents referenced therein.

2.3.6 **No Termination Liability**. Any termination of this Agreement and cancellation of the Escrow pursuant to a right provided in this Section 2.3 shall be without liability to the other Party or any other Person. Termination shall be accomplished by delivery of a Notice of termination to both the other Party and the Escrow Agent at least seven (7) calendar days prior to the termination date. Following issuance of a Notice of termination of this Agreement pursuant to a right provided under this Section 2.3, the Parties and the Escrow Agent shall proceed pursuant to Section 3.13. Once a Notice of termination is given pursuant to this Section 2.3, delivery of a Title Notice or Title Notice Waiver shall have no force or effect and this Agreement shall terminate in accordance with the Notice of termination.

2.4 Developer Due Diligence Investigations.

2.4.1 **Time and Expense**. Developer shall complete all Due Diligence Investigations within the Due Diligence Period and shall conduct all Due Diligence Investigations at Developer's sole cost and expense.

2.4.2 **Right to Enter.**

(a) Berki Parcel. Developer acknowledges that, as of the Effective Date, City does not own any portion of the Berki Parcel. Following the Effective Date, City shall exercise reasonable efforts to obtain a right of entry to enter the Berki Parcel from Berki that will allow the Developer to conduct the Due Diligence Investigations on the Berki Parcel. Upon receipt of such a right of entry to enter the Berki Parcel, City shall Notify Developer of Developer's right of entry to the Berki Parcel for the sole purpose of conducting the Due Diligence Investigations, subject to all of the terms and conditions of this Agreement and the right of entry agreement. Any Due Diligence Investigations by Developer shall not unreasonably disrupt any then existing use or occupancy of the Berki Parcel. Prior to receipt by City of a right of entry to enter the Berki Parcel, Developer shall not have the right to enter any portion of the Berki Parcel for the purpose of conducting the Due Diligence Investigations.

(b) County Parcel. Developer acknowledges that, as of the Effective Date, City does not own any portion of the County Parcel. Following the Effective Date, City shall exercise reasonable efforts to obtain a right of entry to enter the County Parcel from the County that will allow the Developer to conduct the Due Diligence Investigations on the County Parcel. Upon receipt of such a right of entry to enter the County Parcel, City shall Notify Developer of Developer's right of entry to the County Parcel for the sole purpose of conducting the Due Diligence Investigations, subject to all of the terms and conditions of this Agreement and the right of entry agreement. Any Due Diligence Investigations by Developer shall not unreasonably disrupt any then existing use or occupancy of the County Parcel. Prior to receipt by City of a right of entry to enter the County Parcel, Developer shall not have the right to enter any portion of the County Parcel for the purpose of conducting the Due Diligence Investigations.

2.4.3 **Limitations**. Developer shall not conduct any intrusive or destructive testing on any portion of the Property, other than low volume soil samples, without City's prior written consent. Developer shall pay all of Developer's vendors, inspectors, surveyors, consultants or agents engaged in any inspection or testing of the Property, such that no mechanics liens or similar liens for work performed are imposed upon the Property by any such Person. Following the conduct of any Due Diligence Investigations on the Property, Developer shall

restore the Property to substantially its condition prior to the conduct of such Due Diligence Investigations.

2.4.4 **Indemnification of City**. The activities of Developer or Developer's agents directly or indirectly related to the Due Diligence Investigations shall be subject to Developer's indemnity, defense and hold harmless obligations pursuant to Section 8.5. Developer shall provide City with evidence of Liability Insurance in compliance with Section 5 prior to the commencement of any Due Diligence Investigations on the Property, which insurance shall name City, County and Berki as additional insured.

2.4.5 **Due Diligence Completion Notice**. Developer shall deliver a Due Diligence Completion Notice to City prior to the end of the Due Diligence Period. If Developer does not unconditionally accept the condition of the Property by delivery of its Due Diligence Completion Notice stating such unconditional acceptance, prior to the end of the Due Diligence Period, Developer shall be deemed to have rejected the condition of the Property and refused to accept conveyance of title to the Property. If the condition of the Property is rejected or deemed rejected by Developer, then either City or Developer shall have the right to cancel the Escrow and terminate this Agreement upon seven (7) calendar days advance Notice, in their respective sole and absolute discretion, without liability to the other Party or any other Person, by delivery of a Notice of termination to both the other Party and Escrow Agent, in which case the Parties and Escrow Agent shall proceed pursuant to Section 3.13.

2.4.6 **ALTA Survey**. Developer shall obtain and deliver a completed ALTA Survey to City prior to the end of the Due Diligence Period, all at Developer's sole cost and expense.

2.5 "AS-IS" Acquisition. The Close of Escrow shall evidence Developer's unconditional and irrevocable acceptance of the Property in the Property's AS IS, WHERE IS, SUBJECT TO ALL FAULTS CONDITION AS OF THE CLOSE OF ESCROW, WITHOUT WARRANTY as to character, quality, performance, condition, title, physical condition, soil conditions, the presence or absence of fill, ocean or tidal impacts, shoring or bluff stability or support, subsurface support, zoning, land use restrictions, the availability or location of utilities or services, the location of any public infrastructure on or off of the Property (active, inactive or abandoned), the suitability of the Property for the Project or other use or the existence or absence of Hazardous Substances and with full knowledge of the physical condition of the Property, the nature of City's interest in and use of the Property, all laws applicable to the Property and any and all conditions, covenants, restrictions, encumbrances and all matters of record relating to the Property. The Close of Escrow shall also constitute Developer's representation and warranty to City that: (a) Developer has had ample opportunity to inspect and evaluate the Property and the feasibility of the uses and activities Developer is entitled to conduct on the Property in accordance with this Agreement; (b) Developer is experienced in real estate development; (c) Developer is relying entirely on Developer's experience, expertise and its own inspection of the Property in its current state in proceeding with acquisition of the Property; (d) Developer accepts the Property in its present condition; (e) to the extent that Developer's own expertise with respect to any matter regarding the Property is insufficient to enable Developer to reach an informed conclusion regarding such matter, Developer has engaged the services of Persons qualified to advise Developer with respect to such matters; (f) Developer has received assurances acceptable to Developer by means independent of City or City's agents of the truth of all facts material to Developer's acquisition of the Property pursuant to this Agreement; and (g) the Property is being

acquired by Developer as a result of Developer's own knowledge, inspection and investigation of the Property and not as a result of any representation made by City or City's agents relating to the condition of the Property. City hereby expressly and specifically disclaims any express or implied warranties regarding the Property.

2.6 Release of City.

2.6.1 **Developer Waiver and Release of Claims**. AT THE CLOSE OF ESCROW, DEVELOPER WAIVES AND RELEASES CITY AND ITS REPRESENTATIVES FROM ALL CLAIMS RELATING TO THE PHYSICAL OR TITLE CONDITION OF THE PROPERTY AS OF THE CLOSE OF ESCROW, WHETHER KNOWN OR UNKNOWN, SUSPECTED OR UNSUSPECTED, EXCEPT AS EXPRESSLY SET FORTH IN SECTION 2.6.2. WITH RESPECT TO THE WAIVERS AND RELEASES CONTAINED IN THIS SECTION 2.6.1, DEVELOPER WAIVES THE PROVISIONS OF CALIFORNIA CIVIL CODE SECTION 1542 AND ALL SIMILAR STATUTES, PROVISIONS OR PRINCIPLES OF LAW. CALIFORNIA CIVIL CODE SECTION 1542 PROVIDES:

> A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

2.6.2 **Specific Obligations Excluded**. THE FOREGOING GENERAL RELEASE NOTWITHSTANDING, DEVELOPER IS NOT RELEASING CITY FROM: (a) CITY'S EXPRESS COVENANTS UNDER THIS AGREEMENT; (b) CITY'S OBLIGATIONS UNDER THIS AGREEMENT THAT SURVIVE THE CLOSE OF ESCROW; (c) THIRD PERSON CONTRACT CLAIMS AGAINST CITY ARISING OUT OF CONTRACTS TO WHICH CITY IS A PARTY; AND (d) CITY'S FRAUD (WITHOUT WAIVING ANY AVAILABLE DEFENSES OR IMMUNITIES OF CITY UNDER APPLICABLE LAW).

_____
Initials of Authorized
Developer's Representative(s)

2.7 Acquisition of Property.

2.7.1 Acquisition of County Parcel. City is anticipated to acquire title to the County Parcel pursuant to a separate purchase and sale agreement between City and County without any involvement of Developer. Developer acknowledges and agrees that City is under no obligation to acquire title to the County Parcel and City has not committed in this Agreement or otherwise to acquire fee title to the County Parcel, whether through a purchase and sale agreement or by condemnation. Developer acknowledges that nothing in this Agreement shall require City to commit to pursuing acquisition of the County Parcel through the exercise of City's power of eminent domain. Developer acknowledges and agrees that City shall not be required to sell the County Parcel to Developer, unless and until all conditions precedent to the close of escrow under a separate purchase and sale agreement between City and County for the purchase of the County Parcel are completely satisfied such that at the Close of Escrow under this Agreement, the County shall not have any right to the County Parcel. The Parties intend that City

shall use some of the Purchase Price to be paid by Developer to City pursuant to this Agreement for acquisition of the County Parcel. If Developer does not timely deposit the Purchase Price into the Escrow such that City may use some of the Purchase Price to acquire the County Parcel pursuant to City's separate purchase and sale agreement with the County, City shall not be liable to Developer for not closing the Escrow under this Agreement.

2.8 Acquisition of Berki Parcel. City is anticipated to acquire title to the Berki Parcel pursuant to a separate purchase and sale agreement between City and Berki without any involvement of Developer. Developer acknowledges and agrees that City is under no obligation to acquire title to the Berki Parcel and City has not committed in this Agreement or otherwise to acquire fee title to the Berki Parcel, whether through a purchase and sale agreement or by condemnation. Developer acknowledges that nothing in this Agreement shall require City to commit to pursuing acquisition of the Berki Parcel through the exercise of City's power of eminent domain. Developer acknowledges and agrees that City shall not be required to sell the Berki Parcel to Developer, unless and until all conditions precedent to the close of escrow under a separate purchase and sale agreement between City and Berki for the purchase of the Berki Parcel are completely satisfied such that at the Close of Escrow under this Agreement, Berki shall not have any right to the Berki Parcel. The Parties intend that City shall use some of the Purchase Price to be paid by Developer to City pursuant to this Agreement for acquisition of the Berki Parcel. If Developer does not timely deposit the Purchase Price into the Escrow such that City may use some of the Purchase Price to acquire the Berki Parcel pursuant to City's separate purchase and sale agreement with Berki, City shall not be liable to Developer for not closing the Escrow under this Agreement.

2.9 City Cancelation of Acquisition. If City is unable to acquire either or both the County Parcel or Berki Parcel, or City determines, in City's reasonable discretion, that it is not in City's best interest to acquire either or both the County Parcel or Berki Parcel, then City shall have the right to terminate this Agreement and cancel the Escrow with seven (7) calendar days advance Notice of termination to both Developer and Escrow Agent, without liability to Developer or any other Person, by delivery of a Notice of termination to both Developer and Escrow Agent, in which case the Parties and Escrow Agent shall proceed pursuant to Section 3.13.

3. JOINT ESCROW INSTRUCTIONS

3.1 Opening of Escrow; Escrow Instructions. The conveyance of title to the Property from City to Developer shall take place through the Escrow to be administered by Escrow Agent. Developer shall cause the Escrow to be opened no later than thirty (30) calendar days following the Effective Date. Escrow Agent shall promptly confirm the Escrow Opening Date in writing to each of the Parties.

3.2 Escrow Instructions. This Section 3 constitutes the joint escrow instructions of the Parties to Escrow Agent for conduct of the Escrow for the conveyance of title to the Property, as contemplated by this Agreement. Developer and City shall sign such further escrow instructions consistent with the provisions of this Agreement as may be reasonably requested by Escrow Agent. In the event of any conflict between the provisions of this Agreement and any further escrow instructions requested by Escrow Agent, the provisions of this Agreement shall control. Escrow Agent shall only proceed to close the Escrow after Escrow Agent receives approved Escrow Closing Statements from both City and Developer.

3.3 Escrow Agent Authority. City and Developer authorize Escrow Agent to:

3.3.1 **Charges**. Pay and charge City and Developer for their respective shares of the applicable fees, taxes, charges and costs payable by either City or Developer regarding the Escrow;

3.3.2 **Settlement/Closing Statements**. Release each Party's Escrow Closing Statement to the other Party;

3.3.3 **Document Recording**. File any documents delivered for recording through the Escrow with the office of the Recorder of the County for recordation in the official records of the County, pursuant to the joint instructions of the Parties; and

3.3.4 **Counterpart Documents**. Utilize documents signed by City or Developer in counterparts, including attaching separate signature pages to one version of the same document.

3.4 Developer's Conditions Precedent to Close of Escrow. Provided that the failure of any such condition to be satisfied is not due to a Default under this Agreement by Developer, Developer's obligation to accept conveyance of title to the Property from City through the Escrow shall be conditioned upon the satisfaction or waiver (waivers must be in writing and signed by Developer) of each of the following conditions precedent prior to the Outside Closing Date:

3.4.1 **Title Policy**. Title Company is committed to issue the Developer Title Policy to Developer upon payment of Title Company's premium for such policy;

3.4.2 **Approvals**. Final issuance of all discretionary Approvals required from each and every Government for the construction of the Project on the Property on terms and conditions reasonably satisfactory to Developer;

3.4.3 **Due Diligence**. Developer timely delivers its Due Diligence Completion Notice to City stating Developer's unconditional acceptance of the condition of the Property, in accordance with Section 2.4;

3.4.4 **Ownership of County Parcel**. City has acquired fee title to the County Parcel or will acquire such title at the Close of Escrow;

3.4.5 **Ownership of Berki Parcel**. City has acquired fee title to the Berki Parcel or will acquire such title at the Close of Escrow;

3.4.6 **City Escrow Deposits**. City deposits all of the items into Escrow required by Section 3.8; and

3.4.7 **City Pre-Closing Obligations**. City performs all of its material obligations required to be performed by City pursuant to this Agreement prior to the Close of Escrow.

3.5 City Conditions Precedent to Close of Escrow. Provided that the failure of any such condition to be satisfied is not due to a Default under this Agreement by City, City's obligation to convey title to the Property to Developer through the Escrow shall be conditioned

upon the satisfaction or waiver (waivers must be in writing and signed by City) of each of the following conditions precedent prior to the Outside Closing Date:

3.5.1 **Insurance Documents**. City has received from Developer and approved all Insurance Documents.

3.5.2 **Title**. Developer accepts the state of the title to the Property, in accordance with Section 2.2;

3.5.3 **Due Diligence**. Developer timely delivers its Due Diligence Completion Notice to both City and Escrow Agent stating Developer's unconditional acceptance of the condition of the Property, in accordance with Section 2.4;

3.5.4 **Ownership of County Parcel**. City has acquired fee title to the County Parcel or will acquire such title at the Close of Escrow;

3.5.5 **Ownership of Berki Parcel**. City has acquired fee title to the Berki Parcel or will acquire such title at the Close of Escrow;

3.5.6 **Project Construction Financing**. City has received from Developer a written commitment from at least one Institutional Lender to provide the Project Construction Financing on terms reasonable acceptable to Developer and City has approved such loan commitment;

3.5.7 **Permanent Financing**. City has received from Developer a written commitment from at least one Institutional Lender to provide the Permanent Loan on terms reasonably acceptable to Developer and City has approved such loan commitment;

3.5.8 **Developer Escrow Deposits**. Developer deposits all of the items into Escrow required by Section 3.7; and

3.5.9 **Developer Pre-Closing Obligations**. Developer performs all of its material obligations required to be performed by Developer pursuant to this Agreement prior to Close of Escrow.

3.6 Failure of Conditions Not Default. City's failure to satisfy any of the conditions set forth in Sections 3.5.4 or 3.5.5 shall not constitute an Escrow Default (or any other type of Default or Event of Default) by City under this Agreement, unless City fails to exercise reasonable efforts to satisfy the conditions (which reasonable efforts shall not include litigation or other dispute resolution process); provided, however, City retains its sole and absolute discretion with respect to any legislative act or approval by City.

3.7 Developer's Escrow Deposits. Developer shall deposit the following items into Escrow and, concurrently, provide a copy of each document deposited into Escrow to City, at least five (5) Business Days prior to the Close of Escrow:

3.7.1 **Closing Funds**. All monetary amounts required to be deposited into Escrow by Developer under the terms of this Agreement to close the Escrow, including the Purchase Price, all in immediately available funds;

3.7.2 **Certificate of Acceptance**. The Certificate of Acceptance attached to the City Deed signed by the authorized representative(s) of Developer in recordable form;

3.7.3 **Escrow Closing Statement**. Developer's Escrow Closing Statement signed by the authorized representative(s) of Developer;

3.7.4 **Notice of Agreement**. The Notice of Agreement signed by the authorized representative(s) of Developer in recordable form; and

3.7.5 **Other Reasonable Items**. Any other documents or funds required to be delivered by Developer under the terms of this Agreement or as otherwise reasonably requested by Escrow Agent or Title Company in order to close the Escrow that have not previously been delivered by Developer.

3.8 City's Escrow Deposits. City shall deposit the following items into Escrow and, concurrently, provide a copy of each document deposited into Escrow to Developer, at least five (5) Business Days prior to the Close of Escrow:

3.8.1 **Closing Funds.** All monetary amounts required to be deposited into Escrow by City under the terms of this Agreement to close the Escrow, all in immediately available funds;

3.8.2 **City Deed**. The City Deed signed by the authorized representative(s) of City in recordable form;

3.8.3 **Notice of Agreement**. The Notice of Agreement signed by the authorized representative(s) of City in recordable form;

3.8.4 **Escrow Closing Statement**. City's Escrow Closing Statement signed by the authorized representative(s) of City;

3.8.5 **FIRPTA Affidavit**. A FIRPTA affidavit signed by the authorized representative(s) of City, in the customary form used by the Escrow Agent;

3.8.6 **Form 593**. A Form 593 signed by the authorized representative(s) of City; and

3.8.7 **Other Reasonable Items**. Any other documents or funds required to be delivered by City under the terms of this Agreement or as otherwise reasonably requested by Escrow Agent or Title Company in order to close the Escrow that have not been previously delivered by City.

3.9 Closing Procedure. When each of Developer's Escrow deposits, as set forth in Section 3.7, and each of City's Escrow deposits, as set forth in Section 3.8, are deposited into Escrow, Escrow Agent shall request confirmation in writing from both Developer and City that each of their respective conditions precedent to the Close of Escrow, as set forth in Sections 3.4 and 3.5, respectively, are satisfied or waived. Within three (3) Business Days after Escrow Agent receives written confirmation from both City and Developer that each of their respective conditions precedent to the Close of Escrow are satisfied or waived, Escrow Agent shall close the Escrow by doing all of the following:

3.9.1 **Recordation and Distribution of Documents**. Escrow Agent shall cause the following documents to be filed with the office of the Recorder of the County for recording in the official records of the County in the following order of priority at Close of Escrow: (a) the City Deed, with Developer's Certificate of Acceptance attached; (b) the Notice of Agreement; (c) the Permitted Security Instrument securing the Project Construction Financing; and (d) any other documents to be recorded through Escrow upon the written joint instructions of the Parties. At Close of Escrow, Escrow Agent shall deliver conformed copies of all documents filed for recording in the official records of the County through the Escrow to City, Developer and any other Person designated in the written joint escrow instructions of the Parties to receive an original or conformed copy of each such document. Each conformed copy of a document filed for recording shall show all recording information. The Parties intend and agree that this Section 3.9.1 shall establish the relative priorities of the documents to be recorded in the official records of the County through the Escrow, by providing for recordation of senior interests prior in order and time to junior interests, in the order provided in this Section 3.9.1;

3.9.2 **Distribution of Other Documents**. Escrow Agent shall deliver copies of all documents to be delivered through the Escrow that are not filed for recording to the Parties and any other Person designated in the written joint escrow instructions of the Parties to receive an original or copy of each such document.

3.9.3 **Funds**. Distribute all funds held by the Escrow Agent pursuant to the Escrow Closing Statements approved in writing by City and Developer.

3.9.4 **FIRPTA Affidavit**. File the FIRPTA Affidavit with the United States Internal Revenue Service;

3.9.5 **Form 593**. File the Form 593 with the California Franchise Tax Board; and

3.9.6 **Title Policy**. Obtain and deliver to Developer the Developer Title Policy issued by the Title Company.

3.10 Close of Escrow. The Close of Escrow shall occur on or before the Outside Closing Date. The Parties may mutually agree to change the Outside Closing Date by joint written instruction to Escrow Agent. If for any reason (other than a Default or Event of Default by such Party) the Close of Escrow has not occurred on or before the Outside Closing Date, then any Party not then in Default under this Agreement may cancel the Escrow and terminate this Agreement upon seven (7) calendar days advance Notice, in their respective sole and absolute discretion, without liability to the other Party or any other Person for such cancellation and termination, by delivering Notice of termination to both the other Party and Escrow Agent. Following any such Notice of termination of this Agreement and cancellation of the Escrow, the Parties and Escrow Agent shall proceed pursuant to Section 3.13. Without limiting the right of either Party to cancel the Escrow and terminate this Agreement, pursuant to this Section 3.10, if the Escrow does not close on or before the Outside Closing Date and neither Party has exercised its contractual right to cancel the Escrow and terminate this Agreement under this Section 3.10 before the first date on which Escrow Agent Notifies both Parties that Escrow is in a position to close in accordance with the terms and conditions of this Agreement, then the Escrow shall close as soon as reasonably possible following the first date on which Escrow Agent Notifies both Parties that Escrow is in a position to close in accordance with the terms and conditions of this Agreement.

3.11 Escrow Costs. Escrow Agent shall notify Developer and City of the costs to be borne by each of them at the Close of Escrow by delivering an Escrow Closing Statement to each City and Developer at least two (2) Business Days prior to the Close of Escrow. City and Developer shall each pay one-half (1/2) of the premium charged by the Title Company for the basic Developer Title Policy. Developer shall be solely responsible for all costs of or premiums for issuance of any endorsements or other supplements to the coverage of the Developer Title Policy that may be requested by Developer. City and Developer shall each pay one-half (1/2) of the fees and other costs that the Escrow Agent may charge for conducting the Escrow. Developer shall pay any and all recording fees, documentary transfer taxes and any and all other charges, fees and taxes levied by a Government relative to the conveyance of the Property through the Escrow. In the event escrow for the County Parcel has not closed prior to the Close of Escrow and the Escrow Agent is the escrow agent for the County Parcel, Escrow Agency shall notify Developer of the amount equal to one-half (1/2) of the total escrow costs paid or to be paid by City for the County Parcel, which Developer shall pay to Escrow Agent prior to the Close of Escrow. In the event escrow for the County Parcel closes prior to the Close of Escrow or the Escrow Agent is not the escrow agent for the County Parcel, City shall notify Developer of the amount equal to one-half (1/2) of the escrow costs paid or to be paid by City for the County Parcel, which Developer shall pay to City prior to the Close of Escrow.

3.12 Escrow Cancellation Charges. If the Escrow fails to close due to City's Default under this Agreement, City shall pay all ordinary and reasonable Escrow and title order cancellation charges charged by Escrow Agent or Title Company, respectively. If the Escrow fails to close due to Developer's Default under this Agreement, Developer shall pay all ordinary and reasonable Escrow and title order cancellation charges charged by Escrow Agent or Title Company, respectively. If the Escrow fails to close for any reason other than the Default of either Developer or City, Developer and City shall each pay one-half (1/2) of any ordinary and reasonable Escrow and title order cancellation charges charged by Escrow Agent or Title Company, respectively.

3.13 Escrow Cancellation. If this Agreement is terminated pursuant to a contractual right granted to a Party in this Agreement to terminate this Agreement (other than due to an Event of Default by the other Party), the Parties shall do all of the following:

3.13.1 **Cancellation Instructions**. The Parties shall, within three (3) Business Days following Escrow Agent's written request, sign any reasonable Escrow cancellation instructions requested by Escrow Agent and deliver such signed Escrow cancellation instructions to Escrow Agent;

3.13.2 **Return of Funds and Documents**. Within ten (10) Business Days following receipt by the Parties of a settlement statement of Escrow and title order cancellation charges (if any) from Escrow Agent or within twenty (20) calendar days following Notice of Termination, whichever is earlier: (a) Developer or Escrow Agent, respectively, shall return to City all documents previously delivered by City to Developer or Escrow Agent regarding the Escrow; (b) City or Escrow Agent, respectively, shall return to Developer all documents previously delivered by Developer to City or Escrow Agent regarding the Escrow; (c) Escrow Agent shall, except as otherwise provided for in this Agreement, return to Developer all funds deposited in Escrow by Developer, less Developer's share of customary and reasonable Escrow and title order cancellation charges (if any) in accordance with Section 3.12; and (d) Escrow Agent shall, except as otherwise provided in this Agreement, return to City all funds deposited in

Escrow by City, less City's share of customary and reasonable Escrow and title order cancellation charges (if any) in accordance with Section 3.12.

3.14 Report to IRS. After the Close of Escrow and prior to the last date on which such report is required to be filed with the Internal Revenue Service under applicable Federal law, if such report is required pursuant to Internal Revenue Code Section 6045(e), Escrow Agent shall report the gross proceeds of the conveyance of the Property pursuant to this Agreement to the Internal Revenue Service on Form 1099-B, W-9 or such other form(s) as may be specified by the Internal Revenue Service pursuant to Internal Revenue Code Section 6045(e). Concurrently with the filing of such reporting form with Internal Revenue Service, Escrow Agent shall deliver a copy of the filed form to both City and Developer.

3.15 Condemnation. If City receives written notice that all or any portion of the Property or any interest in any portion of the Property becomes the subject of any eminent domain proceeding after the Effective Date and prior to Close of Escrow, including the filing of any notice of intended condemnation or proceedings in the nature of eminent domain commenced by any Government, City shall give Notice to Developer of such occurrence. Developer shall have the option to either: (a) proceed with the Close of Escrow, in which case this Agreement shall continue in full force and effect in accordance with its terms and at the Close of Escrow, City shall pay to Developer any condemnation award attributable to the Property that is paid to City after the Effective Date and prior to the Close of Escrow or assign to Developer any and all rights of City to receive any condemnation award attributable to the Property that is to be paid after the Close of Escrow; or (b) Developer may terminate this Agreement by Notice to City thirty (30) calendar days in advance of the effective date of such termination.

4. PROJECT DEVELOPMENT

4.1 Developer's Covenant to Develop the Project. As a material inducement to City for entering into this Agreement and selling the Property to Developer, Developer covenants and agrees with City that Developer shall commence, pursue and complete the development of the Project on the Property in accordance with this Agreement, the Performance Schedule and all Laws and Approvals applicable to the Project. The covenants of this Section 4.1 shall run with the land of the Property and bind successive owners of the Property, until the first date on which a final Certificate of Occupancy has been issued by City for the Project.

4.2 Developer to Obtain all Approvals for the Project.

4.2.1 **Project Approvals**. Developer shall obtain all land use approvals and permits for development of the Project, in accordance with the Performance Schedule, all at Developer's sole cost and expense.

4.2.2 **Submission of Applications**. Developer shall prepare and submit to each applicable Government all required Applications, documents, fees, charges or other items (including, without limitation, deposits, funds or sureties in the ordinary course) required by each Government, respectively, to obtain any and all Approvals necessary for construction of the Project on the Property, as required to perform Developer's obligations pursuant to Section 4.2.1. Notwithstanding the foregoing provisions of this Section 4.2.2 or any other provision of this Agreement to the contrary, prior to commencement of any part of the construction of the Project, Developer shall obtain all Approvals from each Government required for the construction of the

Project. The City's zoning, building and land use regulations (whether contained in ordinances, the City's municipal code, conditions of approval or elsewhere) shall be applicable to the construction of the Project by Developer.

4.2.3 **Reservations.** The approval of this Agreement by the City shall not be binding on the City Council or any other commission, committee, board or body of the City regarding any Approvals of the Project required by such bodies. No action by the City with reference to this Agreement or any related documents shall be deemed to constitute issuance or waiver of any required City Approval regarding the Property, the Project or Developer. The Parties acknowledge and agree that this Agreement is not a statutory development agreement pursuant to Government Code Sections 65864 et seq.

4.3 Commencement and Completion of Project.

4.3.1 **Commencement.** Developer shall commence construction of the Project in accordance with the Performance Schedule. Thereafter, Developer shall diligently proceed to pursue and complete the construction of the Project, in a good and workmanlike manner, in accordance with the Performance Schedule, all Laws and Approvals applicable to the Project.

4.3.2 **Completion.** In addition to all other requirements of this Agreement regarding completion of the Project, before the Project shall be considered complete, Developer shall have done all of the following:

(a) Record a Notice of Completion for the Project, in accordance with California Civil Code Section 9204;

(b) Request each applicable Government to inspect the completed Project, as required by the applicable Approvals or Laws;

(c) Correct any defects or deficiencies that may be disclosed by the inspections conducted pursuant to Section 4.3.2(b);

(d) Satisfy all conditions to the issuance of all final Certificates of Occupancy or other Approvals necessary for the occupancy and operation of the Project; and

(e) Pay all adopted impact fees applicable to the Project, including any fees that may be adopted by the City prior to issuance of building permits.

4.3.3 **Time Extensions.** The City Manager, in his or her sole and absolute discretion, may extend the time set forth in the Performance Schedule for completion of any activity listed in the Performance Schedule, as long as the cumulative effect of any such extension(s) will not extend the time for completion of the Project by more than one hundred eighty (180) days, in the aggregate.

4.4 Compliance with Laws. All work performed in connection with the construction of the Project shall comply with all applicable Laws and Approvals.

4.5 Developer Attendance at City Meetings. Developer agrees to have one or more of Developer's employees or consultants who are knowledgeable regarding this Agreement and the

planning, design, construction and initial occupancy of the Project, such that such Person(s) can meaningfully respond to the City Council or City staff questions regarding the progress of the Project, attend meetings with City staff or meetings of the City Council, when requested to do so by City staff, with reasonable advance Notice to Developer, but no more frequently than once a month.

4.6 City Right to Inspect Project and Property. Developer agrees that City shall have the right of reasonable access to the Property, without the payment of charges or fees, during normal construction hours, during the period of construction of the Project. Any and all City representatives who enter the Property shall at all times be accompanied by a representative of Developer, while on the Property. Developer shall make a representative of Developer available for this purpose at all times during normal construction hours, upon reasonable advance Notice from City. City shall Indemnify Developer regarding Claims arising out of the exercise by City of the right of access to the Property provided in this Section 4.6, except to the extent that any such Claim arises from the negligence or willful misconduct of Developer Parties or Third Persons. Developer agrees that City shall have the further right, from time to time, at City's cost, to retain a consultant or consultants to inspect the Property or the Project and verify compliance by Developer with the provisions of this Agreement. Developer acknowledges and agrees that any such City inspections are for the sole purpose of protecting City's rights under this Agreement, are made solely for City's benefit, may be superficial and general in nature, are for the purposes of informing City of the progress of the Project and the conformity of the Project with the terms and conditions of this Agreement, and Developer shall not be entitled to rely on any such inspection(s) as constituting City's approval, satisfaction or acceptance of any materials, workmanship, conformity of the Project with this Agreement or otherwise. Developer agrees to make its own regular inspections of the work of construction of the Project to determine that the progress and quality of the Project and all other requirements of the work of construction of the Project are being performed in a manner satisfactory to Developer.

4.7 PREVAILING WAGES.

4.7.1 **RESPONSIBILITY.** DEVELOPER AGREES WITH CITY THAT DEVELOPER SHALL ASSUME ANY AND ALL RESPONSIBILITY AND BE SOLELY RESPONSIBLE FOR DETERMINING WHETHER OR NOT LABORERS EMPLOYED RELATIVE TO THE CONSTRUCTION OF THE PROJECT MUST BE PAID THE PREVAILING PER DIEM WAGE RATE FOR THEIR LABOR CLASSIFICATION, AS DETERMINED BY THE STATE, PURSUANT TO LABOR CODE SECTIONS 1720 ET SEQ., OR PURSUANT TO APPLICABLE FEDERAL LAW.

4.7.2 **WAIVERS AND RELEASES.** DEVELOPER, ON BEHALF OF ITSELF, ITS SUCCESSORS AND ASSIGNS, WAIVES AND RELEASES CITY FROM ANY RIGHT OF ACTION THAT MAY BE AVAILABLE TO ANY OF THEM PURSUANT TO STATE LABOR CODE SECTION 1781 OR OTHER STATE OR FEDERAL LAW REGARDING PAYMENT OF MINIMUM OR PREVAILING WAGE AMOUNTS. RELATIVE TO THE WAIVERS AND RELEASES CONTAINED IN THIS SECTION 4.7.2, DEVELOPER ACKNOWLEDGES THE PROTECTIONS OF CIVIL CODE SECTION 1542, WHICH READS AS FOLLOWS:

> A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO

EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

4.7.3 **INITIALS.** BY INITIALING BELOW, DEVELOPER KNOWINGLY AND VOLUNTARILY WAIVES THE PROVISIONS OF SECTION 1542 SOLELY IN CONNECTION WITH THE WAIVERS AND RELEASES CONTAINED IN SECTION 4.7.2:

_____
Initials of Authorized
Developer Representative

4.7.4 **INDEMNITY.** ADDITIONALLY, DEVELOPER SHALL INDEMNIFY CITY, PURSUANT TO SECTION 8.5, AGAINST ANY CLAIMS PURSUANT TO STATE LABOR CODE SECTION 1781 OR ANY OTHER STATE OR FEDERAL LAW REGARDING PAYMENT OF MINIMUM OR PREVAILING WAGE AMOUNTS ARISING FROM THIS AGREEMENT OR THE CONSTRUCTION OF THE PROJECT.

4.8 Public Improvements.

4.8.1 **Design of Public Improvements**. Developer shall be solely responsible for all design work associated with the Public Improvements all at Developer's sole cost and expense. The Developer shall provide the design of the Public Improvements to the City for review and approval in accordance with the Performance Schedule, which review and approval shall be at the City's sole and absolute discretion.

4.8.2 **Construction of Public Improvements**. Developer, at Developer's sole cost and expense, shall construct and install, or cause the construction and installation, of all of the Public Improvements, in accordance with the Performance Schedule.

5. INSURANCE

5.1 Developer. To protect City Parties against all insurable Claims resulting from the actions of Developer in connection with this Agreement, the Property or the Project, at the sole cost and expense of Developer, Developer shall obtain and maintain for the Project, until issuance by City of a final Certificate of Occupancy for the Project, the following insurance (or its then reasonably available equivalent): (a) Liability Insurance; (b) Automobile Liability Insurance; (c) Builder's Risk Insurance; and (d) Worker's Compensation Insurance.

5.2 Nature of Insurance. All insurance policies this Agreement requires shall be issued by carriers that: (a) are listed in the then current "Best's Key Rating Guide—Property/Casualty—United States & Canada" publication (or its equivalent, if such publication ceases to be published) with a minimum financial strength rating of "A-" and a minimum financial size category of "VII" (exception may be made for the State Compensation Insurance Fund when not specifically rated); and (b) are authorized to do business in the State. Developer may provide any insurance under a "blanket" or "umbrella" insurance policy, provided that: (i) such policy or a certificate of such policy shall specify the amount(s) of the total insurance allocated to the Property and the Project,

which amount(s) shall equal or exceed the amount(s) required by this Agreement; and (ii) such policy otherwise complies with the insurance requirements in this Agreement.

5.3 Policy Requirements and Endorsements. All insurance policies required by this Agreement shall contain (by endorsement or otherwise) the following provisions:

5.3.1 **Insured**. Liability Insurance policies shall name City Parties as "additional insured." Builder's Risk Insurance policies shall name the City as a "loss payee."

5.3.2 **Primary Coverage**. Any insurance or self-insurance maintained by City Parties shall be excess of all insurance required under this Agreement and shall not contribute with any insurance required under this Agreement.

5.3.3 **Deliveries to City**. Developer shall deliver to City certified copies of all Liability Insurance required by this Agreement prior to the commencement of any Due Diligence Investigations. Developer shall deliver to City certified copies of all insurance policies required by this Agreement prior to the Close of Escrow. Builder's Risk Insurance coverage shall commence no later than the time of initial contractor mobilization for the Project. No later than ten (10) days before any insurance required by this Agreement expires, is cancelled or its liability limits are reduced or exhausted, Developer shall deliver to City certified copies of all such insurance policies showing coverage for, at least, six (6) months after such event. Each insurance policy required by this Agreement shall state or be endorsed to state that coverage shall not be cancelled, suspended, voided, reduced in coverage or in limits, except after thirty (30) calendar days advance written notice of such action has been given to City by certified mail, return receipt requested; provided; however, that only ten (10) days advance written notice shall be required for any such action arising from non-payment of the premium for the insurance. Phrases such as "endeavor to" and "but failure to mail such Notice shall impose no obligation or liability of any kind upon the company" shall not be included in the cancellation wording of any certificates or policies of insurance or endorsements to such policies applicable to City Parties pursuant to this Agreement or otherwise required under this Agreement.

5.3.4 **Waiver of Certain Claims**. Developer shall cause each insurance carrier providing Builder's Risk Insurance or Worker's Compensation Insurance coverage to Developer in satisfaction of the requirements of this Agreement to endorse their applicable policy(ies) with a Waiver of Subrogation with respect to City Parties, if not already in the policy. To the extent that Developer obtains insurance with a Waiver of Subrogation, the Parties release each other, and their respective authorized representatives, from any Claims for damage to any Person or property to the extent such Claims are paid by such insurance policies obtained pursuant to and in satisfaction of the provisions of this Agreement.

5.3.5 **No Representation**. No Party makes any representation that the limits, scope, or forms of insurance coverage this Agreement requires are adequate or sufficient.

5.3.6 **No Claims Made Coverage**. None of the insurance coverage required under this Agreement may be written on a claims-made basis.

5.3.7 **Fully Paid and Non-Assessable**. All insurance obtained and maintained in satisfaction of the requirements of this Agreement shall be fully paid for and non-assessable.

5.3.8 **City Option to Obtain Coverage**. During the continuance of an Event of Default arising from the failure of Developer to carry any insurance required by this Agreement, City may, in City's sole and absolute discretion, purchase any such required insurance coverage. City shall be entitled to immediate payment from Developer of any premiums and associated reasonable costs paid by City to obtain or maintain such insurance coverage. Any amount becoming due and payable to City under this Section 5.3.8 that is not paid within fifteen (15) calendar days after written demand from City for payment of such amount, with an explanation of the amounts demanded, will bear Default Interest from the date of the demand until paid in full, including payment of all such accrued Default Interest. Any election by City to purchase or not to purchase insurance otherwise required by the terms of this Agreement to be carried by Developer shall not relieve Developer or any other Person of its obligation to obtain or maintain or cause any other Person to obtain or maintain any insurance coverage required by this Agreement.

5.3.9 **Separation of Insured**. All Liability Insurance and Automobile Liability Insurance shall provide for separation of insured for the named insured and City Parties. Insurance policies obtained in satisfaction of or in accordance with the requirements of this Agreement may provide a cross-suits exclusion for suits between named insured Persons, but shall not exclude suits between named insured Persons and additional insured Persons.

5.3.10 **Deductibles and Self-Insured Retentions**. Any deductibles or self-insured retentions under insurance policies required by this Agreement shall be declared to and approved by City. In the event of an insured loss, the named insured under the applicable insurance policy shall pay all such deductibles or self-insured retentions regarding City Parties. Each Liability Insurance or Automobile Liability Insurance policy issued in satisfaction of the requirements of this Agreement shall provide that, to the extent the named insured under the policy fails to pay all or any portion of a self-insured retention under such policy in reference to an otherwise insured loss, City may pay the unpaid portion of such self-insured retention, in City's sole and absolute discretion.

5.3.11 **No Separate Insurance**. Developer shall not carry separate or additional insurance concurrent in form or contributing in the event of loss with that required under this Agreement, unless City is made an additional insured under such insurance, as required by this Agreement for the type of insurance required to be carried under this Agreement.

6. LIMITS ON ENCUMBRANCES.

6.1 Only Permitted Encumbrances. Developer shall not record and shall not allow to be recorded against the Property any Security Instrument, lien or other encumbrance that is not a Permitted Encumbrance, without the prior written consent of the City, which consent may be given, withheld or conditioned in City's sole and absolute discretion. Developer shall remove or cause to be removed any Prohibited Encumbrance made or recorded against the Property or shall assure the complete satisfaction of any such Prohibited Encumbrance to the satisfaction of City, in City's sole and absolute discretion. The covenants of Developer set forth in this Section 6.1 regarding the placement and removal of encumbrances on the Property shall run with the land of the Property and bind successive owners of the Property, until issuance by City of a final Certificate of Occupancy for the Project.

6.2 Notice of Liens. Developer shall promptly Notify City of any Security Instrument or lien asserted against or attached to all or any portion of the Project or the Property, prior to the date of issuance by City of a final Certificate of Occupancy for the Project, whether by voluntary act of Developer or otherwise; provided, however, that no Notice of filing of preliminary notices or mechanic's liens need be given by Developer to City, prior to suit being filed to foreclose any such mechanic's lien.

7. **PROPERTY TAXES AND ASSESSMENTS.** Developer shall pay prior to delinquency all real property taxes and assessments assessed and levied on or against the Property or the Project. Nothing in this Agreement shall be deemed to prohibit Developer from contesting the validity or amounts of any tax assessment, encumbrance or lien in accordance with applicable Law, nor to limit the remedies available to Developer in respect thereto.

8. **REMEDIES AND INDEMNITY**

8.1 PRE-CLOSING LIQUIDATED DAMAGES TO CITY. UPON THE OCCURRENCE OF AN EVENT OF DEFAULT BY DEVELOPER UNDER THIS AGREEMENT PRIOR TO THE CLOSE OF ESCROW, CITY MAY CANCEL THE ESCROW, PURSUANT TO SECTION 3.13, AND TERMINATE THIS AGREEMENT. UPON CANCELLATION OF THE ESCROW AND TERMINATION OF THIS AGREEMENT, CITY SHALL BE RELIEVED OF ANY OBLIGATION OF CITY UNDER THIS AGREEMENT TO SELL OR CONVEY THE PROPERTY TO DEVELOPER. ANY SUCH ESCROW CANCELLATION AND TERMINATION OF THIS AGREEMENT SHALL BE WITHOUT ANY LIABILITY OF CITY TO DEVELOPER OR ANY OTHER PERSON ARISING FROM SUCH ACTION. CITY AND DEVELOPER ACKNOWLEDGE THAT IT IS EXTREMELY DIFFICULT AND IMPRACTICAL TO ASCERTAIN THE AMOUNT OF DAMAGES THAT WOULD BE SUFFERED BY CITY, IN THE EVENT OF A CANCELLATION OF THE ESCROW AND TERMINATION OF THIS AGREEMENT DUE TO THE OCCURRENCE OF AN EVENT OF DEFAULT BY DEVELOPER UNDER THIS AGREEMENT, PRIOR TO THE CLOSE OF ESCROW. HAVING MADE DILIGENT BUT UNSUCCESSFUL ATTEMPTS TO ASCERTAIN THE ACTUAL DAMAGES CITY WOULD SUFFER, IN THE EVENT OF A CANCELLATION OF THE ESCROW AND TERMINATION OF THIS AGREEMENT DUE TO THE OCCURRENCE OF AN EVENT OF DEFAULT BY DEVELOPER UNDER THIS AGREEMENT PRIOR TO THE CLOSE OF ESCROW, CITY AND DEVELOPER AGREE THAT A REASONABLE ESTIMATE OF CITY'S DAMAGES IN SUCH EVENT IS THE AMOUNT OF THE DEPOSIT. THEREFORE, UPON THE CANCELLATION OF THE ESCROW AND TERMINATION OF THIS AGREEMENT BY CITY DUE TO THE OCCURRENCE OF AN EVENT OF DEFAULT BY DEVELOPER UNDER THIS AGREEMENT PRIOR TO THE CLOSE OF ESCROW, THE ESCROW AGENT SHALL IMMEDIATELY CANCEL THE ESCROW AND PROMPTLY DELIVER THE DEPOSIT TO CITY. RECEIPT OF THE DEPOSIT SHALL BE CITY'S SOLE AND EXCLUSIVE REMEDY UPON THE CANCELLATION OF THE ESCROW AND TERMINATION OF THIS AGREEMENT DUE TO THE OCCURRENCE OF AN EVENT OF DEFAULT BY DEVELOPER UNDER THIS AGREEMENT, PRIOR TO THE CLOSE OF ESCROW.

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Initials of Authorized City Representative	Initials of Authorized Developer Representative

8.2 DEVELOPER'S REMEDIES PRIOR TO CLOSE OF ESCROW.

8.2.1 **LIMITATION ON REMEDIES**. DURING THE CONTINUANCE OF AN EVENT OF DEFAULT BY CITY UNDER THIS AGREEMENT PRIOR TO THE CLOSE OF ESCROW THAT PREVENTS DEVELOPER FROM ACQUIRING TITLE TO THE PROPERTY, DEVELOPER SHALL BE LIMITED TO THE REMEDIES OF TERMINATION OF THIS AGREEMENT (INCLUDING CANCELLATION OF THE ESCROW) AND AN ACTION TO RECOVER UP TO A MAXIMUM AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS ($25,000) OF AMOUNTS ACTUALLY PAID BY DEVELOPER PRIOR TO THE DATE OF SUCH EVENT OF DEFAULT TO THIRD PERSONS DIRECTLY RELATED TO OBTAINING PROJECT APPROVALS FROM THE CITY, BUT EXCLUSIVE OF AMOUNTS PAID OR ALLOCATED DIRECTLY OR INDIRECTLY TO INTERNAL COSTS OF DEVELOPER, DEVELOPER PARTIES OR DEVELOPER'S AFFILIATES, OR EMPLOYEES OR AGENTS OF ANY OF THEM. UNDER NO CIRCUMSTANCES SHALL CITY BE LIABLE TO DEVELOPER UNDER THIS AGREEMENT FOR ANY AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS ($25,000) OR ANY SPECULATIVE, CONSEQUENTIAL, COLLATERAL, SPECIAL, PUNITIVE OR INDIRECT DAMAGES OR FOR ANY LOSS OF PROFITS SUFFERED OR CLAIMED TO HAVE BEEN SUFFERED BY DEVELOPER.

8.2.2 **WAIVER OF RIGHTS**. DEVELOPER ACKNOWLEDGES AND AGREES THAT CITY WOULD NOT HAVE ENTERED INTO THIS AGREEMENT IF CITY WERE TO BE LIABLE TO DEVELOPER FOR SPECIFIC PERFORMANCE OR ANY MONETARY DAMAGES, MONETARY RECOVERY OR ANY OTHER REMEDY DURING THE CONTINUANCE OF AN EVENT OF DEFAULT UNDER THIS AGREEMENT BY CITY PRIOR TO THE CLOSE OF ESCROW THAT PREVENTS DEVELOPER FROM ACQUIRING TITLE TO THE PROPERTY, OTHER THAN TERMINATION OF THIS AGREEMENT (INCLUDING CANCELLATION OF THE ESCROW) AND RECOVERY OF THE AMOUNTS SPECIFIED IN SECTION 8.2.1. ACCORDINGLY, CITY AND DEVELOPER AGREE THAT THE REMEDIES SPECIFICALLY PROVIDED FOR IN SECTION 8.2.1 ARE REASONABLE AND SHALL BE DEVELOPER'S SOLE AND EXCLUSIVE RIGHTS AND REMEDIES DURING THE CONTINUANCE OF AN EVENT OF DEFAULT UNDER THIS AGREEMENT BY CITY PRIOR TO THE CLOSE OF ESCROW THAT PREVENTS DEVELOPER FROM ACQUIRING TITLE TO THE PROPERTY. DEVELOPER WAIVES ANY RIGHT TO PURSUE ANY REMEDY OR DAMAGES OTHER THAN THOSE SPECIFICALLY PROVIDED IN SECTION 8.2.1 REGARDING A CITY EVENT OF DEFAULT PRIOR TO THE CLOSE OF ESCROW THAT PREVENTS DEVELOPER FROM ACQUIRING TITLE TO THE PROPERTY.

8.2.3 **STATEMENT OF INTENT**. CALIFORNIA CIVIL CODE SECTION 1542 NOTWITHSTANDING, IT IS THE INTENTION OF DEVELOPER TO BE BOUND BY THE LIMITATION ON DAMAGES AND REMEDIES SET FORTH IN THIS SECTION 8.2, AND DEVELOPER HEREBY RELEASES ANY AND ALL CLAIMS AGAINST CITY FOR SPECIFIC PERFORMANCE, MONETARY DAMAGES, MONETARY RECOVERY OR OTHER LEGAL OR EQUITABLE RELIEF RELATED TO ANY EVENT OF DEFAULT UNDER THIS AGREEMENT PRIOR TO THE CLOSE OF ESCROW, EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION 8.2, WHETHER OR NOT ANY SUCH

RELEASED CLAIMS WERE KNOWN OR UNKNOWN TO DEVELOPER AS OF THE EFFECTIVE DATE OF THIS AGREEMENT.

8.2.4 **CIVIL CODE SECTION 1542 WAIVER.** DEVELOPER ACKNOWLEDGES THE PROTECTIONS OF CIVIL CODE SECTION 1542 RELATIVE TO THE WAIVERS AND RELEASES CONTAINED IN THIS SECTION 8.2, WHICH CIVIL CODE SECTION READS AS FOLLOWS:

> A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

8.2.5 **ACKNOWLEDGMENT**. BY INITIALING BELOW, DEVELOPER KNOWINGLY AND VOLUNTARILY WAIVES THE PROVISIONS OF SECTION 1542 AND ALL OTHER STATUTES AND JUDICIAL DECISIONS (WHETHER STATE OR FEDERAL) OF SIMILAR EFFECT SOLELY IN CONNECTION WITH THE WAIVERS AND RELEASES CONTAINED IN THIS SECTION 8.2.

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Initials of Authorized
Developer Representative

8.3 Legal Actions. Either Party may institute legal action, at law or in equity, to enforce or interpret the rights or obligations of the Parties under this Agreement or recover damages, subject to the provisions of Sections 8.1 or 8.2.

8.4 Rights and Remedies are Cumulative. Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties set forth in this Agreement are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by such Party, at the same or different times, of any other rights or remedies for the same Default or the same rights or remedies for any other Default by the other Party.

8.5 Indemnification.

8.5.1 **City Indemnity Obligations**. City shall Indemnify Developer Parties against any Claim to the extent such Claim arises from any wrongful intentional act or negligence of City Parties, but only to the extent that City may be held liable under applicable law for such wrongful intentional act or negligence and exclusive of any violation of law (including the State Constitution) relating to City's approval, entry into or performance of this Agreement. Nothing in this Agreement is intended nor shall be interpreted to waive any limitation on City's liability, any exemption from liability in favor of City, any claim presentment requirement for bringing an action regarding any liability of City or any limitations period applicable to liability of City, all as set forth in Government Code Sections 800 et seq., Sections 900 et seq., or in any other law, or require City to Indemnify any Person beyond such limitations on City's liability.

8.5.2 **Developer Indemnity Obligations**. Developer shall Indemnify City Parties against any Claim to the extent such Claim arises from: (a) any wrongful intentional act or negligence of Developer Parties; (b) any Claims relating to Due Diligence Investigations; (c) any Application made by or at Developer's request; (d) any agreements that Developer (or anyone claiming by or through Developer) makes with a Third Person regarding the Property or the Project; (e) any worker's compensation claim or determination relating to any employee of Developer Parties or their contractors; (f) any Prevailing Wage Action relating to this Agreement or the Project; (g) any Environmental Claim regarding the Project, the Property or attributable to any action or failure to act by Developer Parties; or (h) any Claim for relocation assistance or benefits.

8.5.3 **Independent of Insurance Obligations**. Developer's indemnification obligations under this Agreement shall not be construed or interpreted as in any way restricting, limiting, or modifying Developer's insurance or other obligations under this Agreement. Developer's obligation to Indemnify City Parties under this Agreement is independent of Developer's insurance and other obligations under this Agreement. Developer's compliance with Developer's insurance obligations and other obligations under this Agreement shall not in any way restrict, limit, or modify Developer's indemnification obligations under this Agreement and are independent of Developer's indemnification and other obligations under this Agreement.

8.5.4 **Survival of Indemnification and Defense Obligations**. The indemnity and defense obligations of the Parties under this Agreement shall survive the expiration or earlier termination of this Agreement, until any and all actual or prospective Claims regarding any matter subject to an indemnity obligation under this Agreement are fully, finally, absolutely and completely barred by applicable statutes of limitations.

8.5.5 **Indemnification Procedures**. Wherever this Agreement requires any Indemnitor to Indemnify any Indemnitee:

(a) *Prompt Notice.* The Indemnitee shall promptly Notify the Indemnitor of any Claim.

(b) *Selection of Counsel.* The Indemnitor shall select counsel reasonably acceptable to the Indemnitee. Counsel to Indemnitor's insurance carrier that is providing coverage for a Claim shall be deemed reasonably satisfactory, except in the event of a potential or actual conflict of interest for such counsel regarding such representation or such counsel proves to be incompetent regarding such representation. Even though the Indemnitor shall defend the Claim, Indemnitee may, at Indemnitee's option and expense (except in a situation where the Indemnitor is defending Indemnitee under a reservation of rights, in which situation the Indemnitor shall pay for such separate counsel), engage separate counsel to advise it regarding the Claim and its defense. The Indemnitee's separate counsel may attend all proceedings and meetings. The Indemnitor's counsel shall actively consult with the Indemnitee's separate counsel.

(c) *Cooperation.* The Indemnitee shall reasonably cooperate with the Indemnitor's defense of the Indemnitee.

(d) *Settlement.* The Indemnitor may only settle a Claim with the consent of the Indemnitee. Any settlement shall procure a release of the Indemnitee from the

subject Claims, shall not require the Indemnitee to make any payment to the claimant and shall provide that neither the Indemnitee nor the Indemnitor on behalf of Indemnitee admits any liability.

9. COMPLETION CERTIFICATE

9.1 Issuance. Following the issuance of a final certificate of occupancy for the Project by the City, excluding any Punchlist Work to be completed by Developer, Developer may request that City inspect the completed Project and issue a Completion Certificate for the Project. Following City's receipt of a written request from Developer for a Completion Certificate, City shall promptly inspect the Project to determine whether or not the Project has been completed in compliance with this Agreement. If City determines that the Project is complete (excluding any outstanding Punchlist Work) and in compliance with this Agreement, City shall issue a Completion Certificate for the Project to Developer. If City determines that the Project is not complete or not in compliance with this Agreement, City shall send Notice to Developer describing with specificity each non-conformity, within fifteen (15) calendar days following City's receipt of Developer's written request for a Completion Certificate or within three (3) calendar days after the next regular meeting of City governing body, whichever date occurs later. The Notice shall also contain City's opinion of the action(s) Developer must take to obtain a Completion Certificate from City for the Project. If City fails to send the Notice required by this Section 9.1 within the time period specified in this Section 9.1 for sending of such Notice, Developer shall be deemed, conclusively and without further action of City, to have satisfied the requirements of this Agreement with respect to the construction of the Project, as if a Completion Certificate had been issued by City for the Project pursuant to this Agreement, and a Completion Certificate shall irrevocably be deemed to have been issued for the Project as of such date for all purposes of this Agreement.

9.2 Effect. A Completion Certificate shall only be evidence of City's conclusive determination of satisfactory completion of the construction of the Project in accordance with the terms of this Agreement. A Completion Certificate shall not constitute a Notice of Completion under California Civil Code Section 9204, nor shall it act to terminate the continuing reservations, covenants, restrictions or conditions contained in the City Deed or any other instruments or documents recorded against the Property or set forth in this Agreement or otherwise. A Completion Certificate is not evidence of the compliance of the Project with any Laws or Approvals. A Completion Certificate shall not evidence the satisfaction of any obligation of Developer to City under this Agreement or otherwise, other than Developer's obligation to construct the Project on the Property in compliance with the terms and conditions of this Agreement. After the recordation of a Completion Certificate for the Project, any Person then owning or thereafter purchasing, leasing or otherwise acquiring any interest in the Property or the Project shall not (because of such ownership, purchase, lease or acquisition) incur any obligation or liability under this Agreement regarding construction of the Project, but such Person shall be bound by any other reservations, covenants, conditions, restrictions and interests affecting the Property pursuant to this Agreement, the City Deed or otherwise.

10. GENERAL PROVISIONS

10.1 Incorporation of Recitals. The Recitals of fact set forth preceding this Agreement are true and correct and are incorporated into this Agreement in their entirety by this reference.

10.2 Notices, Demands and Communications Between the Parties. Any and all Notices submitted by any Party to the other Party pursuant to or as required by this Agreement shall be

proper, if in writing and sent by messenger for immediate personal delivery, nationally recognized overnight (one Business Day) courier (i.e., United Parcel Service, Federal Express, etc.) or by registered or certified United States mail, postage prepaid, return receipt requested, to the address of the recipient Party, as designated below in this Section 10.2. Notices may be sent in the same manner to such other addresses as either Party may from time to time designate by Notice in accordance with this Section 10.2. Notice shall be deemed received by the addressee, regardless of whether or when any return receipt is received by the sender or the date set forth on such return receipt, on the day that the Notice is sent by messenger for immediate personal delivery, one Business Day after delivery to a nationally recognized overnight carrier or two (2) calendar days after the Notice is placed in the United States mail in accordance with this Section 10.2. Any attorney representing a Party may give any Notice on behalf of such Party. The Notice addresses for the Parties, as of the Effective Date, are as follows:

To Developer: _____
_____
_____
Attn: _____

_____
_____
_____
Attn: _____

To City: City of Colton
650 N. La Cadena Drive
Colton, CA 92324
Attn: City Manager

With Copy to: Best Best & Krieger LLP
74-760 Highway 111, Suite 200
Indian Wells, CA 92210
Attn: Carlos Campos

10.3 Relationship of Parties. The Parties each intend and agree that City and Developer are independent contracting entities and do not intend by this Agreement to create any partnership, joint venture, or similar business arrangement, relationship or association between them.

10.4 Warranty Against Payment of Consideration for Agreement. Developer represents and warrants to City that: (a) Developer has not employed or retained any Person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees of Developer and Third Persons to whom fees are paid for professional services related to planning, design or construction of the Project or documentation of this Agreement; and (b) no gratuities, in the form of entertainment, gifts or otherwise have been or will be given by Developer or any of Developer's agents, employees or representatives to any elected or appointed official or employee of City in an attempt to secure this Agreement or favorable terms or conditions for this Agreement. Breach of the representations or warranties of this Section 10.4 shall entitle City to terminate this Agreement or

cancel the Escrow (or both) upon seven (7) days' Notice to Developer and, if during the pendency of the Escrow, also to Escrow Agent.

10.5 Inspection of Books and Records. City shall have the right at all reasonable times, at City's cost and expense, to inspect the books and records of Developer pertaining to the Property or the Project. City shall not disclose proprietary information of Developer to Third Persons, unless required by law or otherwise resulting from or related to the pursuit of any remedies by or the assertion of any rights of City under this Agreement.

10.6 Calculation of Time Periods. Unless otherwise specified, all references to time periods in this Agreement measured in days shall be to consecutive calendar days, all references to time periods in this Agreement measured in months shall be to consecutive calendar months and all references to time periods in this Agreement measured in years shall be to consecutive calendar years. Any reference to Business Days in this Agreement shall mean consecutive Business Days.

10.7 Principles of Interpretation. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Agreement. The Parties have both participated substantially in the negotiation, drafting and revision of this Agreement, with advice from legal and other counsel and advisers of their own selection. A word, term or phrase defined in the singular in this Agreement may be used in the plural, and vice versa, all in accordance with ordinary principles of English grammar, which shall govern all language in this Agreement. The words "include" and "including" in this Agreement shall be construed to be followed by the words: "without limitation." Each collective noun in this Agreement shall be interpreted as if followed by the words "(or any part of it)," except where the context clearly requires otherwise. Every reference to any document, including this Agreement, refers to such document, as modified from time to time (excepting any modification that violates this Agreement), and includes all exhibits, schedules, addenda and riders to such document. The word "or" in this Agreement includes the word "and." Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time.

10.8 Governing Law. The procedural and substantive laws of the State shall govern the interpretation and enforcement of this Agreement, without application of conflicts of laws principles. The Parties acknowledge and agree that this Agreement is entered into, is to be fully performed in and relates to real property located in the County. All legal actions arising from this Agreement shall be filed in the Superior Court of the State in and for the County or in the United States District Court with jurisdiction in the County.

10.9 Unavoidable Delay; Extension of Time of Performance.

10.9.1 **Notice**. Subject to any specific provisions of this Agreement stating that they are not subject to Unavoidable Delay or otherwise limiting or restricting the effects of an Unavoidable Delay (if any), performance by either Party under this Agreement shall not be deemed or considered to be in Default, where any such Default is due to the occurrence of an Unavoidable Delay. Any Party claiming an Unavoidable Delay shall Notify the other Party: (a) within twenty (20) days after such Party knows of any such Unavoidable Delay; and (b) within ten (10) days after such Unavoidable Delay ceases to exist. To be effective, any Notice of an Unavoidable Delay must describe the Unavoidable Delay in reasonable detail. The Party claiming

an extension of time to perform due to an Unavoidable Delay shall exercise reasonable efforts to cure the condition causing the Unavoidable Delay, within a reasonable time.

10.9.2 **Assumption of Economic Risks**. EACH PARTY EXPRESSLY AGREES THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS, OF EITHER PARTY SPECIFICALLY OR THE ECONOMY GENERALLY, OR CHANGES IN MARKET CONDITIONS OR DEMAND OR CHANGES IN THE ECONOMIC ASSUMPTIONS OF EITHER PARTY THAT MAY HAVE PROVIDED A BASIS FOR ENTERING INTO THIS AGREEMENT SHALL NOT OPERATE TO EXCUSE OR DELAY THE PERFORMANCE OF EACH AND EVERY ONE OF EACH PARTY'S OBLIGATIONS AND COVENANTS ARISING UNDER THIS AGREEMENT. ANYTHING IN THIS AGREEMENT TO THE CONTRARY NOTWITHSTANDING, THE PARTIES EXPRESSLY ASSUME THE RISK OF UNFORESEEABLE CHANGES IN ECONOMIC CIRCUMSTANCES OR MARKET DEMAND OR CONDITIONS AND WAIVE, TO THE GREATEST EXTENT ALLOWED BY LAW, ANY DEFENSE, CLAIM, OR CAUSE OF ACTION BASED IN WHOLE OR IN PART ON ECONOMIC NECESSITY, IMPRACTICABILITY, CHANGED ECONOMIC CIRCUMSTANCES, FRUSTRATION OF PURPOSE, OR SIMILAR THEORIES. THE PARTIES AGREE THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS, EITHER OF THE PARTY SPECIFICALLY OR THE ECONOMY GENERALLY, OR CHANGES IN MARKET CONDITIONS OR DEMANDS, SHALL NOT OPERATE TO EXCUSE OR DELAY THE STRICT OBSERVANCE OF EACH AND EVERY ONE OF THE OBLIGATIONS, COVENANTS, CONDITIONS AND REQUIREMENTS OF THIS AGREEMENT. THE PARTIES EXPRESSLY ASSUME THE RISK OF SUCH ADVERSE ECONOMIC OR MARKET CHANGES, WHETHER OR NOT FORESEEABLE AS OF THE EFFECTIVE DATE.

_____	_____
Initials of Authorized City Representative	Initials of Authorized Developer Representative

10.10 Tax Consequences. Developer acknowledges and agrees that Developer shall bear any and all responsibility, liability, costs or expenses connected in any way with any tax consequences experienced by Developer related to this Agreement.

10.11 Real Estate Commissions. Each Party: (a) represents and warrants that the Party did not engage or deal with any broker or finder in connection with this Agreement and no Person is entitled to any commission or finder's fee regarding this Agreement or conveyance of all or any portion of the Property from City to Developer on account of any agreement or arrangement made by such Party; and (b) shall Indemnify the other Party against any breach of the representation and warranty set forth in clause "(a)" of this Section 10.11.

10.12 No Third-Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any Person other than the Parties and their respective permitted successors and assigns, nor is anything in this Agreement intended to relieve or discharge any obligation of any Third Person to any Party or give any Third Person any right of subrogation or action over or against any Party.

10.13 Developer Assumption of Risks of Legal Challenges. Developer assumes the risk of delays or damages that may result to Developer from any Third Person legal actions related to

City's approval of this Agreement or any associated Approvals, even in the event that an error, omission or abuse of discretion by City is determined to have occurred. If a Third Person files a legal action regarding City's approval of this Agreement or any associated Approval (exclusive of legal actions alleging violation of Government Code Section 1090 by elected officials of City), Developer shall have the option to either: (a) cancel the Escrow and terminate this Agreement, in which case the Parties and the Escrow Agent shall proceed in accordance with Section 3.13; or (b) Indemnify City against such Third Person legal action, including all Legal Costs, monetary awards, sanctions, attorney fee awards, expert witness and consulting fees, and the expenses of any and all financial or performance obligations resulting from the disposition of the legal action; provided, however, that option "(a)" under this Section 10.13 shall only be available to Developer prior to the Close of Escrow. Should Developer fail to Notify City of Developer's election pursuant to this Section 10.13 at least fifteen (15) days before response to the legal action is required by City, Developer shall be deemed to have elected to cancel the Escrow and terminate this Agreement pursuant to this Section 10.13. If Developer is deemed to have elected to cancel the Escrow and terminate this Agreement pursuant to this Section 10.13 and Developer does not send Notice of cancellation of the Escrow to Escrow Agent and City and Notice of termination of this Agreement to City within ten (10) calendar days following such event, then City shall have the right to terminate this Agreement and cancel the Escrow by sending Notice of cancellation of the Escrow to Escrow Agent and Developer and Notice of termination of this Agreement to Developer, without liability to Developer or any other Person. City shall reasonably cooperate with Developer in defense of City in any legal action subject to this Section 10.13, subject to Developer performing Developer's indemnity obligations for such legal action. Nothing contained in this Section 10.13 is intended to be nor shall be deemed or construed to be an express or implied admission that City may be liable to Developer or any other Person for damages or other relief regarding any alleged or established failure of City to comply with any Law. Any legal action that is subject to this Section 10.13 (including any appeal periods and the pendency of any appeals) shall constitute an Unavoidable Delay and the time periods for performance by either Party under this Agreement may be extended pursuant to the provisions of this Agreement regarding Unavoidable Delay.

10.14 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, executors, administrators, legal representatives, successors and assigns.

10.15 Time Declared to be of the Essence. As to the performance of any obligation under this Agreement of which time is a component, the performance of such obligation within the time specified is of the essence.

10.16 Entire Agreement. This Agreement integrates all of the terms, conditions and exhibits mentioned in this Agreement or incidental to this Agreement, and supersedes all negotiations or previous agreements between the Parties with respect to all or any portion of the Property or the development of the Project.

10.17 Waivers and Amendments. All waivers of the provisions of this Agreement must be in writing and signed by the authorized representative(s) of the Party making the waiver. All amendments to this Agreement must be in writing and signed by the authorized representative(s) of both City and Developer. Failure to insist on any one occasion upon strict compliance with any term, covenant, condition, restriction or agreement contained in this Agreement shall not be deemed a waiver of such term, covenant, condition, restriction or agreement, nor shall any waiver

or relinquishment of any rights or powers under this Agreement, at any one time or more times, be deemed a waiver or relinquishment of such right or power at any other time or times.

10.18 Prohibition Against Changes in Ownership, Management or Control of Developer or Assignment. Developer acknowledges and agrees that the qualifications and identity of Developer are of particular importance and concern to City. Developer further acknowledges and agrees that City has relied and is relying on the specific qualifications and identity of Developer and that City would not have entered into this Agreement but for the specific qualifications and identity of Developer. As a result, Developer and City agree that the following restrictions on Transfers shall apply: (a) Developer may not make any Transfer prior to the issuance by City of a final Certificate of Occupancy for the Project, except that, after the Close of Escrow, Developer may grant easements and other encumbrances that are Permitted Encumbrances; and (b) after issuance of a final Certificate of Occupancy by the City for the Project, the restrictions on Transfers set forth in this Section 10.18 shall terminate. Any Transfers of all or any portion of Developer's rights or obligations under this Agreement or of all or any portion of the Property, not expressly allowed in this Section 10.18, or that are not otherwise Permitted Encumbrances, are only permitted with the prior written consent of City, which may be withheld or conditioned in City's sole and absolute discretion. Developer represents and warrants to City that Developer has not made and agrees that Developer will not create or permit to be made or created any Transfer, except in accordance with this Section 10.18, either voluntarily, involuntarily or by operation of law. Any Transfer made in violation of this Section 10.18 shall be voidable at the election of City. Developer acknowledges and agrees that the restrictions on Transfers set forth in this Section 10.18 are reasonable.

10.19 City Manager Implementation. City shall implement this Agreement through the City Manager. The City Manager is hereby authorized by City to enter into agreements referenced in this Agreement or reasonably required to implement this Agreement on behalf of City, issue approvals, interpretations or waivers and enter into amendments to this Agreement on behalf of City, to the extent that any such action(s) does/do not materially or substantially change the Project or increase the monetary obligations of City by more than Fifty Thousand Dollars ($50,000) in the aggregate. All other actions shall require the consideration and approval of City, unless expressly provided otherwise by action of City. Nothing in this Section 10.19 shall restrict the submission to City of any matter within the City Manager's authority under this Section 10.19, in the City Manager's sole and absolute discretion, to obtain City authorization on such matter. The specific intent of this Section 10.19 is to authorize certain actions on behalf of City by the City Manager, but not to require that such actions be taken by the City Manager, without consideration by City.

10.20 Survival of Agreement. All of the provisions of this Agreement shall be applicable to any dispute between the Parties arising from this Agreement, whether prior to or following expiration or termination of this Agreement, until any such dispute is finally and completely resolved between the Parties, either by written settlement, entry of a non-appealable judgment or expiration of all applicable statutory limitations periods and all terms and conditions of this Agreement relating to dispute resolution and limitations on damages or remedies shall survive any expiration or termination of this Agreement.

10.21 Counterparts. This Agreement may be signed in three (3) counterpart originals, each of which is deemed to be an original. This Agreement includes _____ (_____) pages and _____ (_____) exhibits (each exhibit is incorporated into this Agreement by

reference) that constitute the entire understanding and Agreement of the Parties regarding the subject matter of this Agreement.

10.22 Facsimile or Electronic Signatures. Signatures delivered by facsimile or electronic means shall be binding as originals upon the Party so signing and delivering; provided, however, that original signature(s) of each Party shall be required for each document to be recorded.

[Signatures on following page]

SIGNATURE PAGE
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

IN WITNESS WHEREOF, the Parties have signed and entered into this Agreement by and through the signatures of their respective authorized representative(s) as follow:

CITY:

CITY OF COLTON, a California municipal corporation

By:_____
William R. Smith
City Manager

ATTEST:

By:_____
City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____
City Attorney

DEVELOPER:

LUMAR DEVCO, LLC, a California limited liability company

By:_____
[NAME]
[TITLE]

By:_____
[NAME]
[TITLE]

EXHIBIT A-1
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Berki Parcel Legal Description

[Attached behind this cover page]

EXHIBIT A-2
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

County Parcel Legal Description

[Attached behind this cover page]

EXHIBIT A-3
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Property Aerial Depiction

[**Attached behind this cover page**]

EXHIBIT B
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

City Deed

[Attached behind this cover page]

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

_____
_____
_____
Attn: _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED
(Valley & Pepper)

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF COLTON, a California municipal corporation ("**Grantor**"),

does hereby grant to

LUMAR DEVCO, LLC, a California limited liability company ("**Grantee**"),

that certain real property in the City of Colton, County of San Bernardino, State of California, specifically described in Exhibit "1" attached to this Grant Deed ("**Property**") and made a part of this Grant Deed by this reference,

SUBJECT TO the following agreements, covenants and retained and reserved rights and interests in the Property in favor of Grantor that shall run with the land of the Property and bind Grantee and all successive owners of all or any portion of the Property:

1. **ASSOCIATED AGREEMENT.** That certain Disposition and Development Agreement (Valley & Pepper), dated as of [TO BE DETERMINED], entered into between Grantor and Grantee ("**DDA**"), includes certain covenants including:

   4.1 Developer's Covenant to Develop the Project. As a material inducement to City for entering into this Agreement and selling the Property to Developer, Developer covenants and agrees with City that Developer shall commence, pursue and complete the development of the Project on the Property in accordance with this Agreement, the Performance Schedule and all Laws and Approvals applicable to the Project. The covenants of this Section 4.1 shall run with the land of the Property and bind successive owners of the Property, until the first date on which a final Certificate of Occupancy has been issued by City for the Project.

2. **INCORPORATION OF DDA DEFINITIONS.** Any terms indicated to be defined terms by initial capitalization in this Grant Deed that are not specifically defined in this Grant Deed shall have the meaning ascribed to the same term, respectively, in the DDA.

Dated: _____

CITY OF COLTON, a California municipal corporation

By:_____
William R. Smith
City Manager

EXHIBIT "1"
TO
GRANT DEED
(Valley & Pepper)

Property Legal Description

[Attached behind this cover page]

CERTIFICATE OF ACCEPTANCE OF GRANT DEED

This is to certify that the interest in real property conveyed by the foregoing Grant Deed from the **CITY OF COLTON,** a California municipal corporation, to **LUMAR DEVCO, LLC**, a California limited liability company, is hereby accepted by the undersigned, who consents to the recordation of such Grant Deed in the official records of the County of San Bernardino, California.

LUMAR DEVCO, LLC,
a California limited liability company

By: _____
[NAME]
[TITLE]

By: _____
[NAME]
[TITLE]

EXHIBIT C
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Notice of Agreement

[Attached behind this cover page]

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Colton
650 N. La Cadena Drive
Colton, CA 92324
Attention: City Manager

SPACE ABOVE FOR RECORDER'S USE ONLY
EXEMPT FROM RECORDING FEES – GOVT. CODE § 27383

THE CITY OF COLTON

Notice of Agreement

Disposition and Development Agreement
(Valley & Pepper)

TO ALL INTERESTED PERSONS PLEASE TAKE NOTICE that as of _____, 2016, Lumar Devco, LLC, a California limited liability company ("Developer"), and the City of Colton, a California municipal corporation ("City"), entered into an agreement entitled "Disposition and Development Agreement (Valley & Pepper)" ("Agreement"). A copy of the Agreement is on file with the City Clerk and is available for inspection and copying by interested persons as a public record of the City at the City's offices located at 650 N. La Cadena Drive, Colton, California, during the regular business hours of the City.

The Agreement affects the real property described in Exhibit "1" attached to this Notice of Agreement ("Property"). The meaning of defined terms, indicated by initial capitalization, used in this Notice of Agreement shall be the same as the meaning ascribed to such terms, respectively, in the Agreement.

PLEASE TAKE FURTHER NOTICE that the Agreement contains certain covenants running with the land of the Property and other agreements between Developer and City affecting the Property, including, without limitation (all section references are to the Agreement):

5.1 Developer's Covenant to Develop the Project. As a material inducement to City for entering into this Agreement and selling the Property to Developer, Developer covenants and agrees with City that Developer shall commence, pursue and complete the development of the Project on the Property in accordance with this Agreement, the Performance Schedule and all Laws and Approvals applicable to the Project. The covenants of this Section 5.1 shall run with the land of the Property and bind successive owners of the Property, until the first date on which a final Certificate of Occupancy has been issued by City for the Project.

THIS NOTICE OF AGREEMENT is dated as of _____, 20__, and has been signed and made by and on behalf of Developer and City by and through the signatures of their authorized representative(s) set forth below. This Notice of Agreement may be signed in counterparts and each counterpart shall, collectively, be deemed to be one original instrument.

CITY:

CITY OF COLTON, a California municipal corporation

By:_____
William R. Smith
City Manager

ATTEST:

By:_____
Carolina R. Padilla
City Clerk

DEVELOPER:

LUMAR DEVCO, LLC, a California limited liability company

By:_____
[NAME]
[TITLE]

By:_____
[NAME]
[TITLE]

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____
City Attorney

EXHIBIT "1"
TO
NOTICE OF AGREEMENT

Property Legal Description

[Attached behind this cover page]

EXHIBIT D
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Developer Official Action

The undersigned members of Lumar Devco, LLC, a California limited liability company ("LLC"), do hereby certify that we are all of the members of the LLC and that there are no other members.

We further certify that _____ and _____ be, and they are, authorized and empowered for and on behalf of and in the name of the LLC to execute and deliver that certain Disposition and Development Agreement (Valley & Pepper), dated _____ ("Agreement"), pursuant to which the LLC will acquire title to that certain real property consisting of approximately 129,477 square feet (2.97 acres), including a portion of the former Valley Boulevard, located to the east of Pepper Avenue in the City of Colton, County of San Bernardino, State of California, to perform the other obligations of the LLC set forth in the Agreement and all other documents necessary or convenient to be made or entered into by the LLC in connection with the transactions, construction project(s) and other activities contemplated in the Agreement, and to take all actions that may be considered necessary or convenient to conclude the transactions and complete the construction project(s) and other activities contemplated in the Agreement.

The authority conferred and certified to in this Certificate shall be considered retroactive and any and all acts authorized in this Certificate that were performed before the execution of this Certificate are approved and ratified. The authority conferred and certified to in this Certificate shall continue in full force and effect until the City of Colton City Manager shall have received notice in writing from all of the members of the LLC of the revocation of this Certificate.

We further certify that: (1) the activities covered by the authorities certified to in this Certificate and the foregoing certifications constitute duly authorized activities of the LLC; (2) these authorities and certifications are now in full force and effect; (3) there is no provision in any document under which the LLC is organized and/or that governs the LLC's continued existence limiting the power of the undersigned to grant such authority or make certifications set forth in this Certificate; and (4) the authorities certified to and the forgoing certifications in this Certificate are in conformity with the provisions of all such documents.

LLC Members:

_____

_____

EXHIBIT E
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Performance Schedule

A. Days shall be calendar days, unless otherwise specified.

B. The City Manager is authorized by City to make minor changes to the schedule resulting in an aggregate extension of the completion of the Project and Public Improvements, as set forth in Line Item 6 below, of ninety (90) calendar days or less.

C. In the event of any conflict between this schedule and the Agreement, the terms and provisions of this schedule shall control.

D. All defined terms indicated by initial capitalization used in this schedule shall have the meanings ascribed to the same terms in the Agreement.

	Action	**Date Action to be Completed By**
1.	Escrow Opening Date	Within 30 calendar days after Effective Date and concurrently with the opening of escrow for the County Parcel
2.	Delivery of ALTA Survey to City	Prior to end of Due Diligence Period
3.	Delivery of Due Diligence Completion Notice to City	Prior to end of Due Diligence Period
4.	Close of Escrow	Within 12 months after the Escrow Opening Date unless extended pursuant to the terms of this Agreement
5.	Developer to submit all Entitlements to City for City review and approval	
6.	Issuance of all grading permits for the Project	
7.	Completion of all grading required for issuance of all building permits for the Project	
8.	Issuance of all building permits for the Project	
9.	Commencement of construction of the Project	
10.	Completion of construction of the Project	

11.	City delivers to Developer a Completion Certificate (§9.1)	Within 15 days after request by Developer.

EXHIBIT F
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Developer's Conceptual Site Plan

[Attached behind this cover page]

EXHIBIT G
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Completion Certificate

[Attached behind this cover page]

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Colton
650 N. La Cadena Drive
Colton, CA 92324
Attn: City Manager

SPACE ABOVE FOR RECORDER'S USE ONLY
EXEMPT FROM RECORDING FEES – GOVT. CODE § 27383

THE CITY OF COLTON

Completion Certificate

Disposition and Development Agreement
(Valley & Pepper)

In his or her capacity as City Manager of the City of Colton, a California municipal corporation ("City"), the undersigned certifies that: (1) City and Lumar Devco, LLC, a California limited liability company ("Developer"), are parties to that certain Disposition and Development Agreement (Valley & Pepper), dated as of _____, 2016 ("Agreement"); and (2) the Project described in the Agreement and required to be constructed pursuant to the Agreement on that certain real property specifically described in the legal description attached to this Completion Certificate as Exhibit 1 ("Property") is complete in accordance with the provisions of the Agreement.

This Completion Certificate constitutes conclusive evidence that Developer's obligation under the Agreement to construct the Project on the Property has been satisfied, including any and all buildings, parking areas, landscaping areas and related improvements necessary to support or meet any requirements applicable to the Project and its use and occupancy, exclusive of any Punchlist Work. Notwithstanding any other provision of this Completion Certificate, the operating, use, maintenance, non-discrimination, non-segregation, construction and other terms, provisions, covenants, conditions, restrictions and agreements set forth in the Agreement, other than those specifically requiring construction of the Project on the Property, shall continue in full force and effect and City may enforce any and all such terms, provisions, covenants, conditions, restrictions or agreements in accordance with the Agreement. Nothing contained in this Completion Certificate shall waive or modify any term, provision, covenant, condition, restriction or agreement contained in any other document. The Agreement is an official record of City and a copy of the Agreement may be inspected in the offices of City located at 650 N. La Cadena Drive, Colton, CA 92324, during the regular business hours of City. All terms indicated to be defined terms in this Completion Certificate by initial capitalization, but not specifically defined in this Completion Certificate, shall have the meaning ascribed to the same term, respectively, in the Agreement.

ISSUED as of _____, 20___.

_____

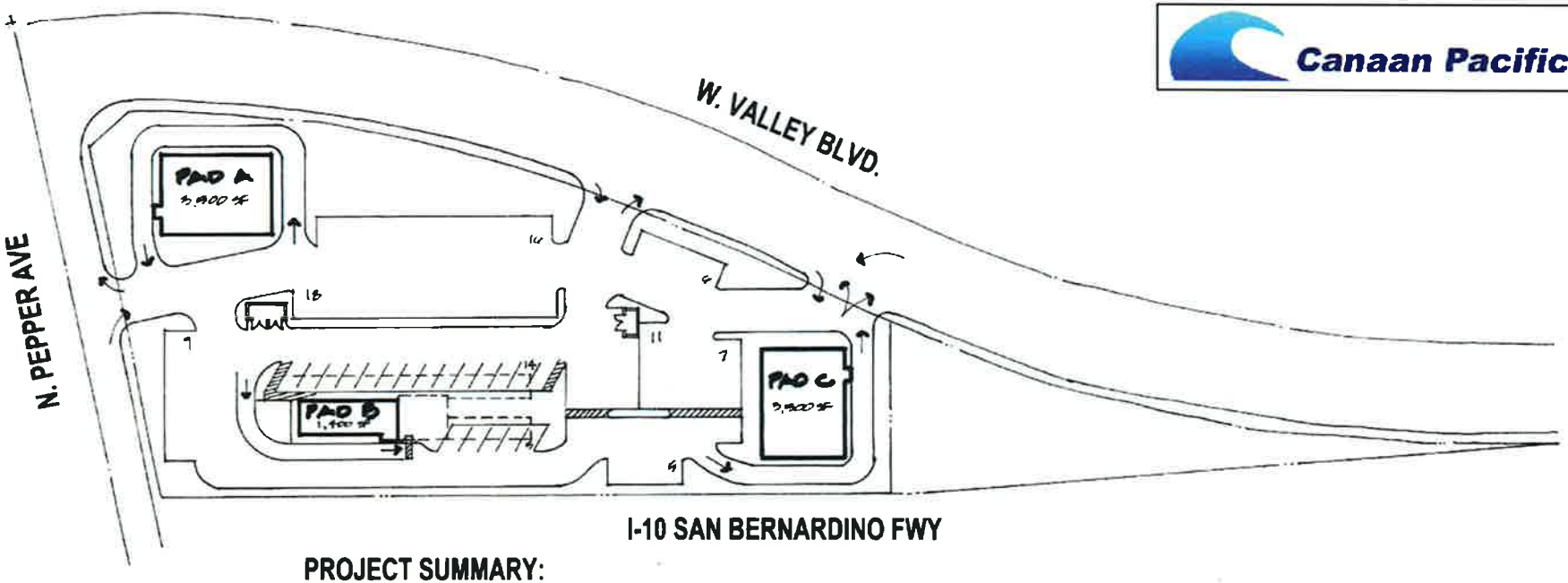
William R. Smith
City Manager

EXHIBIT 1
TO
COMPLETION CERTIFICATE
DISPOSITION AND DEVELOPMENT AGREEMENT
(Valley & Pepper)

Property Legal Description

[Attached behind this cover page]

Canaan Pacific Inc.



PROJECT SUMMARY:

SITE PLAN:	± 2.09 AC.	± 91,251 SQ.FT.
BUILDING AREA:		8,400 SQ. FT.
LAND / BUILDING:		9.2 %
PARKING REQUIRED:		
FOOD A 3,500 S.F. x 60% = 2,100 S.F. @ 1 / 100		21 STALLS
FOOD B 1,400 S.F. x 60% = 840 S.F. @ 1 / 100		8 STALLS
FOOD C 3,500 S.F. x 60% = 2,100 S.F. @ 1 / 100		21 STALLS
TOTAL		50 STALLS
PARKING PROVIDED:		91 STALLS
PARKING RATIO:		10.8 / 1,000 S.F.

Lundin Development Co.

marinita DEVELOPMENT COMPANY

GRAPHIC SCALE

NORTH

SITE PLAN B

R·E·D Architectural Group

PLANNING • ARCHITECTURE • INTERIORS
3436 N VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
P 818.957.7785 • 818.957.7767 F

DATE: 04.11.2016
PROJECT NUMBER: 397.1601.01

SEC N. PEPPER AVE. & W. VALLEY BLVD.
COLTON, CA 92324

Proposed New Freeway Retail Shopping Center

Located on the NEQ of Interstate 10 at Pepper Ave. in Colton, CA

For Leasing Information:
Michael Lundin
Canaan Pacific
(562) 307-7272
michael@canaanpacific.com

RESOLUTION NO. R-17-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, FINDING THAT THE DISPOSITION OF CERTAIN PUBLIC PROPERTIES FOR COMMERCIAL DEVELOPMENT IS CONSISTENT WITH THE CITY'S GENERAL PLAN

WHEREAS, the County of San Bernardino ("County") owns that certain real property generally located at the southeast corner of Valley Boulevard and Pepper Avenue (APN 0254-191-12-0000), and commonly referred to as "Old Valley Boulevard" Right-of-Way ("County Parcel"), and;

WHEREAS, Pacific Ocean Drive 3315, LLC ("Pacific") currently owns in fee that certain parcel (APN 0254-191-09-0000) located at the southeast corner of Valley Boulevard and Pepper Avenue ("Pacific Parcel"), and;

WHEREAS, the City desires to purchase the County Parcel along with the Private Parcel for their conveyance for future development, and;

WHEREAS, the City wishes to sell the County Parcel and the Pacific Parcel to Lumar Devco, LLC, its successors and assigns ("Developer") for the development of quick service restaurants, casual dining, or other acceptable retail uses ("Project"), to serve the needs of the regional community and expanding the City's sales tax base, employment and shopping opportunities, and;

WHEREAS, City and County have negotiated a Purchase and Sale Agreement and Escrow Instructions ("County Agreement") for City to acquire the County Parcel for the development of the Project, and;

WHEREAS, City and Private Party have negotiated a Purchase and Sale Agreement and Escrow Instructions ("Pacific Agreement") for City to acquire the Pacific Parcel for the development of the Project, and;

WHEREAS, City and Developer have negotiated a Disposition and Development Agreement ("Agreement") for Developer to acquire the Pacific Parcel and County Parcel from the City for development of the Project, and;

WHEREAS, the Properties are designated for Retail use in the City of Colton's General Plan ("General Plan") and are zoned Retail under the Hub City Centre Specific Plan; and;

WHEREAS, pursuant to Government Code Section 65402, the Planning Commission of the City of Colton must make a finding that the location, purpose and extent of the disposition of the Public Properties conforms with the City's General Plan; and;

WHEREAS, after a duly noticed public meeting held on the 28th day of June, 2016, and the consideration of all facts and circumstances, the Planning Commission desires to make a finding of General Plan conformance based upon substantial evidence.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Colton, California, in Regular Session assembled this 28th day of June, 2016, that the proposed disposition of the Public Properties by the City to Developer is found to be in conformity with the City of Colton General Plan, based on the following findings:

A. Assemblage of the small lots as proposed will create a more attractive and cohesive development to the site, per General Plan Land Use Element Policy LU-1.5.

B. Development of the site as a location for a sought-after retail store will strengthen the economic base of the City, and help build fiscal stability, per General Plan Land Use Element Goal LU-3.

C. The proposed disposition of the property will bring needed shopping opportunities, tax revenue and employment opportunities to the area, as stated in General Plan Land Use Element Goal LU-9.

D. Bringing small lots together for development of an attractive retail center will help to revitalize the Pepper and Valley corridor as a key intersection, per General Plan Land Use Goal LU-17 and General Plan Land Use Policy LU-17.10.

BE IT FURTHER RESOLVED, that the Planning Commission has determined that the above referenced findings, in conjunction with all written and oral evidence presented to the Planning Commission, including staff reports and Commission deliberation, provides substantial evidence for the Planning Commission's finding of General Plan conformity with respect to the proposed disposition of the Public Properties.

PASSED, APPROVED, AND ADOPTED this 28th day of June, 2016.

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 June 28, 2016, by the following vote of the Planning Commission:

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

Planning Commission Secretary
Mark R. Tomich, AICP

Planning Commission Staff Report

City of Colton
Development Services Department

MEETING DATE: June 28, 2016

FILE INDEX NUMBER: **DAP-001-307** **Colton's Downtown Code and Design Manual**

REQUEST: **Amending the General Plan Land Use Plan Map** by from "General Commercial" to "Mixed-Use Downtown" and **adopting the Downtown Design Manual** and **Amendment to Title 18,** Updating and Revising Several Zoning Code Chapters and Amending the Zoning Map for certain parcels by adding C-2/D (General Commercial – Downtown Overlay) Zone and changing Zone on specific parcels from C-2 (General Commercial) to M-U/D (Mixed-Use/Downtown) Zone.

APPLICANT: City-Initiated

BACKGROUND

Sustainable Communities Planning Grant. On August 19, 2014, the City Council accepted the Sustainable Communities Planning Grant for preparation of a Downtown Development Code and Design Manual. A Request for proposal went out to 12 experienced planning and design consulting firms to prepare a downtown development code and design manual. After conducting an in-house proposal evaluation process and consultant interviews, the City Council approved a contract with RRM Design Group on December 2, 2014. Grant goals include:

- Increase infill and compact development.
- Provide incentives for development of affordable housing.
- Encourage a mix of uses, pedestrian linkages and public facilities that encourage walking, bicycle mobility, and use of transit. (Omnitrans BRT and local routes)
- Establish design criteria that will guide development and redevelopment to facilitate a unique and attractive downtown identity that respects Colton's historic heritage.
- Create innovative incentives to meet the objectives of the grant to develop opportunities for a sustainable development pattern.

Kick-off Meeting/Stakeholder Interviews/Workshops. The project kick-off meetings took place in January 2015. Following stakeholder interviews, two public workshops and a joint City Council and Planning Commission meetings were held. The two public workshops were held on March 19, 2015 and September 24, 2015. Summary notes of the workshops are provided in the Attachment 1. Some of the areas of concern heard during the stakeholder's interview include:

- "Encourage more mixed use and senior housing"

- "Bring back architectural quality, history and scale to buildings"
- "Good downtowns have a vibrant mix of diversity of uses – shops, restaurants, cafes, salons, coffee shops, pool halls, movie theater, going to downtown is an exciting adventure"
- "Enhance sidewalks to accommodate strollers, wheelchairs and landscaping"
- "Make downtown more inviting to residents, businesses and visitors"
- "Need a small business champion at City Hall"

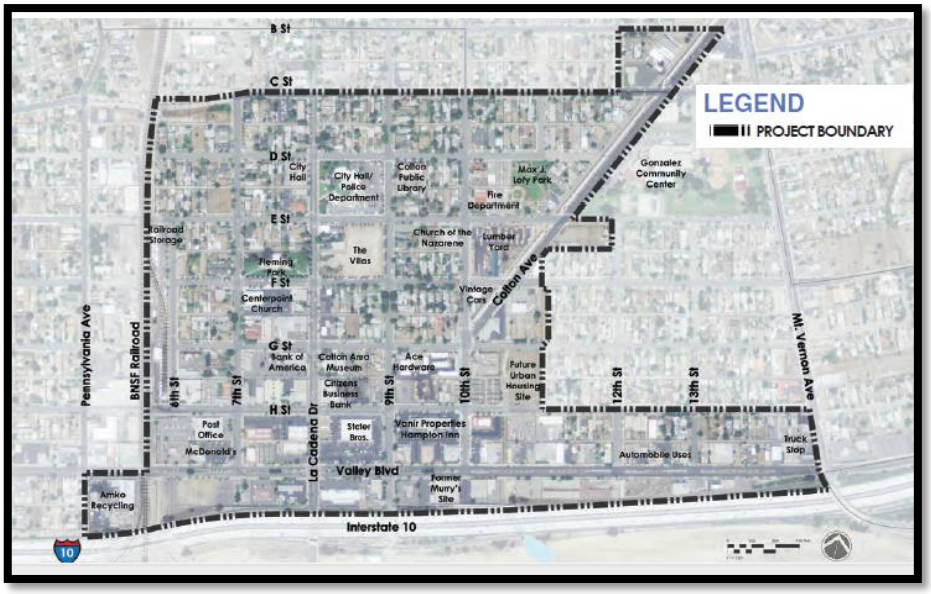
Native American Tribal Consultation. In March 2018, staff also completed the noticing requirements for Assembly Bill 52 and Senate Bill 18 related to making contact with a list of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of Colton's Downtown area. No specific concerns were received on the proposed project.

Historic Preservation Commission Review. On March 8, 2016, the Historic Preservation Commission (HPC) reviewed The Downtown Development Code Updates/Revisions and Design Manual final draft. The HPC was in support of the Vision Plan and proposed direction for development/redevelopment of Colton's Downtown. The Commission specifically liked the "Historic Heritage" parts of the plan and other areas of the plan such as, how the plan addresses lighting, architecture, public spaces and landscaping.

PROJECT DESCRIPTION

Downtown Project Area: The proposed text amendments and map amendments are located within a 258 acre of Downtown Colton and includes about 1,400 residents, 240 homes and important cultural and civic uses such as Fleming Park, City Hall, Colton Public Library, Colton Area Museum and Police and Fire Departments.

Project Location / Boundaries: The Design Manual Area (also known as Downtown Area) is bound to the north and south by C Street and Interstate 10, respectively. The eastern and western boundaries are not as linear: the eastern boundary starts at the Colton Avenue/B Street intersection following Colton Avenue to E Street, where the boundary meanders to the south through residential lots, to H Street where it jogs to the east ending at Mt. Vernon Avenue; and the western boundary generally follows the BNSF Railroad, and includes the Amko Recycling property at the southwest end.



General Plan Map and Zoning Map Amendments: The project includes proposed amendments to the City's General Plan Map Land Use Designations and for consistency purposes and changes to Zoning text and map. The existing zoning and general plan for other parcels work and are not requested to be changed. The proposed map changes include:

- General Plan: Change land use designation on parcels depicted on Land Use Map below from "General Commercial" to "Mixed Use Downtown."

Proposed General Plan Land Use

- Zoning: Change parcels identified on the Zoning map below from C-2 (General Commercial) to M-U/D (Mixed Use Downtown) Zone and C-2 (General Commercial) to C-2/D (General Commercial Downtown Overlay) Zone.

Proposed Zoning

Zoning Text Amendments. The Zoning Text Amendments may be divided into three areas. The following provides a brief summary of the proposed changes to each chapter of the Zoning Code:

1. Revising Chapter 18.06, Section 18.06.060 (Uses Permitted In Each Zone), Table F. prohibiting auto related uses within the C-2 General Commercial Downtown Overlay Zone and Mixed-Use Downtown Zone.

2. Revising Chapter 18.23 (Mixed-Use Downtown), provide updated development standards, parking and added graphics in developing a more up to date code and standards that work for downtown development projects.
3. Adding new Chapter 18.23.4 (General Commercial Downtown Overlay) designed to address Downtown development patterns on Valley Boulevard and H Street. The proposed added Chapter to the Zoning Code is consistent with the Mixed-Use Downtown Code Requirements but specific to Downtown development pattern on the aforementioned streets.

Design Manual. The Design Manual is a detailed policy document which provides the basis and platform for revitalizing Colton's Downtown. Following is a brief description of each chapter:

Chapter 1. Introduction. Provides an overview and purpose of the document. In it is a detailed description of the project area, description of the content and use for the Manual and explains the relationship to other planning documents of the City such as the General Plan Land Use Plan Element, Mobility Plan, Cultural Resources Preservation Element and Zoning Code.

Chapter 2. Vision and Planning Principles. The Vision and Planning Principles were developed based upon understanding the existing conditions, the findings of a marketing study for the Downtown area and input from stakeholders and community workshop attendees. The Vision and Planning Principles must be consistent with the grant goals and guidelines.

2.4 PLANNING PRINCIPLES

Each of the 10 planning principles, that were crafted from community input, plays a key role in the guidelines provided in this Design Manual. Based on the public input received during community outreach efforts, the following Downtown planning principles were drafted in order to guide the preparation of the Design Manual.

Historic Heritage
Emphasize Colton's historic heritage (such as Southern Pacific Railroad, Earp family, WW II homes, agricultural industries) to promote historic attractions, tourism and celebrate community pride.

Mix of Commercial Uses
Foster a vibrant mix of uses to create an existing and dynamic downtown experience, including uses such as eating and drinking establishments, entertainment venues, and a range of retail and service shops.

Downtown Identity
Establish branding and cohesive signage, including a gateway sign visible from Interstate 10 that encourages tourists-commuters-passers-by to stop and directs them to key businesses and attractions, secondary gateways to welcome residents from adjacent neighborhoods and a downtown wayfinding program.

Small Businesses
Support small business owners to invest within Colton's Downtown core area through incentives, education, resources, and programs.

Link South Colton
Extend and connect the Downtown experiences on the north and south sides of Interstate 10. Commercial areas and neighborhoods south of the railroad tracks provide future opportunities to improve mobility, provide cultural events, and enhance Colton's integrated identity.

Streetscape Beautification
Catalyze the beautification of public spaces such as La Cadena Drive and Valley Boulevard, the La Cadena railroad underpass, transit stops, and parks through the planting of more drought resistant street trees and landscaping.

Sustainability and Healthy Living
Integrate sustainable design practices and green building policies that reduce reliance on non-renewable resources. Support healthy living practices including access to healthy foods, walkability, recreational amenities, and a safe environment.

Gathering Spaces
Provide a network of gathering spaces that provide a range of sizes and functions including plazas, parks, paseos, and visual focal points. Public spaces will be enhanced by landscaping, furnishings, and public art.

Expanded Mobility
Allow for a multi-modal transit station to support the future Omnitrans Holt Bus Rapid Transit (BRT) Line service. Integrate a network that includes a variety of mobility modes including public transit, bicycle facilities, pedestrian corridors and links, as well as vehicle circulation.

Revitalize and Maintain
Encourage and facilitate resources/incentives for the upkeep and enhancement of properties including facade improvements, lot consolidation, graffiti abatement, and infill of underutilized parcels.

Chapter 3. Urban Form and Design Guidelines. Future project proposals will need to be designed with specific design elements as outlined in this Chapter which provides general criteria for project site planning and building design for the Valley Boulevard Corridor and for Downtown mixed-use, multi-family residential, and single family residential development.

Chapter 4. Complete Streets. This chapter is an extension and consistent with the City's adopted Mobility Element policies, but focuses on Downtown project area. Complete streets includes addressing the "integration of pedestrian, bicycle, motorists, and transit use in the planning design, construction, operation and maintenance of transportation networks."

Chapter 5. Streetscapes and Placemaking. With existing infrastructure in place, Colton's Downtown a great platform to improve upon and revitalize. The streetscapes of a Downtown are a major reason why future residents, shoppers and visitors may want to be in Colton's Downtown. Street design guidelines, development standards, and architectural guidelines provide for walkable and enjoyable streets and accommodate parking for visitors. This Chapter provides the recommended street/landscape improvements, public space improvements and lighting improvements to reach the plans objectives and goals stated in Chapter 2 of the Design Manual.

Chapter 6. Implementation including Appendix A (Funding Sources). Unlike many other implementation programs, this chapter provides an explanation of how the Design Manual can facilitate private investment, points out advantageous economic factors and challenges for revitalization of the Downtown area, and identifies potential synergies with adjacent developed areas. A summary of Market Potential is provided on Page 6-4 through 6-7 of the Design Manual along with outlining "Priority Development Areas." Pages 2-8 through 6-9 of the Design Manual identify "Potential funding sources and Financing Mechanisms" to facilitate economic development of Downtown Colton. In addition, this Chapter provides an implementation plan that includes regulatory changes, improvement projects, programs, studies and incentives for the City to consider and provides a priority number for each recommended "Action Item." The priority rating is completion of an action item within a short (1 year), mid-range (2-5 years) and long-range (5 years+) time frame. Finally, Appendix A provides description of funding resources ranging from local, regional, state and national programs.

ISSUES/ANALYSIS

Overall, the community and stakeholders were supportive and positive about the development of the Design Manual and updating the City Zoning Code to encourage, facilitate and guide revitalization of Colton's Downtown. Much of the input from the City's Stakeholders were specific to the Downtown but not too different from what was learned during the recent General Plan Update process, concluded in 2013. Policy direction regarding Colton's Downtown was included in the 2013 General Plan Update and was the impetus to apply for the Sustainable Communities Planning Grant to implement these policies.

The City conducted additional outreach to the County of San Bernardino's Public Health Department and received feedback which is incorporated in some the Design Manual recommendations. See expanded the initial recommendations within the Page 6-15 to address the County's Public Health comments regarding a farmers market and way finding signs along bicycle facilities (Attachment 2). In addition, several components of the proposed Design Manual support healthy community strategies such as improved mobility, affordable housing, additional landscaping, community safety through design, and enhanced economic vitality.

One issue that came up during stakeholder interviews and public workshops was the future planning for South Colton neighborhoods. The Design Manual's Implementation Chapter includes an "Action Item" for the Development Services staff to create a work plan a South Colton neighborhood plan. Staff has been actively searching for grant sources and other funding options to initiate this project.

Attachment 4 includes the proposed amendments to the existing Zoning Code Sections and proposed new C-2 General Commercial Downtown Overlay Zone requirements for the areas along Valley Boulevard and H Street. Tailored parking requirements, allowing architectural forward design (buildings closer to the street) are proposed. These are typically seen in successful downtowns. The proposed text amendments are designed to address downtown development patterns and support positive and successful design practices to revitalize Colton's Downtown.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study was prepared of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Negative Declaration was prepared and posted on the City's website. The Draft Initial Study / Negative Declaration was advertised and posted for public review and comment period starting on April 30, 2015 to May 31, 2016. No comments have been received on the Initial Study.

RECOMMENDATION

Staff recommends that the Planning Commission adopt:

Resolution No. R-18-16. A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN AMENDMENT TO CITY'S GENERAL PLAN LAND USE MAP CHANGING GENERAL PLAN LAND USE DESIGNATION FROM "GENERAL COMMERCIAL" TO "MIXED-USE / DOWNTOWN" FOR CERTAIN PARCELS IN DOWNTOWN AND TO ADOPT THE "DOWNTOWN DESIGN MANUAL" A COMPANION DOCUMENT TO TITLE 18 (ZONING CODE). (FILE INDEX NO. DAP-001-307)

Resolution No. R-19-16. A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING CHAPTERS 18.06 (USES PERMITTED IN EACH ZONE) AND 18.23 (MIXED-USE DOWNTOWN) OF THE MUNICIPAL CODE AND ADDING NEW CHAPTER 18.23.4 (C-2 GENERAL COMMERCIAL OVERLAY ZONE) AND TO DESIGNATE CERTAIN PARCELS WITH C-2/D (GENERAL COMMERCIAL-DOWNTOWN OVERALAY) ZONE AND CHANGING THE ZONE ON SPECIFIC PARCELS FROM C-2 (GENERAL COMMERCIAL) TO M-U/D (MIXED-USE/DOWNTOWN). (FILE INDEX NO. DAP-001-307)

Prepared by:
Mario Suarez, AICP, Senior Planner

Reviewed by:
Mark R. Tomich, AICP, Director

ATTACHMENTS:

1. Summary of Stakeholders Meeting, Public Workshops and Joint Planning Commission/City Council Meetings
2. Page 6-15 Design Manual Expanded Recommendations
3. Initial Study / Negative Declaration
4. Redlined Zoning Text Amendments to Chapters 18.06, 18.23.4 and 18.23 of the Zoning Code
5. Planning Commission Resolution No. R-18-16 General Plan Land Use Map Amendments and Downtown Design Manual with Exhibit A. Changing General Plan Land Use designation from "General Commercial" to "Mixed-Use/Downtown" and Exhibit B adopting Downtown Design Manual.
6. Planning Commission Resolution No. R-19-16 Copy of Proposed Zoning Text and Map Amendments with Exhibits A related to Change of Zone from C-2 (General Commercial) to M-U/D (Mixed-Use/Downtown) and adding to certain parcels the C-2/D (General Commercial/Downtown Overlay) Zone and Exhibits B-D related to proposed Code Amendments

ATTACHMENT 1

Summary of Stakeholders Meeting, Public Workshops and Joint Planning Commission/City Council Meetings

Stakeholders Meeting on 2/26/15

COLTON DOWNTOWN DEVELOPMENT CODE AND DESIGN MANUAL – STAKEHOLDER MEETINGS #1

On February 26, 2015, a series of half-hour meetings were held by RRM Design Group with various stakeholders including downtown businesses, residents, decision-makers, commissioners, affected agencies, investors, and interest groups. The purpose of the meetings was to introduce the project and provide an informal opportunity early in the planning process to hear preliminary issues and ideas to inform the contract design consultant and staff in the preparation of the Colton Downtown Development Code and Design Manual.

Sixteen stakeholders were interviewed over the course of the day at City Hall offices. The interviews were quite informative, laying a foundation of background information and identifying many issues as well as visions for development of the Downtown Development Code and Design Manual. As part of the meetings, an overview of the project process and schedule was furnished to stakeholders that identified additional opportunities to help shape the plan vision and content over the coming months.

COLTON KEY STAKEHOLDER COMMENTS

Essence of Colton

- Colton is like a little village – everyone knows everyone and in many cases are related
- Colton has been a crossroads for freeways, railroads, cultures – meeting place of different people – consider theme
- Colton is full of young families
- Colton has a small town feel and is family oriented
- Colton is a commuter town
- Downtown should be called the HubCity, and the west end should get a different trendy name
- This study of Downtown Colton should be expanded to include the commercial area along La Cadena Drive south of the freeway

Architecture

- New compact lot standards are good
- Ask the community if they want a historic architectural character or something like the Villas
- Bring back architectural quality, history and scale to buildings
- Provide color standards – no purple buildings
- Character of buildings should reflect history
- Encourage solar panels in projects
- The small lot cottage housing project is not Colton – no place to play or yard

Land Use

- Good downtowns have a vibrant mix of diversity of uses – shops, restaurants, cafes, saloons, coffee shops, pool halls, movie theater; going downtown is an exciting adventure
- Fast casual restaurants would work here
- Not every project should be required to be mixed-use in Downtown
- Banks bring people Downtown
- Many seniors babysit and need places to go – playground, ice cream shop, places to eat
- Additional senior housing is needed
- Encourage more mixed-use and senior housing
- Provide shop local options – benefit the people who live here
- Downtown needs more events and reasons to come Downtown
- Bring farmers market Downtown
- Need restaurants on La Cadena
- Downtown used to have more entertainment – movie theaters, bowling alley
- Consider police vehicle storage and substation at underpass under freeway (former rail right of way)
- Residents do not like the lumberyard in Downtown – dislike the look
- More local jobs and industry are needed

Mobility

- Bus schedule has converted to mobile device application
- Route 1 bus route is the most used in the region
- Omnitrans is okay with developer or City bus shelters, but installers must maintain
- Access Paratransit provides ADA service
- Improve walkability
- Improve and maintain roadways
- Need improved transit for seniors
- Bus stops need improving
- Wide sidewalks to accommodate strollers and wheelchairs

Beautification and Public Spaces

- Provide public art Downtown
- Consider a program to improve existing housing stock – painting, fences, maintenance, address vacancy
- Little Colton could be improved as a linear park
- Need pedestrian-oriented lighting
- The area needs beautifying – looks rundown and not a good feeling
- Need small pocket parks
- Downtown needs more inviting streetscapes and inviting intersections
- Underpasses need beautification

- Transients are the biggest Downtown issue – increase police patrol
- Relaxing gathering spaces are needed Downtown; Fleming Park is the "living room" only used for company
- Need a face to the freeway, visual attraction, show that there is a reason to get off the freeway, gateway sign
- Vacancies and vandalism are big issues
- Vacancies are vandalized, board up, and reduce visual impact

Economics/Incentives

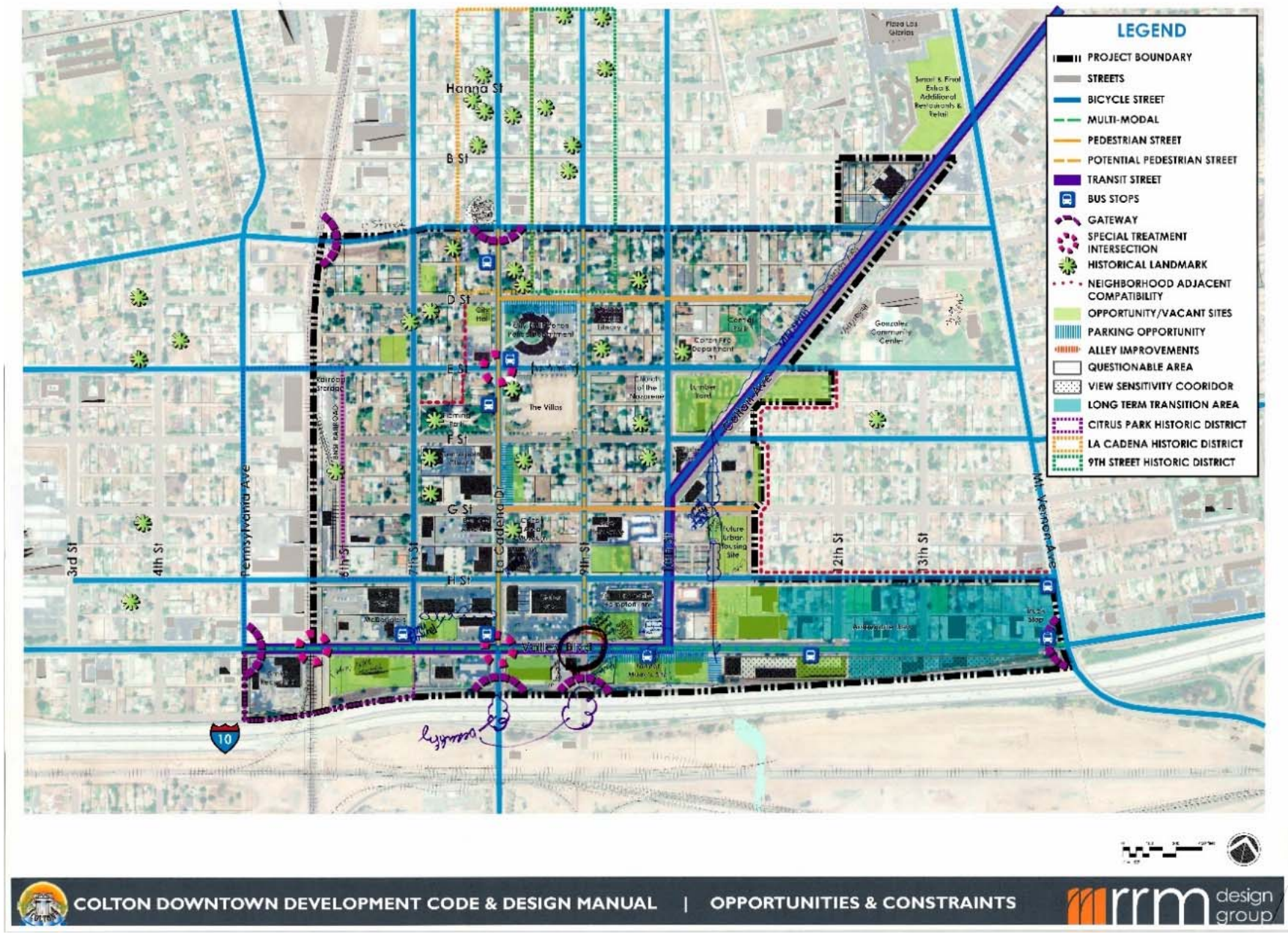
- Donation programs for beautification
- Consider 1% tax rebate incentive – see Hesperia
- Look for ways to avoid a prevailing wage trigger for on- and off-site improvements – see Coalinga
- Theater needs a 10 mile trade area so may not be viable
- Perception that impact fees are high compared to surrounding communities
- Processing, business license, etc. take a long time
- Look for ADA grants
- State recycled water criteria is limiting the redevelopment – cost prohibitive
- Vertical mixed-use may not be marketable in Colton
- Need a small business champion at City Hall

Other

- Water quality and electrical services (transformers) are issues
- Electronic reader board freeway signage is desirable for commercial tenants
- Freeway signage is needed – perceived that current regulations cater to corporations
- Need exceptions for sign ordinance for special event and sales

Interviewers, notes and draft constraints map by:

Diane Bathgate and Jami Williams
RRM Design Group: 32332 Camino Capistrano, Ste. 205 • San Juan Capistrano, CA 92675
p: (949) 361-7950 • f: (949) 361-7955
www.rrmdesign.com

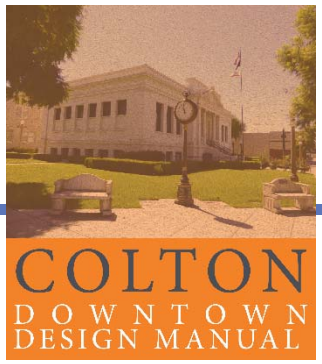


Preliminary Opportunities and Constraints Map from the Stakeholder Meetings.

Workshop Meeting on 03/19/15

Workshop Summary

March 19, 2015



The community was invited to an evening workshop to receive an introduction to the Colton Downtown Development Code and Design Manual project and to comment on several topics concerning the downtown study area. The workshop was held at the Colton Hutton Center at 660 Colton Avenue, Colton. Approximately 25 individuals attended the workshop. The workshop was videotaped by City staff to share the workshop experience with the entire community. City staff encouraged the community to participate by distributing notices throughout the City and posting on the City's website.

Handouts available at the sign-in table included a project summary, with a map of the study area, and comment forms that could be taken for additional comments and mailed back to the City. Exhibits on display included a base aerial map, an existing conditions map, and an opportunities and constraints map. The opportunity to sign-up also was provided for future project notices.

To facilitate workshop presentations and activities, staff from RRM Design Group and the City of Colton were in attendance:

RRM Design Group	City Staff
Diane Bathgate	Mark Tomich
Brian Hannegan	Mario Suarez
Ashley Hefner	

In addition, Council Member Dr. Luis Gonzalez attended.

Project Introduction

Diane Bathgate, Project Manager with RRM Design Group welcomed everyone and gave a PowerPoint presentation introducing the project and study area, identifying the goals of the Sustainable Communities Planning Grant received for the project, reviewing the project process, describing what the end products will be, and summarizing what the team had already heard from stakeholders, City decision makers, City staff, and others (click here to view presentation).

The Development Code and Design Manual will be processed in four phases over the course of 11 months, and the next step will be identifying what the vision of the products will be.

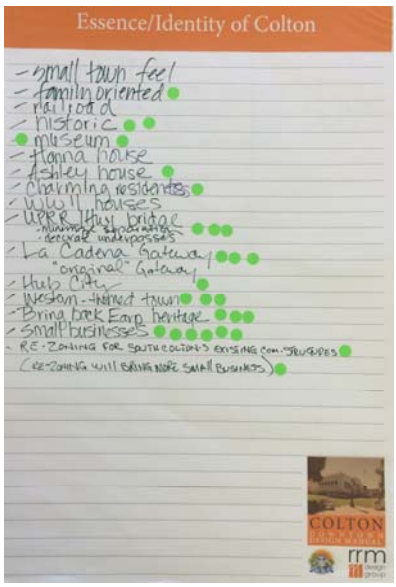
Issue Identification Exercise

The interactive portion of the workshop then began and was an opportunity for individual comments to be documented. Five stations were set up with exhibits and banners to solicit comments regarding the below topics:

1 – Essence/Identity of Colton
2 – Why do you spend time in Downtown? What Works?
3 – What keeps you from spending time in Downtown? What is needed?
4 – Beautification/Public Spaces
5 – Mobility

A summary of the results from each station is provided below. The comments noted reflect individual contributions to brainstorm issues related to each topic. It is intended that comments will contribute to further analysis and discussion that will take place prior to formal recommendations.

1 – Essence/Identity of Colton



Comments that received the most support are:

- Small businesses
- La Cadena highway/railroad gateway
- Western-themed town
- Earp family heritage
- Historic nature of the community, including the museum and charming residences such as the Hanna and Ashley houses
- Hub city

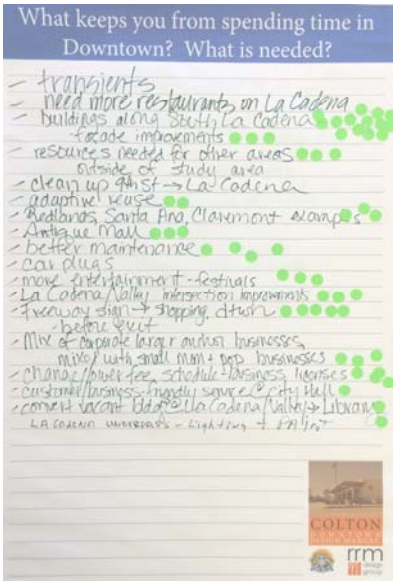
Several other comments were noted including: small town feel, family oriented, railroad, World War II houses, and re-zoning for south Colton's existing commercial structures to bring more small businesses.

2 – Why do you spend time in Downtown? What Works?

Comments that received the most support are:

- Add parks at La Cadena near the Fire Department

Several other comments were noted including: Fleming Park, community events, the parade, and to copy Hawaii's Ziggy's Hamburger, someplace that is open 24/7.



3 – What keeps you from spending time in Downtown? What is needed?

Comments that received the most support are:

- Buildings along south La Cadena need façade improvements
- A freeway sign is needed directing people to downtown and businesses
- Better maintenance in general, but especially at the gateways into town
- The fees for permitting need to be lowered to encourage new businesses
- The La Cadena underpasses and La Cadena's intersections with Valley Road and 9th Street need to be improved, lighting and paint noted
- Needs a mix of larger corporate anchor business mixed with small mom and pop businesses

Several other comments were noted including: transients, needs more restaurants on La Cadena, cleanup of 9th Street and La Cadena, car plugs (for electric cars), need customer service and business-friendly services at City Hall.

4 – Beautification/Public Spaces

Comments that received the most support are:

- La Cadena and other downtown streets need more trees
- The La Cadena underpass needs to be improved, possibly with lighting, artwork such as murals, with a preference for local artists
- Landscaping, especially drought-resistant low maintenance
- A maintenance program was again a popular topic, especially a crew to clean up overflowing trash cans around downtown
- Façade improvements, especially on the south side of the study area, was again an important subject

Several other comments were noted including: more and improved pedestrian lighting, more places to sit, cleanup of parkway plantings, artificial grass saves water, lighting for the underpass, Caltrans right-of-way maintenance along Mt. Vernon, and use of status and other sculptural art.

5 – Mobility

Comments that received the most support are:

- A main freeway sign needs to be prior to the exits
- Provide a regional bus to the border
- Provide better transit for seniors

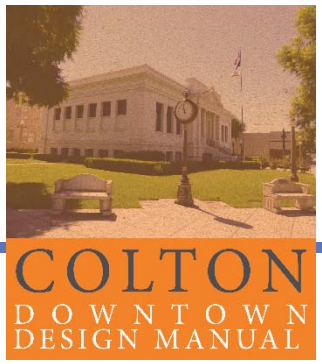
Several other comments were noted including: make more walkable areas, more parking on lower La Cadena north of Valley Road, brink back street cars, wayfindng, better circulation and traffic flow, find ways to deal with traffic along Valley Road, freeway access and visibility, redesign and modernize, deter transients, provide a bus to the casino, install signals with pedestrian protections at major intersections, remove bricks in crosswalks for wheelchairs, implement energy efficient night lighting on bike path, implement more ADA features on walkways, have UPRR/Santa Fe donate an old locomotive as a feature somewhere, electric car recharge stops, clean up on/off ramps, paint railroad trestles, and provide east/west bikeway (like Rancho Cucamonga).

Project next steps include a Colton City Council/Planning Commission Joint Study Session to be held on Thursday, April 23, 2015 in the Colton Council Chambers.

Joint CC/PC Meeting on 04/23/15

City Council/Planning Commission Joint Study Session Summary

April 23, 2015



The City Council and Planning Commission were invited to an evening study session to receive an introduction to the Colton Downtown Development Code and Design Manual project and to comment on several topics concerning the downtown study area. The community was also invited to attend. The study session was held at the City Council Chambers at 650 North La Cadena Drive, Colton.

Mayor Delarosa; Councilmembers Zamora Jorrin, Navarro, Gonzalez, Bennett; and Planning Commissioners Archuleta, Delgado, Granado-Dominguez, Grossich, Prieto, and Woods were all present. Council members Toro and Suchil were absent. Approximately ten community members attended the session. The session was videotaped to share the session with the community. In addition to regular noticing and posting of the agenda, notices and flyers were distributed throughout the City and posted on the City's website to advertise the meeting.

Handouts available included a project summary, with a map of the study area, and comment forms that could be taken for additional comments and mailed back to the City. Exhibits on display included a base aerial map, an existing conditions map, and an opportunities and constraints map. The opportunity to sign-up for future project notices was also provided.

To facilitate session presentations and activities, staff from RRM Design Group, The Natelson Dale Group, and the City of Colton were in attendance:

RRM Design Group	The Natelson Dale Group	City Staff
Diane Bathgate	Roger Dale	Mark Tomich
Ashley Hefner		Mario Suarez

Project Introduction

Diane Bathgate, Project Manager with RRM Design Group welcomed everyone and gave a PowerPoint presentation introducing the project and study area, identifying the goals of the Sustainable Communities Planning Grant received for the project, reviewing the project process, describing what the end products will be, and summarizing what the team had already heard from stakeholders, City decision makers, City staff, community members, and others.

Roger Dale with The Natelson Dale Group presented an overview of the market study prepared for the project, explaining the purpose of the study, why the study is important to the process, the approach to the analysis, key strengths/opportunities, a summary of development opportunities with a 20-year forecast, key challenges, and next steps. The Development Code and Design Manual will be processed in four phases over the course of 11 months, and the next step will be identifying what the vision of the products will be.

Issue Identification Exercise

The interactive portion of the session then began and was an opportunity for individual comments to be documented. The Councilmembers, Commissioners, and community members added to, and refined, comments on issues identified to date. A summary of the comments from each issue is provided below. The comments noted reflect individual contributions related to each topic.

1 – Essence/Identity of Colton

- Hub of the Inland Empire
- Earp family heritage
- Santa Ana River, Slover Mountain, and hills
- San Bernardino Valley College and the new California University of Science and Medicine (Cal Med) medical school
- Utilize historic resources to bring visitors
- Portland Cement Company
- Municipal plunge
- Native American heritage
- Let's not forget South Colton

2 – Why do you spend time in Downtown? What Works?

- No additional comments

3 – What keeps you from spending time in Downtown? What is needed?

- More small businesses
- Identify Colton as Railroad City USA/Train Town USA, and open a rail museum
- Start a historic pride program, such as a 'historic house of the month'
- Add events to the Summer Concert Series, such as a farmers market and car cruise
- Business incentives
- Policy to tie South Colton to the study area and to set the stage for Phase II, a South Colton development code and design manual

4 – Beautification/Public Spaces

- La Cadena is a main entry to Colton, it should be beautified
- Beautify the railroad and highway entrances to draw people into town
- Uniform signage program throughout the City, possibly including 'hub city emblem'

5 – Mobility

- Gateway sign on Highway and La Cadena within the study area is needed, possibly partner with San Bernardino County for funding and construction

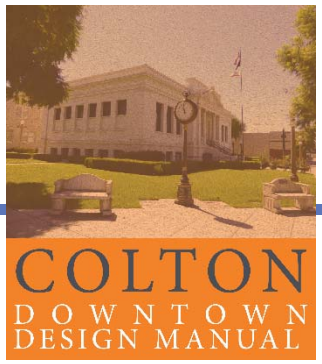
Additional comments included the recommendation to provide measurable goals where practical and that the Union Pacific Railroad will be placing a mural portraying the history of the local railroad along a right-of-way wall in the study area.

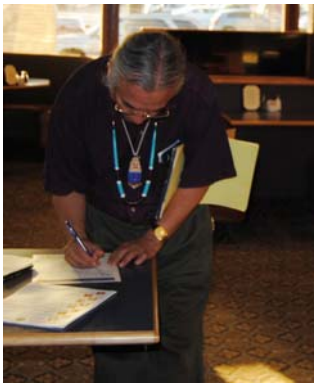
Many participants stressed the importance of following through with a "Phase II", which would include a planning effort to address South Colton. This would also include City staff seeking grant funding to support the effort, as is the case for the Downtown project.

Workshop Meeting on 9/24/15

Workshop Summary

September 24, 2015





The community was invited to an evening workshop to receive an update on the Colton Downtown Development Code and Design Manual project and to comment on the identified vision and planning principles that will guide the preparation of the documents. The workshop was held at the Rendez-Vous Café, 201 E. Valley Boulevard, Colton. Approximately 15 individuals attended the workshop. City staff encouraged the community to participate by distributing notices throughout the City, Channel 3 Public Access/Government Channel, Chamber of Commerce E-Mail Blast and posting on the City's website. Representatives from City Council, Planning Commission, and Historic Preservation groups were also in attendance.

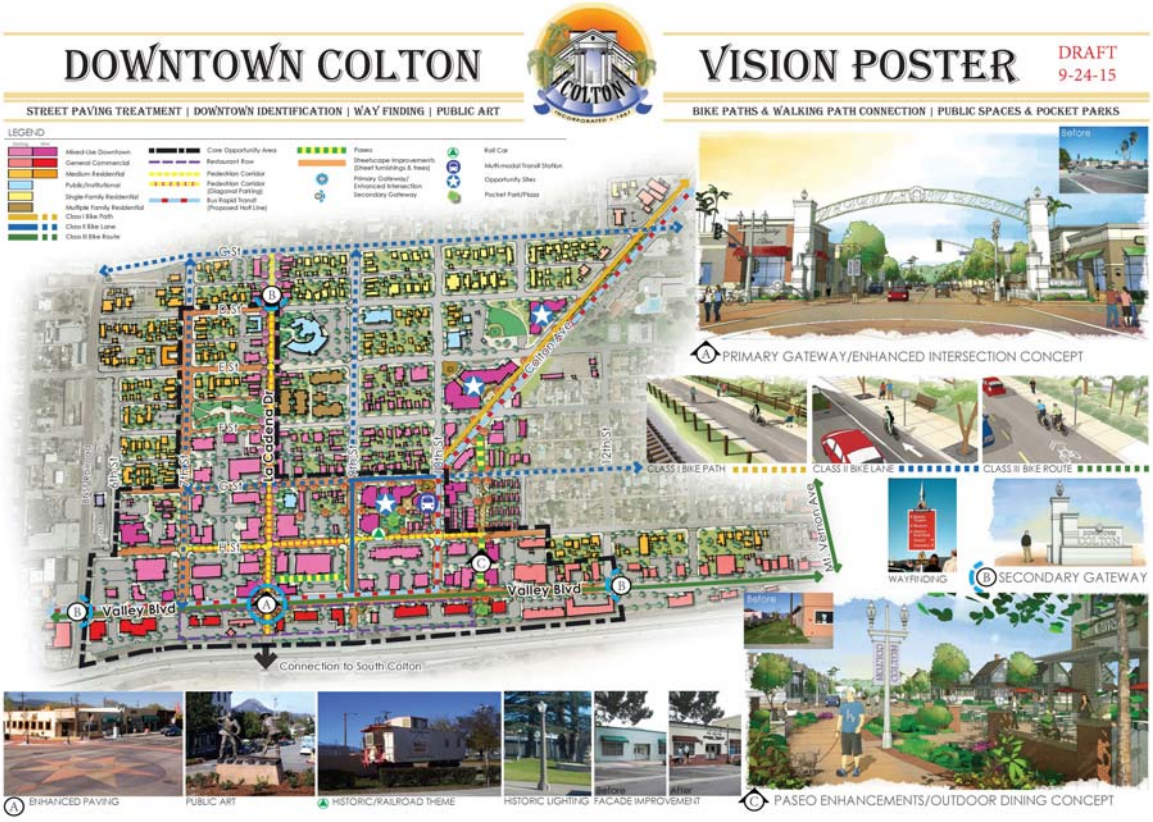
Handouts available at the sign-in table included the draft vision poster (with descriptions of features on the back), the draft planning principles, and comment forms that could be taken for additional comments and mailed back to the City. Exhibits on display included the vision poster, streetscape perspectives, planning principles, and the mobility poster. The opportunity to sign-up for future project notices also was provided.

To facilitate workshop presentations and activities, staff from RRM Design Group and the City of Colton were in attendance:

RRM Design Group	City Staff
Diane Bathgate	Mark Tomich
Jami Williams	Mario Suarez
Ashley Hefner	Reggie Torres
	Jessica Sutorus

Presentation

Mark Tomich, Development Services Director with the City of Colton welcomed everyone and introduced RRM Design Group. Diane Bathgate, Project Manager, and Jami Williams, Principal-In-Charge, gave a PowerPoint presentation recapping the project and discussing what the end products will be, the schedule, what was heard so far from the community and decision-makers, and the market study. The body of the presentation focused on draft planning principles, vision poster, streetscape improvements, and preliminary concepts for Downtown Colton. After each presentation segment, comments were solicited.



Comments

Attendees were asked what else they would like to see considered for the project, and the following comments were received:

- Extend the H Street pedestrian corridor improvements about 600 feet to the east.
- Design La Cadena Drive to slow vehicles down and create a pleasant pedestrian experience. This should be done by narrowing streets, widening sidewalks, and creating spaces for both active and passive recreation, for people and pets to gather, relax and play, possibly with shade and water play features.
- Consider design features that attract people to walk or visit the downtown.
- Convert the abandoned Union Pacific railroad right-of-way in South Colton, which is an eye sore, into a bike path making a connection with South Colton neighborhoods.
- Bicycle access to the Santa Ana River trail should continue to be pursued, thereby creating more connectivity to the downtown.
- The Omnitrans bus stops need to be upgraded.
- Offer incentives for façade improvements such as utility rebates (since utilities are City-owned).
- Freeway visibility is important and needs to be improved.
- Businesses downtown should focus on entertainment uses. Once there is increased foot traffic, retail can be more easily established.
- Businesses should be family-oriented so that vagrants are not attracted.
- A small boutique theater would be a good anchor to draw people downtown.
- The mix of uses such as in Redlands and Riverside could inspire those in downtown.
- Existing historic Victorian houses are being underutilized and provide opportunities for promotion.
- Small shops and businesses may not need a lot of parking.
- Consider Safe Routes to School opportunities and grants.

Next Steps

Project next steps include preparation of the draft code and manual as well as an initial study, projected for public review around November 2015 and City Council adoption around December 2015-January 2016.

ATTACHMENT 2

Page 6-15 Design Manual Expanded Recommendations

TABLE 6.4 – IMPLEMENTATION ACTION PLAN MATRIX

Action Item	Timing[1]	Responsibility[2]		Potential Funding Sources[3]
		Lead	Support	
Programs, Studies, and Incentives				
Land Use Assembly: Facilitate and encourage market-based reuse of vacant/or under-utilized properties.	2	ED	DS	Grant Fund/CRA
Infrastructure Study: Identify needs and costs to implement infrastructure to support Downtown.	2	PW	DS	General Fund/CRA/EIFD
Branding Package: Develop branding package including message/themes and graphics.	2	ED	DS	General Fund/BID/CRA
Special Events: Expand special events programming, such as farmers markets and car shows. Coordinate with San Bernardino Department of Public Health for resources and tools to facilitate a recurring farmers market.	1	CS	ED	General Fund/BID/Private
Reuse of Older Properties: Develop tools and resources to rehabilitate/creatively reuse older commercial properties.	2	ED	DS	General Fund/CDBG/BID/CRA
Business Incentives: Develop a menu of business incentives such as streamline application review, waive/defer fees, leverage City-owned utilities.	1	DS	ED	General Fund/CDBG
Public Art Program: Develop and implement a public art program including guidelines for inclusion of public art in new development projects and art in new public improvement projects.	2	DS	CN	Grants/DA/DIF/BID
Sign and Wayfinding Program: Prepare a wayfinding directional sign program for Downtown and Interstate 10 areas also connecting Hub City Center and Colton Events Center for motorists and bicyclists; located along roadways and bikeways, respectively.	1	DS	CN	Grants/BID
One-Stop Permitting Center: Continue to operate a one-stop permitting and business assistance center in the Downtown, and consider expansion of center services.	2	DS	CN/ED	General Fund/BID/PBID

1. Priority: 1 = Short Range (Year 1), 2 = Mid-Range (Years 2-5), 3 = Long-Range (5+ Years).
2. CN = Consultant, CS = Community Services, DS = Development Services, ED = Economic Development, PW = Public Works.
3. AHSC = Affordable Housing and Sustainable Communities, ATP = Active Transportation Planning Grant, BID/PBID = Business Improvement District/Property-Based BID (should the City/Chamber create a district), CDBG = Community Development Block Grant, CIP = Capital Improvement Program, CRA = Community Revitalization Authority, DA = Developer Agreement, DIF = Development Impact Fee, EIFD = Enhanced Infrastructure Financing District, FTIP = Federal Transportation Improvement Plan, SCS = Sustainable Communities Strategy, STIP = State Transportation Improvement Program.
4. City utility funds include, but are not limited to, those such as water, wastewater, and electric that support ongoing improvements to the City's public infrastructures.

ATTACHMENT 3

Initial Study / Negative Declaration

INITIAL STUDY/ENVIRONMENTAL CHECKLIST

City of Colton
Downtown Development Code & Design Manual

LEAD AGENCY:

City of Colton
650 N. La Cadena Drive
Colton, CA 92324
Contacts:
Mr. Mark Tomich, AICP, Development Services Director
Mr. Mario Suarez, AICP, CNU-A, Senior Planner

PREPARED BY:

Morse Planning Group

April 15, 2016

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1.0 PROJECT DESCRIPTION

1.1 PROJECT LOCATION AND SETTING

The Design Manual Area, also referred to herein as the Downtown Area, is located in the City of Colton (City), which is located in southwestern San Bernardino County. The City is surrounded by the Cities of Rialto, Grand Terrace, Loma Linda, San Bernardino, and Riverside. The City of Colton is within an urbanized area of the County of San Bernardino; its municipal limits encompass 16.1 square miles, with its planning area also including 1.7 square miles in the City's unincorporated Sphere of Influence (SOI). Major transportation facilities include Interstate 10 (I-10), Interstate 215 (I-215), the Union Pacific Railway, and the Burlington Northern Santa Fe (BNSF) Railway.

The Downtown Area is bound to the north and south by C Street and Interstate 10, respectively. The eastern and western boundaries are not as linear: the eastern boundary starts at the Colton Avenue/B Street intersection following Colton Avenue to E Street, where the boundary meanders to the south through residential lots, to H Street where it jogs to the east ending at Mt. Vernon Avenue; and the western boundary generally follows the BNSF Railroad, and includes the Amko Recycling property at the southwest end.

The Downtown area is located in the heart of Colton as shown in *Exhibit 1*, *Design Manual Area*. It covers 258 acres of Downtown Colton and includes approximately 1,400 residents, 450 homes, and important cultural and civic uses such as Fleming Park, City Hall, Colton Public Library, Colton Area Museum, and the Police and Fire Departments.

1.2 GENERAL PLAN AND ZONING DESIGNATIONS

General Plan

The properties within the Downtown Area include the following General Plan Land Use designations:

- Low Density Residential (2.1-8.0 DU/AC)
- Medium Density Residential (8.1-16.0 DU/AC)
- High Density Residential (14.1-22.0 DU/AC)
- Neighborhood Commercial
- General Commercial
- Mixed Use - Downtown (2.0-30.0 DU/AC; 2.0 FAR)
- Mixed Use - Neighborhood (2.0-8.0 DU/AC; 1.0 FAR)
- Open Space - Recreation
- Public/Institution

Zoning

The properties within the Downtown Area include the following Zoning designations:

- [R-1] Low Density Residential
- [R-2] Medium Residential
- [R-3/R-4] Multiple Family Residential
- [C-1] Neighborhood Commercial
- [C-2] Neighborhood Commercial
- [M-U/D] Mixed-Use Downtown
- [M-U/N] Mixed Use Neighborhood
- [P-I] Public/Institutional Zone
- [R-U] Railroad/Utility/ROW Zone
- [OS-R] Open Space Recreation
- [OS-RS] Open Space Resources

1.3 DOWNTOWN COLTON HISTORY AND CHARACTER

Colton's Downtown has a long heritage, largely associated with "Colton Crossing," the crossing of the Burlington Northern Santa Fe (BNSF) and Union Pacific railroads. The railroads were the primary reason for Colton incorporating in 1887, and they have been the underpinning of its economy since. A formal town was laid out on a traditional grid street pattern, evidenced today in Colton's Downtown.

Activity associated with the railroad and citrus orchards made Colton a busy place, often referred to as "Hub City," with many businesses and residents working to support railroad operations, such as:

A. Klueter Building, a four-story brick commercial building, was formerly located across the street from the Hub City Theater on La Cadena Drive.

B. Union block, a two-story brick mixed-use building with large commercial frontages on the ground level.

C. Anderson Hotel, a three-story brick building, was formerly located on the southeast corner of the La Cadena Drive and Valley Boulevard Intersection.

D. Old city hall building, a three-story brick building, was formerly located east of the Anderson Hotel on Valley Boulevard.

E. Arcade building, a two-story building, was formerly located on La Cadena Drive, and featured a prominent open-air arcade.

F. During these years, the downtown urban form, especially within the Downtown Core, was much denser than what exists today, with two-, three-, and four-story buildings lining the streets.

Construction of Interstates 10 and 215 through the City, further defining the crossroads nature of the community, attracted transportation-based industries. However, the freeway construction also resulted in the loss of much of the City's architectural heritage, including buildings in the Downtown area. As such, much of the original commercial buildings built in the early part of the 20th century have been demolished, and while they are no longer standing, photographs of these former Downtown buildings add to the record of Colton's historic heritage and provide inspiration for design concepts that respect the heritage of the Downtown area.

Eventually, the waning of the citrus industry lead to other businesses dependent on rail for materials delivery and shipment were established along the rail lines, creating large tracts of land devoted to industrial operations, many of which continue today. Following the 1920s and Great Depression, Colton again experienced a development boom during the frenzied residential building period of post-World War II.

A modest amount of commercial activity remained in the Downtown area to support demand for goods and services. Explosive subdivision was seen in the 1950s throughout the Inland Empire, leading to the creation of many new neighborhoods with their own commercial centers. All of these factors added to the transition that Colton saw from a crossroads commercial hub, to industries and people moving to other commercial centers within and outside of the Inland Empire, leading to vacancies and demolition in the Downtown area.

1.4 PROJECT BACKGROUND

In 2014, the City of Colton was awarded a California Sustainable Communities Planning Grant from the State of California Strategic Growth Council. The grant was awarded for the preparation of the City of Colton Downtown Development Code and Design Manual to revitalize and reestablish the historic Downtown area as the City's Downtown urban center. Consistent with grant goals, the Design Manual provides guidelines and strategies for the Downtown to:

- Increase infill and compact development
- Provide incentives for development of affordable housing (moderate to very low income categories)
- Encourage a mix of uses, pedestrian linkages and public facilities that encourage walking, bicycle mobility, and use of transit (Omnitrans BRT and local routes)
- Establish design criteria that will guide development and redevelopment to facilitate a unique and attractive downtown identity that respects Colton's historic heritage
- Create innovative incentives to meet the objectives of the grant to develop opportunities for sustainable development pattern.

1.5 PROJECT CHARACTERISTICS

1.5.1 OVERVIEW AND PURPOSE

The Colton Downtown Design Manual is a companion document to complement the Downtown Development Code, prepared to establish an achievable vision, shape future development, and implement an action plan for Downtown Colton.

It provides a framework with which to shape future private development and public improvements based on Colton's community values and vision; expand the local economy; house new residents of all income levels; create community gathering and recreational places; and address relationships between land use, transportation, and the environment. The ultimate goal is to create a vibrant and lively downtown that will serve the needs of the community and create a destination to attract visitors.

1.5.2 DOWNTOWN DESIGN MANUAL

The Design Manual is intended to be used by property owners, design professionals, developers, city staff, and review bodies to provide a clear set of guidelines serving as a mutual footing for developing design concepts and evaluating quality of design. It is separated into six chapters, summarized below.

1. **Introduction**
   Provides an overview and purpose, describes the area affected, states who the intended users are, outlines the organization and content, describes how the Design Manual is intended to be used, and provides summaries of how the manual relates to other planning documents.

2. **Vision and Planning Principles**
   Provides a history of public input received in developing the Design Manual, lists the planning principles established from community outreach efforts, and includes a vision poster paired with descriptions of the community's vision that guided the development of the Design Manual.

3. **Urban Form and Design Guidelines**
   Addresses elements of design for specific land uses, including Downtown Colton Mixed-Use, Multi-Family Residential, Single-Family Residential, and Valley Boulevard Corridor. Crime Prevention Through Environmental Design (CPTED) guidelines that apply to all land uses are provided. This chapter is intended to be used by those planning and reviewing future development projects in the Design Manual area.

4. **Complete Streets**
   Addresses multi-modal circulation including roadway typology, street classification, transit, bicycle, and pedestrian networks and improvements, to be used by City staff and decision-makers for improvements to public mobility spaces.

5. **Streetscapes and Placemaking**
   Addresses streetscapes, public spaces, gateways, public signage, and public art, to be used by City staff and decision-makers for improvements to public community spaces.

6. **Implementation**
   Provides strategies and an action plan with which to implement the concepts described within the Design Manual, to be used by City staff and decision-makers as a guide to find funding sources for improvements identified in the Design Manual.

VISION

A wide range of comments were documented and integrated into the comprehensive vision for the Design Manual from all of the community outreach efforts, to fulfill the vision as defined by the citizens and stakeholders. The vision poster resulting from this effort is reflected in *Exhibit 2*, *Design Manual Vision Poster*. Some of the key features from Section 2.5, Vision, are noted below.

- A "Core Opportunity Area" is called out, which is referred to herein as the "Downtown Core," and is focused on the key commercial and mixed use areas along and abutting La Cadena Drive and Valley Boulevard.

- Mixed-use commercial opportunity sites are identified that are currently developed with more intensive industrial-natured uses that are not draws for residents and visitors to come into the Downtown area. One site is a lumber yard, spanning two properties, the first bound by E, 10th, and F Streets and Colton Avenue and the second located at 370 N 9th Street. The other site is land east of Max J. Lofy Park on the block bound by D, 10th, and E Streets and Colton Avenue.

- Valley Boulevard was identified as an opportunity area for expanded commercial development, and specifically for restaurant use south of Valley Boulevard, between 7th and 10th Streets. This area is identified as "Restaurant Row." The row is visible from State Route 10, making it a prime location to capture local and regional commuter and visitor traffic.

- Existing and proposed Class I, II, and III bike facilities are identified. The Downtown area already has an established bicycle network, and the proposed facilities would further improve connectivity, especially linking residential to commercial areas so that employees can commute to and from work via bicycle.

- Pedestrian corridors are associated with improved walkability through enhancements such as site furnishings, widened sidewalks, and crosswalks. Pedestrian corridors are proposed along H Street between 7th Street and the proposed "Cottage Lane Paseo" and along La Cadena Drive between D Street and Restaurant Row, extending to the southern edge of the Design Manual area, linking to south Colton.

- The proposed Omnitrans Bus Rapid Transit (BRT) Holt Line runs along the extent of Colton Avenue within the Downtown area, turns south along 10th Street, then turns west along Valley Boulevard extending west of the Design Manual area. The proposed Holt Line is identified in the Mobility Element, as well as in Omnitrans transportation planning documents.

- South Colton Connection is emphasized south of Valley Boulevard on La Cadena through the Interstate 10 underpass. This is an important connection that the community feels strongly about. The placement of the primary gateway and associated improvements, and the related action item in the Chapter 6 of the Design Manual, are intended to provide opportunities to tie south Colton to the Downtown area.

- A primary gateway is proposed to be located at the Valley Blvd/La Cadena Drive intersection. The gateway is intended to stand out from other secondary gateway areas, and does so by proposing enhanced paving, public art, historic lighting, facade improvements, crosswalks and a decorative metal overhead gateway crossing La Cadena Drive on the north side of the intersection, welcoming residents, workers, and visitors to the Downtown Core. The placement of this primary gateway is also intended to connect Downtown to south Colton, and to encourage visitors to visit south Colton businesses.

- A multi-modal transit station is proposed to be located south of Ken Hubbs Park on E Street. The proposed placement of the station is intended to be centrally-located, and easily accessible by pedestrians, bicyclists, motorists, and transit users. The new station is identified in the Mobility Element, as well as in Omnitrans transportation planning documents.

PLANNING PRINCIPLES

Based on the public input received during community outreach efforts, the following Downtown planning principles guided the preparation of the Design Manual.

Historic Heritage
Emphasize Colton's historic heritage (such as Southern Pacific Railroad, Earp family, WW II homes, agricultural industries) to promote historic attractions, tourism and celebrate community pride.

Downtown Identity
Establish branding and cohesive signage, including a gateway sign visible from Interstate 10 that encourages tourists-commuters-passersby to stop and directs them to key businesses and attractions, secondary gateways to welcome residents from adjacent neighborhoods and a downtown wayfinding program.

Link South Colton
Extend and connect the Downtown experiences on the north and south sides of Interstate 10. Commercial areas and neighborhoods south of the railroad tracks provide future opportunities to improve mobility, provide cultural events, and enhance Colton's integrated identity.

Sustainability and Healthy Living
Integrate sustainable design practices and green building policies that reduce reliance on nonrenewable resources. Support healthy living practices including access to healthy foods, walkability, recreational amenities, and a safe environment.

Expanded Mobility
Allow for a multi-modal transit station to support the future Omnitrans Holt Bus Rapid Transit (BRT) Line service. Integrate a network that includes a variety of mobility modes including public transit, bicycle facilities, pedestrian corridors and links, as well as vehicle circulation.

Mix of Commercial Uses
Foster a vibrant mix of uses to create an existing and dynamic downtown experience, including uses such as eating and drinking establishments, entertainment venues, and a range of retail and service shops.

Small Businesses
Support small business owners to invest within Colton's Downtown core area through incentives, education, resources, and programs.

Streetscape Beautification
Catalyze the beautification of public spaces such as La Cadena Drive and Valley Boulevard, the La Cadena railroad underpass, transit stops, and parks through the planting of more drought resistant street trees and landscaping.

Gathering Spaces
Provide a network of gathering spaces that provide a range of sizes and functions including plazas, parks, paseos, and visual focal points. Public spaces will be enhanced by landscaping, furnishings, and public art.

Revitalize and Maintain
Encourage and facilitate resources/incentives for the upkeep and enhancement of properties including facade improvements, lot consolidation, graffiti abatement, and infill of underutilized parcels.

URBAN FORM AND DESIGN GUIDELINES

Chapter 3 sets the stage for development by identifying design concepts that fulfill the community's vision for Downtown Colton. Key areas of the Downtown area have been identified to focus the intent of guidelines on differing neighborhood characteristics and correlate to the underlying zoning designation. These areas, as reflected in *Exhibit 3*, *Design Manual Guideline Areas* are:

- Downtown Colton Mixed-Use
- Multi-Family Residential
- Single-Family Residential
- Valley Boulevard Corridor

The properties in *Exhibit 3* that are not associated with a guideline area are civic, park, and railroad properties.

The Design Manual is intended to support the Development Code regulations as its companion document, in order to provide specific design guidelines and incentives to revitalize the Downtown. As such, the Design Manual does not necessarily prescribe a certain style of design or development but focuses on site planning, building form, articulation, and design direction.

The guidelines in the Design Manual supplement the zoning standards, by creating a qualitative path for future development in line with the community's vision for Downtown Colton. A key difference to keep in mind between the Zoning Code and the Design Manual, is that the regulations and standards in the Zoning Code are required, whereas the guidelines in the Design Manual are not independently mandatory, however their intent shall be followed.

COMPLETE STREETS

Chapter 4 focuses on providing a broader complement of mobility options and better integration of land use and mobility concepts. The Design Manual provides a detailed lens on the Downtown area, beyond what is reflected in Figure M-1 of the General Plan Mobility Element. Figure 4.1 – Complete Streets Network illustrates existing and future circulation facilities including the vehicular network with street typology and classification, including alleys, bicycle networks, pedestrian networks including paseos, and transit networks within the Design Manual area.

STREETSCAPES AND PLACE MAKING

Chapter 5 focuses on streetscapes and place making. Street corridors are the heart of a community, the most fundamentally shared public space, and provide an opportunity to celebrate individual neighborhood characteristics, develop a comprehensive 'public room' concept, and support a varied-array of multi-modal transportation options. Functioning corridors enhance the quality of adjacent neighborhoods, walkability, connectivity, and accessibility to goods and services. The following sections describe proposed streetscapes for the areas defined within Figure 5.1 – Perspective Location Map. The streetscape perspectives illustrate street to building relationships, pedestrian corridors including walkable paseos and sidewalks, bicycle facilities, and verge areas.

1.5.3 ZONING CODE AND MAP AMENDMENTS

Amendments to the Colton Municipal Code, Title 18, Zoning Code and Zoning Map are being proposed to implement the vision of the Downtown Design Manual. They include:

- Revision to Chapter 18.06 - Zoning Districts and Maps
- Addition of Chapter 18.23.4 - C-2/D General Commercial ---Downtown Overlay Zone
- Revisions to Chapter 18.23 - M-U Mixed-Use—Downtown Zone
- Revision to Zoning Map to add C-2/D General Commercial ---Downtown Overlay Zone

The text additions or revisions are included in their entirely in Appendix A. *Exhibit 4*, *Design Manual Area: Existing & Proposed Zoning*, shows the proposed map revisions.

1.5.4 GENERAL PLAN MAP AMENDMENTS

An amendment to the General Plan Land Use Plan is being proposed to implement the vision of the Downtown Design Manual, which includes:

- Revision to the Land Use Plan to redesignate parcels with the Downtown Design Manual area from General Commercial to Mixed Use Downtown

Exhibit 5, *Design Manual Area: Existing & Proposed General Plan Land Use,* shows the proposed land use map revisions.

1.5.5 RELATIONSHIP TO OTHER PLANNING DOCUMENTS

Under both the Design Manual and the proposed Zoning Code and Map Amendments, no changes to the buildout projections for residential units, non-residential uses, or population anticipated in the General Plan or the General Plan Update EIR are proposed. The Proposed Land Use buildout assumptions discussed later in Section 1.6 remain unchanged as shown in General Plan Update EIR Table 2.0-1. The Design Manual will conform with and further implement existing local and regional plans and policies, as noted below.

GENERAL PLAN LAND USE ELEMENT

The General Plan is the guiding planning document for the City of Colton. The Land Use Element was updated in 2013 and a vision for how Colton is developed today and into the future was established. This element provides policy guidance to meet Colton's vision for the development, use, and maintenance of public and provide lands. It seeks to promote high-quality design, provide opportunities for revenue and employment generating businesses, and accommodate new more urban approaches to development while protecting Colton's traditional suburban development pattern and respecting its heritage and historic resources.

The Land Use Element calls for policies for Downtown Colton to create high-quality streetscapes and design requirements; revitalize areas which merit special attention; create new mixed-use, walkable districts with pedestrian amenities that are great places to live and are exciting destinations. This Design Manual has been crafted to conform with this vision and support its policies.

The General Plan also provides specific policies and action programs for several "Planning Focus Areas," as shown in Figure 1.2 – General Plan Focus Areas. Two of the General Plan's focus areas are within the Design Manual area, the Downtown Colton and Valley Boulevard Corridor Focus Areas. The Design Manual is intended to bring forward the City's vision for these focus areas, guiding property owners, designers, architects, City staff, and decision-makers in the design and review process.

Downtown Colton Focus Area

This area focuses on mixed-use and commercial development generally following La Cadena Drive and Valley Boulevard. The following excerpt identifies the City's vision for this area:

> *"The City aims to encourage a mix of civic, office, commercial, and residential uses in the geographic center of the City. This area will function as a Central Business District for Colton, re-establishing downtown as a community focal point. Delineating a business district can help focus efforts to revitalize and bring new energy into the area...*
>
> *The intent of the business district will be to create opportunities for small-scale office and professional uses in a vibrant, walkable downtown setting. Residential uses will create the opportunity for activity in the area after business hours and will support the commercial uses along Valley Boulevard Gateway. Signage at downtown entry locations, particularly along Valley Boulevard, will help to create and enhance the downtown identity as an historic and attractive destination. In addition to civic uses, some of the most distinctive features of this area are the historic homes surrounding the Civic Center…Development in Downtown Colton will respect and build upon the historic structures and character, and new development will complement this character."*

Valley Boulevard Corridor Focus Area

This area focuses on commercial and industrial development generally following Valley Boulevard. The following excerpt identifies the City's vision for this area:

> *"Valley Boulevard is Colton's main east-west corridor, with excellent frontage along I-10 and freeway access at Rancho Avenue, 9th Street, and Mount Vernon Avenue…Many commercial and industrial buildings exhibit deferred maintenance, and design quality has not been a priority...This busy commercial corridor presents opportunities for enhanced and new commercial development.*
>
> *The corridor has the potential to support regional-serving commercial uses given its freeway visibility and orientation. Underutilized and aging industrial properties should be encouraged to transition to uses that can increase tax revenues and attract regional customers. The goal is to attract and facilitate more intense commercial development that is currently lacking in the City and that would provide mid-level, sit-down restaurants and commercial uses with a regional appeal... The visual appeal of a major corridor like Valley Boulevard is important...By coupling property redevelopment initiatives with more vigorous code enforcement activity, the City will help transform the use and appearance of private properties along this critical corridor."*

GENERAL PLAN CULTURAL RESOURCES PRESERVATION ELEMENT

This General Plan element ensures that cultural resources are protected, which are the backbone of Colton's heritage and Downtown character. The element seeks to ensure effective preservation, protection and management of significant historic resources; ensure future development is compatible with existing structures and district characteristics, and educate the public about Colton's heritage and resources. There are several historic districts in Colton, three of which overlap the Downtown area: La Cadena, 9th Street, and Citrus Park Historic Districts as shown in Design Manual Figure 1.3 – Historic Districts.

Citrus Park - Within the Design Manual area, this district overlays the BNSF Railroad property, east of the railroad and west of 6th Street. This district is significant because citrus processing was the principal industry and employer in Colton for nearly 40 years, women and children worked at the plants, and the industry gave Colton a distinctive place in the Inland region. There are two citrus processing structures standing, one of which is the Colton Fruit Exchange and Packinghouse building facing F Street on the west side of the Santa Fe tracks. The building however is abandoned and in ruin.

La Cadena Drive - Within the Design Manual area, this district overlays a handful of properties north of D Street on either side of La Cadena Drive. This district is significant to the history of regional transportation as well for the various architectural styles and early social class, ethnic, and religious-based residential patterns represented.

9th Street - Within the Design Manual area, this district overlays a handful of properties north of D Street on either side of 9th Street. This district is primarily residential in nature featuring a number of Craftsman style homes, and is significant because of its variety of architectural styles of residential dwellings.

GENERAL PLAN MOBILITY ELEMENT

This element provides policy guidance to ensure that all circulation needs are addressed and accommodated consistent with growth allowed by the Land Use Element. To this end, the Mobility Element specifically calls for policies to provide an integrated and balanced multi-modal transportation network of Complete Streets to meet the needs of all users and transportation modes; provide amenities and improve safety, access, and mobility for all travelers in Colton; and support Omnitrans' expansion of Bus Rapid Transit (BRT). The recommendations in the Design Manual are based on those found in the Mobility Element.

ZONING CODE

Title 18 of the Colton Code of Ordinances is the Zoning Code, which defines zoning districts and provides development and performance standards including regulations for land use, setbacks, lot coverage, parking, landscaping, and signs. The Zoning Code will be the regulating document for future development while the Design Manual is to be used as a companion document.

HISTORIC PRESERVATION ORDINANCE

Chapter 15.40 of the Colton Code of Ordinances is the Historic Preservation Ordinance. The ordinance establishes rules and regulations governing the designation and preservation of historic resources.

In adopting this ordinance, the City acknowledged that encouraging the preservation of historic resources contributes to the livability and beauty of the community. Specifically, the ordinance stimulates economic revitalization, improves property values, fosters architectural creativity, increases neighborhood stability and conservation, fosters public appreciation of and civic pride in the beauty of the City and the accomplishments of its past, reinforces the distinctive character of the community, adds to the community's understanding of its history and connection with the life and

values of the past, and ensures that Colton's cultural, historical, and architectural heritage will be imparted to future generations.

There are 17 designated historical landmarks within the Design Manual area, refer to Design Manual Figure 2.1 – Existing Conditions in Chapter 2. The ordinance authorizes the Historic Preservation Commission to make recommendations, decisions, and determinations concerning the designation, preservation, protection, enhancement, and perpetuation of historic resources and districts which contribute to the historical, cultural and aesthetic values of the City.

1.5.6 ANTICIPATED APPROVALS

It is anticipated that the proposed project will require the following approvals from the City of Colton:

- Approval of the Downtown Design Manual
- Approval of the revisions and additions to Title 18, Zoning Code
- Approval of the revisions to the Zoning Map
- Approval of the General Plan Land Use Plan Amendment

1.6 DOCUMENTS INCORPORATED BY REFERENCE

Pertinent documents relating to this Initial Study have been cited in accordance with CEQA Guidelines Section 15150, which encourages "incorporation by reference" as a means of reducing redundancy and length of environmental reports. The following documents are available for public review at the web addresses noted. The documents are hereby incorporated by reference into this Initial Study. Information contained within these documents has been utilized for this Initial Study.

CITY OF COLTON

Colton General Plan (various dates). The Colton General Plan is the primary source of long-range planning and policy direction that guides growth and preserves the quality of life within the community. The General Plan estimates the maximum level of development within the City that can occur. The General Plan includes the following elements: Land Use, Housing, Mobility, Noise, Open Space and Conservation, Safety, Air Quality, and Cultural Resources. The chapters of the General Plan are listed below along with the approval dates. All the elements are available online at the links provided below.

Land Use Element (August 20, 2013)
http://ca-colton.civicplus.com/DocumentCenter/View/1345

2013-2021 Housing Element with Appendix D (Site Inventory) (2014)
http://ca-colton.civicplus.com/DocumentCenter/View/2220

Mobility Element (August 20, 2013)
http://ca-colton.civicplus.com/DocumentCenter/View/1348

Noise Element (1987)
http://ca-colton.civicplus.com/DocumentCenter/View/271

Open Space and Conservation Element (1987)
http://ca-colton.civicplus.com/DocumentCenter/View/272

Safety Element (1987)
http://ca-colton.civicplus.com/DocumentCenter/View/273

Model Air Quality Element (1991)
http://ca-colton.civicplus.com/DocumentCenter/View/274

Cultural Resources Element (2000)
http://ca-colton.civicplus.com/DocumentCenter/View/275

The General Plan was utilized throughout this document as the fundamental planning document governing development at the project site. Background information and policy information from the General Plan is cited throughout this document.

City of Colton General Plan Update: Land Use, Housing, and Mobility Elements Environmental Impact Report (August 20, 2013)

The City of Colton General Plan Update: Land Use, Housing, and Mobility Elements Environmental Impact Report (General Plan Update EIR) analyzed the potential environmental impacts of the maximum development scenario to avoid underestimation of long-term impacts. The maximum level of development results from construction of the greatest square footage and number of dwelling units and non-residential land uses, respectively. The maximum development scenario causes the largest possible population to inhabit the City at buildout. General Plan Update EIR Table 2.0-1, Existing Developed and Proposed Build-Out Summary, provides a comparison of the existing developed conditions (Existing Land Use) and the buildout assumptions of the Land Use Element update (Proposed Land Use). The table shows that the Proposed Land Use includes a total of 22,894 dwelling units and 26,100,000 square feet of non-residential uses in the City and Sphere of Influence at buildout with a population of 72,536. The Proposed Land Use results in an increase of 5,191 residential units and 12,434,100 square feet of non-residential uses, along with a population increase of 16,445 persons over the Existing Land Use.

The General Plan Update EIR evaluated the impacts of implementing the General Plan, the consideration of broad policy alternatives and program-wide mitigation measures. The EIR also determined when subsequent environmental review would be needed for a specific development proposal that is consistent with the General Plan Update.

The General Plan Update EIR concluded that the following five impacts could not be feasibly mitigated and would result in a significant and unavoidable impact associated with implementing the General Plan Update:

> *Air Quality:* The inconsistency with population projections would potentially result in non-attainment and is considered significant and unavoidable.
>
> *Greenhouse Gas Emissions:* The inconsistency with population projections would potentially result in not achieving greenhouse gas reduction targets and is considered significant and unavoidable.
>
> *Public Services:* The projected remaining population capacity of the General Plan Update may result in insufficient provision of parks based on a five acres per 1,000 residents goal. While existing Quimby fees and Development Impact Fees are designed to offset this impact, the potential lack of available land to meet this goal may create a significant and unavoidable impact.
>
> *Recreation:* Due to the potential insufficient provision of parks, existing parks may be overutilized and may result in a deterioration that existing funding may not be adequate enough to address and ongoing maintenance may result in a significant and unavoidable impact.
>
> *Transportation and Traffic:* Due to the lack of assurance to fund, design, and construct necessary roadway and intersection improvements at all locations, impacts from traffic congestion are considered significant and unavoidable.

The City Council adopted a Statement of Overriding Considerations for these impacts as part of Resolution R-60-13 on August 20, 2013.

Volume 1: http://ca-colton.civicplus.com/DocumentCenter/View/1947

Volume 2: http://ca-colton.civicplus.com/DocumentCenter/View/1755

Volume 3: http://ca-colton.civicplus.com/DocumentCenter/View/1757

West Valley Habitat Conservation Plan (2015)
http://ca-colton.civicplus.com/DocumentCenter/View/2160

This Habitat Conservation Plan, the West Valley Habitat Conservation Plan (HCP), has been prepared by the City of Colton (the applicant) in coordination with the U.S. Fish and Wildlife Service (USFWS) to fulfill the requirements of a Section 10(a)(1)(B) Permit application for proposed projects within DSF habitat within the City of Colton north of the I-10 Freeway. Through the development of a cooperative conservation strategy with USFWS, the City of Colton proposes to maximize the economic development potential for their community while also providing favorable conditions for DSF conservation. The proposed duration of the incidental take permit is 30 years, which is the time necessary for the City to fully fund and implement the conservation strategy of the HCP.

The HCP is restricted to approximately 416.3 acres of lands within the City of Colton, north of the I-10 Freeway and 5.8 acres encompassing a portion of East Slover Avenue south of the I-10 Freeway. Together, the two areas comprise the West Valley HCP area (Exhibit 1). Approximately 248.2 acres of the area north of the I-10 Freeway has been developed. Of the remaining area, approximately 148.5 acres is potentially suitable DSF habitat.

Colton Municipal Code (Codified through Ordinance No. O-10-15, passed October 20, 2015 [Supp. No. 16, 12-15]).
https://www.municode.com/library/ca/colton/codes/code_of_ordinances

The Municipal Code is the set of laws for the City. The Municipal Code covers all aspects of City regulations, including zoning and various development related requirements. All zoning district standards are included in the Municipal Code. In addition, standards for development and architectural review, parking, signs, hillside development, home occupations, variances, and other similar topics are included in the Municipal Code. Aside from zoning standards, other City regulations are also included in the Municipal Code, such as subdivision requirements, business license regulations, street, water and sewer standards, and vehicle and traffic requirements.

1.7 TIERING OF THE ENVIRONMENTAL REVIEW

CEQA Section 21093(b) states that environmental impact reports shall be tiered whenever feasible, as determined by the lead agency. “Tiering” refers to using the analysis of general matters contained in a broader Environmental Impact Report (EIR) (such as one prepared for a general plan or policy statement) in subsequent EIRs or Initial Studies/Negative Declarations on narrower projects; and concentrating the later environmental review on the issues specific to the later project [CEQA Guidelines 15152(a)]. Tiering is appropriate when it helps a public agency to focus on issues at each level of environmental review and to avoid or eliminate duplicative analysis of environmental effects examined in previous environmental impact reports [CEQA Section 21093(a)]. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [CEQA Guidelines Section 15063(c)(3)(D)].

The analysis in this Initial Study has been tiered off the City of Colton General Plan Update: Land Use, Housing, and Mobility Elements Environmental Impact Report, which was certified in August 2013.

Exhibit 1
Design Manual Area

Exhibit 2
Design Manual Vision Poster

Exhibit 3
Design Manual Guideline Areas

Exhibit 4
Design Manual Area: Existing & Proposed Zoning

Exhibit 5
Design Manual Area: Existing & Proposed General Plan Land Use

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2.0 INITIAL STUDY CHECKLIST

2.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Land Use and Planning
	Agriculture and Forest Resources		Mineral Resources
	Air Quality		Noise
	Biological Resources		Population and Housing
	Cultural Resources		Public Services
	Geology and Soils		Recreation
	Greenhouse Gas Emissions		Transportation/Traffic
	Hazards & Hazardous Materials		Utilities & Service Systems
	Hydrology & Water Quality		Mandatory Findings of Significance

2.2 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture & Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the *California Environmental Quality Act (CEQA) Guidelines* and used by the City of Colton in their environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the potential impacts of and to identify mitigation related to development from the proposed project in the Environmental Impact Report (EIR).

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and answers are provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development from the proposed project. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable environmental impact on the environment.

- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.

- **Less Than Significant Impact With Mitigation Incorporated.** The development may have the potential to generate an impact which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.

- **Less Than Significant Impact.** The development may have an impact which is considered significant, and additional analysis is required to identify mitigation measures that could reduce this impact to a less than significant level.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. *Would the project:*				
a. Have a substantial adverse effect on a scenic vista?				✓
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	
2. AGRICULTURE RESOURCES. ***In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:***				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓
3. AIR QUALITY. *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*				
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓	
d. Expose sensitive receptors to substantial pollutant concentrations?			✓	
e. Create objectionable odors affecting a substantial number of people?			✓	

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. *Would the project:*				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
5. CULTURAL RESOURCES. *Would the project:*				
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?			✓	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?			✓	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d. Disturb any human remains, including those interred outside of formal cemeteries?			✓	
6. GEOLOGY AND SOILS. *Would the project:*				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
2) Strong seismic ground shaking?			✓	
3) Seismic-related ground failure, including liquefaction?			✓	

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
4) Landslides?			✓	
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
7. GREENHOUSE GAS EMISSIONS: *Would the project:*				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
8. HAZARDS AND HAZARDOUS MATERIALS: *Would the project:*				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY. *Would the project:*				
a. Violate any water quality standards or waste discharge requirements?			✓	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓	
f. Otherwise substantially degrade water quality?			✓	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j. Inundation by seiche, tsunami, or mudflow?			✓	
10. LAND USE AND PLANNING. *Would the project:*				
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
11. MINERAL RESOURCES. *Would the project:*				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			✓	
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. *Would the project result in:*				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓
13. POPULATION AND HOUSING. *Would the project:*				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
14. PUBLIC SERVICES.				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?			✓	
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?				✓
15. RECREATION.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	
16. TRANSPORTATION/TRAFFIC. *Would the project:*				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e. Result in inadequate emergency access?			✓	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			✓	
17. UTILITIES AND SERVICE SYSTEMS. *Would the project:*				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			✓	

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

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3.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study/Environmental Checklist. Explanations are provided for each item.

As noted in Section 1.7, the analysis in this Initial Study has been tiered off the City of Colton General Plan Update: Land Use, Housing, and Mobility Elements Environmental Impact Report (General Plan Update EIR), and each topic area will begin with a summary of the General Plan Update EIR conclusions.

3.1 AESTHETICS. *Would the proposal:*

General Plan Update EIR Conclusions

- Impacts to scenic vistas and resources will be less than significant with implementation of existing General Plan policies.
- Impacts to the visual character and quality of the planning area will be less than significant with implementation of proposed General Plan policies.
- Impacts due to light and glare will be less than significant with implementation of existing zoning standards.

a) Have a substantial adverse effect on a scenic vista?

No Impact. No scenic resources or vistas are located in or adjacent to the downtown area. Therefore, no publicly recognized scenic resources have been identified within, adjacent to, or visible from the Design Manual Area. The proposed project would not result in scenic view obstructions given the built out nature of the surrounding area. Thus, implementation of the proposed project would have no impact on a scenic vista.

Mitigation Measures: No mitigation measures are required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. No officially designated or eligible State scenic routes or highways occur in the City of Colton, and thus none are within or near the Design Manual Area. Thus, implementation of the proposed project would have no impact on scenic resources within a state scenic highway.

and no scenic resources or vistas are located in or adjacent to the downtown area.

Mitigation Measures: No mitigation measures are required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The Design Manual establishes design criteria that would guide development and redevelopment to facilitate a unique and attractive downtown identity that respects Colton's historic heritage. Through application of the Vision and Planning Principles articled in Chapter 2, along with the Urban Form and Design Guidelines and Streetscapes and Placemaking in Chapters 3 and 5, respectively, it is intended that future development would improve43 the visual character of the Design Manual Area and its surroundings. Thus, implementation of the proposed project would have less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The Design Manual Area and its surroundings are currently urbanized and contain various forms of lighting. Adoption of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not create a new source of light or glare that would adversely affect day or nighttime views because any future development within this area has been identified within the General Plan Land Use Element and General Plan Update EIR. In addition, the Urban Form and Design Guidelines in Design Manual Chapter 3 include lighting guidelines that are applicable to future development and supplement the Development Standards of Title 18 (Zoning Code) and other Municipal Code requirements addressing the provision for compatible lighting and glare reduction glare from any new development. Thus, implementation of the proposed project would have less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.2 AGRICULTURE AND FOREST RESOURCES. *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*

General Plan Update EIR Conclusions

- Implementation of the proposed General Plan Update will not result in impacts to farmland.
- Implementation of the proposed General Plan Update will not result in any Williamson Act Contract impacts.
- No impact would occur to existing zoning for forest land or timberland as a result of the General Plan Update.
- Implementation of the proposed General Plan Update would not create conflicts involving agricultural zoning and would not result in other changes to the existing environment that could result in the conversion of Farmland.

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Design Manual Area does not contain any land that is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Thus, implementation of the proposed project would not result in the conversion of important farmland to non-agricultural uses. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Design Manual Area does not include any land specifically zoned as agricultural uses or under a Williamson contract. The Design Manual Area includes the following zones: [R-1] Low Density Residential, [R-2] Medium Residential, [R-3/R-4] Multiple Family Residential, [C-1] Neighborhood Commercial, [C-2] Neighborhood Commercial, [M-U/D] Mixed-Use Downtown, [M-U/N] Mixed Use Neighborhood, [P-I] Public/Institutional Zone, [R-U] Railroad/Utility/ROW Zone, [OS-R] Open Space Recreation, and [OS-RS] Open Space Resources. These zones do not include agricultural uses or a Williamson Act contract. Also, the proposed addition of the C-2 General Commercial - Downtown Zone would not allow for agricultural uses. Therefore, implementation of the proposed project would result in no impacts in this regard.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Design Manual Area is an urbanized area of the City with a mix of residential, commercial, civic, and open space uses. Forestry operations do not occur on or within the vicinity of the Design Manual Area. Also, the Design Manual Area does not support any trees that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Project implementation would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Design Manual Area does not contain any forest land or land utilized for agricultural production. Thus, implementation of the proposed project would not result in changes to the environment that would result in the conversion of farmland to a non-agricultural use. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.3 AIR QUALITY. *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

General Plan Update EIR Conclusions

- The proposed General Plan Update has the potential to conflict with the 2007 and 2012 Air Quality Management Plans because land use policy does not support the same level of population growth projected. Also, projected cumulative daily pollutant emissions program-wide have the potential to exceed SCAQMD thresholds for criteria pollutants. Impacts at the program level are significant and unavoidable.
- The proposed General Plan Update has the potential to result in the exposure of sensitive receptors to pollutant emissions associated with industrial uses. However, potential impacts can be addressed at the

project level. Impact will be less than significant with implementation of General Plan policies and application of standard development practices.

- The proposed General Plan Update has the potential to result in the exposure of sensitive receptors to odors from industrial uses. However, potential impacts can be addressed at the project level. Impact will be less than significant with implementation of General Plan policies and application of standard development practices.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The City is located within the South Coast Air Basin (Basin) and is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The current regional air quality plan is the 2012 Air Quality Management Plan (AQMP) adopted by the SCAQMD on December 7, 2012. The 2007 AQMP proposes attainment demonstration of the federal $PM_{2.5}$ standards through a more focused control of sulfur oxides (SO_x), directly emitted $PM_{2.5}$, and nitrogen oxides (NOx) supplemented with volatile organic compounds (VOC) by 2015. The 8-hour ozone control strategy builds upon the $PM_{2.5}$ strategy, augmented with additional NO_x and VOC reductions, to meet the standard by 2024 assuming a bump-up is obtained. Bump-up means a change in classification. The South Coast Air Management District has requested that California Air Resources Board (CARB) formally submit a request to EPA for voluntary re-designation (bump-up) of the South Coast Air Basin from a designation of "severe-17" to "extreme" for 8-hour average ozone and modify the attainment date to June 15, 2024. The Basin is currently a federal and state non-attainment area for PM10 and ozone.

The AQMP incorporates local General Plan land use assumptions and regional growth projections developed by the Southern California Association of Governments (SCAG) to estimate stationary and mobile source emissions associated with projected population and planned land uses. If a new land use is consistent with the local General Plan and the regional growth projections adopted in the AQMP, then the added emissions generated by the new project have been evaluated and contained in AQMP and would not conflict with or obstruct implementation of the regional AQMP.

The General Plan and General Plan Update EIR accounted for future development within the Design Manual Area. Therefore, adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not conflict with or obstruct implementation of any of the control measures in the AQMP. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The General Plan and General Plan Update EIR accounted for future development within the Design Manual Area. In addition, compliance with the City Development Standards and the proposed Zoning Code updates, Zoning Map revisions, and Downtown Design Manual ensure that air quality impacts would be confirmed in the application process. Thus, any potential impacts on air quality would be avoided or minimized to less than significant levels. As a result, implementation of the proposed project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation. Therefore, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less Than Significant Impact. The South Coast Air Basin is currently in federal nonattainment for ozone and PM_{10} and state nonattainment for ozone, PM_{10}, and $PM_{2.5}$. The South Coast Air Basin is in federal nonattainment for ozone, PM_{10}, and $PM_{2.5}$ and state nonattainment for ozone, NO_2, PM_{10}, and $PM_{2.5}$.

The General Plan and General Plan Update EIR accounted for future development within the Design Manual Area. Implementation of the proposed project would not result in a cumulatively considerable net increase in any criteria pollutant because future development within the Design Manual Area would be constructed and operated in compliance with City Development Standards and the proposed Zoning Code updates, Zoning Map revisions, and Downtown Design Manual. Therefore, adoption and implementation of the proposed project would not create new impacts beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Sensitive populations are more susceptible to the effects of air pollution than are the general population (i.e., children, senior citizens, and acutely or chronically ill people). Land uses considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes.

Sensitive receptors exist today with the Design Manual Area. Compliance with the City Development Standards and the proposed Zoning Code updates, Zoning Map revisions, and Downtown Design Manual ensure that potential exposure of sensitive receptors to substantial pollutant concentrations would be confirmed in the application process. Therefore, adoption and implementation of the proposed project would not create new impacts beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. The proposed project would supplement existing City Development Standards for future development related to zoning or building setback standards addressing objectionable odors. Therefore, adoption and implementation of the proposed project would not create new impacts beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

3.4 BIOLOGICAL RESOURCES. *Would the project:*

General Plan Update EIR Conclusions

- Impacts to special status species and their habitat resulting from implementation of the General Plan Update will be less than significant with mitigation incorporated.
- No impact to Southern Cottonwood Willow Riparian Forest or Southern Riparian Scrub habitat will occur as a result of implementation of the General Plan Update.
- No impact to Section 404 wetlands will occur as a result of implementation of the General Plan Update.
- No impact to the Lytle Creek and Santa Ana River wildlife corridors or any wildlife nurseries will occur as a result of implementation of the General Plan Update.
- No impact related to conflicts with the proposed General Plan Update and other existing policies, regulations, or standards would occur.
- No impact related to conflicts between the proposed General Plan Update and existing Habitat Conservation Plans will occur.

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. Sensitive biological resources are those defined as habitat area or vegetation communities that are unique, are of relatively limited distribution, or are of particular value to wildlife; and species that have been given special recognition by federal, state, or local government agencies and organizations because of limited, declining, or threatened populations.

The Design Manual Area encompasses an urbanized area of the City, which includes no candidate, sensitive, or special status species or habitat areas. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. The Design Manual Area encompasses an urbanized area of the City. There are no riparian habitats or other sensitive natural communities within the Design Manual Area. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. The Design Manual Area encompasses an urbanized area of the City. There are no drainages within the Design Manual Area, thus, there no federally protected wetlands or biotic resources. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. The Design Manual Area encompasses an urbanized area of the City, and as such, there are no wildlife nurseries in the Design Manual Area. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. The City of Colton does not have an adopted ordinance protecting biological resources. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans applicable to the Design Manual Area. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.5 CULTURAL RESOURCES. *Would the project:*

General Plan Update EIR Conclusions

- Impacts to historic resources will be less than significant with implementation of existing policies and regulations.
- Impacts to archaeological resources will be less than significant with implementation of existing policies and regulations.
- Impacts to paleontological resources will be less than significant with mitigation incorporated.
- Impacts to human remains will be less than significant with implementation of existing regulations.

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

Less Than Significant Impact. There are 17 designated historical landmarks within the Design Manual Area. The Colton Municipal Code Chapter 15.40 - Historic Preservation (Historic Preservation Ordinance) authorizes the Historic Preservation Commission to make recommendations, decisions, and determinations concerning the designation, preservation, protection, enhancement, and perpetuation of historic resources and districts which contribute to the historical, cultural and aesthetic values of the City.

Future development within the Design Manual Area would be subject to policies in the Cultural Resources Preservation Element (including provisions that address identifying, designating, and preserving historically significant resources and educating the public about those resources); Historic Preservation Ordinance; and protections offered by local Historic Landmark and Historic District designations. In addition, the Design Manual is intended to support the Historic Preservation Ordinance regulations, in order to preserve, protection, and enhance historic resources. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?

Less Than Significant Impact. The Design Manual Area encompasses an urbanized area of the City with land area having been previously disturbed. The City's existing development permit process provides a manner to review specific locations to conduct cultural resources analysis if determined to be needed for future uses within the Design Manual Area. Therefore, implementation of the proposed project would not result in impacts related to a substantial adverse change in the significance of an archaeological resource. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The Design Manual Area encompasses an urbanized area of the City with land area having been previously disturbed. Excavation and other earthmoving activities required for future development pursuant to the General Plan and Design Manual within surface and subsurface exposures of Pleistocene era alluvium materials could disturb paleontological resources. However, the General Plan Update EIR includes Mitigation Measure 4.5-1, which ensures that future development sites, if applicable, are surveyed and monitored and resources avoided, if possible, or identified, recovered, and catalogued to disseminate and preserve applicable paleontological information. Mitigation Measures 4.5-1 is applicable to areas containing middle to late Pleistocene era sediments (Qof) where it is unknown if paleontological resources exist. Therefore, implementation of the proposed project would not result in destruction of a unique paleontological resource or site or unique geologic feature. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. The Design Manual Area encompasses an urbanized area of the City, and this urbanized area is not anticipated to include human remains. Future development within the Design Manual Area would be required to comply with local, regional, state, and federal regulations related to human remains, should any be found during construction. Therefore, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

3.6 GEOLOGY AND SOILS. *Would the project:*

General Plan Update EIR Conclusions

- Hazardous impacts to people and structures resulting from the potential rupture of the San Jacinto Fault System will be less than significant with implementation of existing standards adopted in the General Plan Safety Element.
- Impacts to life and property resulting from earthquakes will be less than significant with implementation of the City's existing standards and regulations.
- Impacts to life and property resulting from seismically induced liquefaction or settlement will be less than significant with implementation of the City's existing standards and regulations.
- Impacts to life and property within the La Loma Hills, Box Springs Mountains, and other portions of the planning area related to seismically induced landslides will be less than significant with implementation of existing standards and regulations.
- Impacts related to wind-blown soil erosion and loss of topsoil will be less than significant.
- Impacts related to ground failure will be less than significant with implementation of existing City policies and regulations.
- Impacts related to expansive soils will be less than significant with implementation of existing City regulations.
- No impacts related to soils and septic systems will occur.

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. No active or potentially active faults are located within the Design Manual Area as delineated on an Alquist-Priolo Earthquake Fault Zoning Map. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

2) Strong seismic ground shaking?

Less Than Significant Impact. Southern California is considered a tectonically active area. Since the Design Manual Area is located in a seismically active region, numerous faults capable of generating moderate to large earthquakes exist within the project vicinity. The San Jacinto, San Andreas, Rialto-Colton, Mill Creek, Crafton

Hills, and Cucamonga faults are the closest to the Design Manual Area, and have the potential of generating earthquakes of magnitudes ranging from 6.5 to 7.5 on the Richter scale.

The City's building plan check and building code compliance procedures include requirements to design structures in accordance with the appropriate ground–shaking design parameters set forth in the California Building Code. The California Building Code requirements would be applied to the future development projects within the Design Manual Area as standard conditions of project approval reducing impacts to a less than significant level.

Mitigation Measures: No mitigation measures are required.

3) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. General Plan Update EIR Exhibit 4.6-4, Geologic Hazards, indicates that the Design Manual Area is not located within a zone requiring investigations for earthquake-induced slides or liquefaction. However, future development within the Design Manual Area would need to comply with City Development Standards as provided in the Colton Municipal Code, Uniform Building Code, Fire Code, or other code requirements related to seismic hazards. Therefore, implementation of the proposed project would result in less than significant in impacts related to the exposure of people or structures to potential substantial adverse effects of seismic-related ground failure.

Mitigation Measures: No mitigation measures are required.

4) Landslides?

No Impact. General Plan Update EIR Exhibit 4.6-4, Geologic Hazards, indicates that the Design Manual Area is not located within a zone requiring investigations for liquefaction. Therefore, implementation of the proposed project would result in no impacts related to the exposure of people or structures to potential substantial adverse effects of landslides.

Mitigation Measures: No mitigation measures are required.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The Design Manual Area encompasses an urbanized area of the City. Existing vacant parcels are not likely to contribute to wind-blown erosion because native vegetation stabilizes soil, preventing it from leaving a site. Developed sites curtail wind-driven erosion by preventing wind from contacting soil, due to the presence of buildings, parking lots, other impervious surfaces, and landscaping, etc. Landscaping stabilizes soil in the same manner that native vegetation does, thereby minimizing wind- blown erosion. Wind-blown erosion in the Design Manual Area is likely to decrease over the long-term as new development replaces exposed native soil.

Implementation of erosion control measures as stated in Colton Municipal Code Chapter 14.05, as well as adherence to all requirements set forth in the National Pollutant Discharge Elimination System (NPDES) permit for construction activities would reduce potential impacts to less than significant levels. Therefore, implementation of the proposed project would result in less than significant impacts related to soil erosion or loss of topsoil.

Mitigation Measures: No mitigation measures are required.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Less Than Significant Impact. General Plan Update EIR Exhibit 4.6-4, Geologic Hazards, indicates that the Design Manual Area is not located within a zone requiring investigations for liquefaction or on expansive soils. The Design Manual Area is underlain by granular soils that contain little clay and therefore have a low potential for expansion.

Soils testing to determine expansive characteristics is required for new development, pursuant to Colton Municipal Code Chapter 18 and California Building Code Appendix J. Mitigation of expansive conditions is also required and must be fully defined in the routine grading permit process. The City would continue to administer the California Building Code regulations ,and any updates thereto, for all new development in the Design Manual Area. Therefore, implementation of the proposed project would result in less than significant impacts related to unstable geologic units or expansive soil.

Mitigation Measures: No mitigation measures are required.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No Impact. The Design Manual Area encompasses an urbanized area of the City, which is supported by a fully functioning sewer system. Therefore, it would not be necessary to install septic tanks or alternative wastewater disposal systems to accommodate future development in the Design Manual Area. Thus, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

3.7 GREENHOUSE GAS EMISSIONS. *Would the project:*

General Plan Update EIR Conclusions

- Construction emissions of greenhouse gases associated with build-out pursuant to land use policy will be less than significant.

  Over the long-term, GHG emissions may exceed regional thresholds established as projected population capacity for Colton falls below population growth assumptions in the regional plans. Impacts at the program level are significant and unavoidable.

- The proposed General Plan Update has the potential to conflict with the 2012 SCAG RTP/SCS and CARB Scoping Plan—and thereby not attain GHG reductions targets— because land use policy does not support the same level of population growth projected. Impacts at the program level are significant and unavoidable.

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less Than Significant Impact. The proposed project would not generate direct or indirect greenhouse gas emissions, and it would not conflict with a plan, policy, or regulation related to greenhouse gas emissions; however, future development within the Design Manual Area would generate emissions in a manner consistent with the provisions of the City of Colton's Climate Action Plan (Greenhouse Gas Emissions Reduction Plan Implementation Policies adopted by the City Council on November 3, 2015).

The General Plan and General Plan Update EIR accounted for future development within the Design Manual Area. Therefore, adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not conflict with an applicable plan, policy, or regulation related to reducing the emissions of greenhouse gases. Thus, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

3.8 HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*

General Plan Update EIR Conclusions

- The proposed General Plan Update will result in less than significant impacts from the use, transport, and disposal of hazardous materials and wastes.
- Impacts to development and persons due to building siting on contaminated properties will be less than significant with mitigation incorporated.
- No impacts related to operation of public or private airports could occur.
- The proposed General Plan Update will not interfere with the implementation of the City's emergency response and evacuation procedures.
- Impacts due to wildland fires will be less than significant.

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant Impact. The Design Manual Area encompasses an urbanized area of the City. The General Plan and General Plan Update EIR accounted for future development within the Design Manual Area. The City's Development Permit process and General Plan Update EIR Mitigation Measure 4.8.D-1 provide that future development locations conduct Phase I and Phase II analysis, if determined to be needed. As a result, the City's review process includes safeguards to ensure that future projects avoid the release of hazardous materials into the environment. Therefore, adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would result in less than significant impacts related to hazards or accident conditions related to the use, transport, or storage of hazardous materials.

Mitigation Measures: No mitigation measures are required.

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less Than Significant Impact. There are no schools located within the Design Manual Area. Future development in proximity to an existing or already planned school site would be subject to City review concerning potential environmental effects, in accordance with the City's CEQA compliance procedures. Through the existing planning process, impacts involving manufacture, use, transport, storage, or disposal of hazardous substances and wastes near a school site would be considered. If potentially significant effects are identified, measures to avoid or reduce impacts to less than significant levels would also need to be identified, and the City would be required to make specific findings to document that consideration. Therefore, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Less Than Significant Impact. General Plan Update EIR Exhibit 4.8-3, Hazardous Facilities and Sites, indicates that Resources Conservation and Recovery Act (RCRA) Facilities are located within the Design Manual Area. RCRA approaches hazardous wastes from a cradle-to-grave approach, meaning that all hazardous wastes are tracked and strictly regulated from generation to disposal. Hazardous waste generators are required to report use or transport of hazardous wastes to the United States Environmental Protection Agency (US EPA).

The City's Development Permit process and General Plan Update EIR Mitigation Measure 4.8.D-1 provide that future development locations conduct Phase I and Phase II analysis, if determined to be needed. As a result, the City's review process includes safeguards to ensure that future projects avoid impacts. Therefore, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The Design Manual Area is not located within an airport land use plan or within two miles of a private or public airports or airstrips Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant Impact. Emergency vehicles would continue to have access to the Design Manual Area and surrounding roadways upon adoption and implementation of the proposed project. Furthermore, future development within the Design Manual Area would require full review of all City, State and Federal laws related to emergency services. Therefore, implementation of the proposed project would result in less than significant

impacts related to impairment or interference with an adopted emergency response plan or emergency evacuation plan.

Mitigation Measures: No mitigation measures are required.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The Design Manual Area and surrounding areas are predominately built out and no wildlands occur within or adjacent to the Design Manual Area. Therefore, implementation of the proposed project would result in no impacts related to wildland fires.

Mitigation Measures: No mitigation measures are required.

3.9 HYDROLOGY AND WATER QUALITY. *Would the project:*

General Plan Update EIR Conclusions

- Implementation of the General Plan Update will not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality.
- Impacts related to overdrafting of groundwater resources and lowering of groundwater levels will be less than significant based on existing standards and regulations.
- Flooding and sedimentation impacts caused by on- or offsite flooding will be less than significant with implementation of existing City standards.
- Impacts related to polluted urban runoff and storm drain capacity will be less than significant with implementation of existing standards and regulations.
- Impacts due to the placement of housing within 100-year flood zones will not occur as a result of implementation of the General Plan Update.
- Impacts related to the diversion of floodwaters will be less than significant with implementation of existing City regulations.
- Impacts related to inundation due to dam or levee failure will be less than significant with implementation of existing Federal and County regulations.
- Impacts associated with mudflows, tsunami, and seiche will be less than significant with implementation of existing City regulations.

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not create new impacts with respect to violation of water quality standards or waste discharge requirements beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. Future development within the Design Manual Area would be subject to existing City requirements related to the submission of Water Quality Management Plans, as required, and compliance with the National Pollutant Discharge Elimination System Regulations. The City's Planning and Building Plan Check Review processes includes safeguards to ensure that future development projects would not result in violation of any water quality standards or waste discharge requirements. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Less Than Significant Impact. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not create new impacts with respect to depletion of groundwater supplies or interfering with groundwater recharge beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. Future development within the Design Manual Area would continue to be regulated by the other provisions in the Colton Municipal Code, including Title 12 (Streets and other Public Places), Title 13 (Utilities), Title 14 (Storm Drains and Floodplain Management), Title 15 (Building and Construction) and Title 16 (Division of Land), that requires future uses to be served by water purveyors and not well water. In addition, future uses would continue to be regulated by local, state, and federal regulations related to groundwater supplies and recharge. Therefore, implementation of the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant Impact. Future development within the Design Manual Area would continue to be regulated by the other provisions in the Colton Municipal Code related to erosion and drainage, including the drainage improvement requirements provided in Title 14 (Storm Drains and Floodplain Management), Title 15 (Building and Construction) and Title 16 (Division of Land). In addition, other local and regional requirements related to Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) would continue to apply, as appropriate, to future uses within the Design Manual Area. Therefore, implementation of the proposed project would not result in impacts related to alteration of an existing drainage pattern through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

f) *Otherwise substantially degrade water quality?*

Less Than Significant Impact. As described in Responses 3.9.a through 3.9.d, implementation of the Design Manual would not change requirements related to infrastructure, retention of stormwater or water quality. Existing local, Regional Water Quality Control Board (RWQCB), and federal regulations would continue to apply to adult uses. As a result, the City's review process includes safeguards to ensure that future projects within the

Design Manual Area would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. General Plan Update EIR Exhibit 4.9-3, Hydrologic Hazards, shows a small portion of the western portion of the Design Manual Area is located within Zone X, which includes areas with a 0.2% annual chance flood or areas of 1% chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile. Zone X is not within the 100-year flood zone. Thus, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. The General Plan Update EIR does not identify the Design Manual Area as being subject to flooding due to dam failure. Thus, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. Implementation of the proposed project would continue to require future development compliance with Colton Municipal Code, regional, and state requirements related to flooding. As such, future development within the Design Manual Area that is located within a Floodplain Safety Overlay or otherwise within a flood zone shall comply with regulations in Colton Municipal Code Title 14 (Storm Drains and Floodplain Management). Thus, implementation of the proposed project amendments would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche or mudflow. The City of Colton is located a substantial distance from the Pacific Ocean and is not at risk of tsunamis. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.10 LAND USE AND PLANNING. *Would the project:*

General Plan Update EIR Conclusions

- No impact will occur as the General Plan Update will not result in a division of an established community.
- The General Plan Update's implementation potential for impact is discussed in other sections of this EIR; those sections determine that a less than significant impact is anticipated to occur.

a) Physically divide an established community?

No Impact. The Design Manual Area encompasses an urbanized area of the City. Thus, implementation of the proposed project would result in no impacts in this regard.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. Adoption of the Zoning Code updates, Zoning Map revisions, General Plan Land Use Map amendment, and Downtown Design Manual would not conflict with applicable land use plans or policies because any future development within this area has been identified within the General Plan Land Use Element and General Plan Update EIR. In addition, the Design Manual is intended to support the Development Code regulations as its companion document, in order to provide specific design guidelines and incentives to revitalize the Downtown. Also, the guidelines in the Design Manual supplement the zoning standards, by creating a qualitative path for future development in line with the community's vision for Downtown Colton. Thus, implementation of the proposed project would result in no impacts in this regard.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. Refer to Response 3.4.f.

Mitigation Measures: No mitigation measures are required.

3.11 MINERAL RESOURCES. *Would the project:*

General Plan Update EIR Conclusions

- Implementation of the General Plan Update will result in a less than significant loss of known mineral resources of value to the region and the state.
- No impact to locally important mineral resources will occur as a result of the implementation of the General Plan Update.

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Less Than Significant Impact. The General Plan Update EIR noted that although the General Plan Update would not result in the direct loss of a known mineral resource, implementation of the General Plan Update and development pursuant to the Land Use Plan may result in the permanent loss of known statewide and regionally valuable mineral resources. However, portions of the planning area that are designated MRZ-2, such as the Design Manual Area, are primarily developed today, and what few vacant parcels exist are surrounded by urban uses and may not be of sufficient size to support mineral extraction operations.

The Design Manual Area is an urbanized area of the City with a mix of residential, commercial, civic, and open space uses. A small portion of the Design Manual Area, generally north of I-10 and east of 10th Street is located within the MRZ-2 zone, which includes areas where geologic data indicates that significant PCC-Grade aggregate resources are present.[1]

[1] Source: Exhibit 4.11-1, Mineral Resources, City of Colton General Plan Update Final Environmental Impact Report, August 20, 2013.

Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not create new impacts to mineral resources beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Colton General Plan and the San Bernardino County General Plan do not identify any locally important mineral resources within the City. Thus, the Design Manual Area is not an important mineral resource recovery site. Therefore, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.12 NOISE. *Would the project result in:*

General Plan Update EIR Conclusions

- Projected long-term traffic volumes, the extension of new roadway segments, and the proposed land uses located near rail lines and other sensitive land uses would increase noise by less than significant levels with continued implementation of General Plan policies.
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels with implementation of the General Plan Update will result in a less than significant impact.
- The proposed project would allow for additional development of residential and mixed-use development that may result in increased temporary or intermittent noise impacts. Those impacts are less than significant with the continued implementation of the City's Municipal Code.
- The proposed project would not expose people residing or working within two miles of any public airport nor private airport to excessive noise levels associated with air traffic.

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact. Adoption of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not expose persons to excessive noise levels because any future development within this area has been identified within the General Plan Land Use Element and the General Plan Update EIR. In addition, the Design Manual is intended to support the Development Code regulations as its companion document, in order to provide specific design guidelines and incentives to revitalize the Downtown. Also, compliance with Colton Municipal Code detailed in Title 18 (Zoning Code), as well as all other provisions of the Development Code would be confirmed in the application process to ensure that noise levels for future development does not exceed noise standards. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Adoption of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not exposure persons to excessive groundborne vibration or groundborne noise levels because any future development within this area has been identified within the General Plan Land Use Element and General Plan Update EIR. In addition, the Design Manual is intended to support the Development Code regulations as its companion document, in order to provide specific design guidelines and incentives to revitalize the Downtown. Future development within the Design Manual Area would continue to be required to comply with the City's adopted noise standards, including Colton Municipal Code Section 18.42.050 (Vibration), which provides standards for groundborne vibration during construction periods. In addition, through the development permit application, specific conditions of approval related to noise and vibration may be included for future development. Therefore, implementation of the proposed project would not result in the exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Future development within the Design Manual Area would continue to be required to comply with the City's adopted noise standards included in the Colton Municipal Code Chapter 18.42 (Performance Standards). In addition, through the development permit application, specific conditions of approval related to construction and/or operational noise may be included for future development. As such, noise levels generated by future development would not exceed any adopted standards. Therefore, implementation of the proposed project would not result in either permanent or temporary substantial increases in ambient noise levels. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The City of Colton is not located within an airport land use plan area or within two miles of a public airport or private airstrip. San Bernardino International Airport is located approximately three miles east of Colton. Overflights to and from San Bernardino International Airport are audible within the City**.** According to the General Plan Update EIR, the ultimate 65 dBA CNEL noise contour for the airport does not encroach into the City of Colton.

Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not create new impacts with respect to exposing people working or residing in the project area to excessive noise levels beyond those already identified in General Plan Update EIR, which accounted for future development within the Design Manual Area. As such, the proposed project would not expose residents or

workers within two miles of an airport to excessive noise levels associated with air traffic. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

3.13 POPULATION AND HOUSING. *Would the project:*

General Plan Update EIR Conclusions

- Implementation of the proposed General Plan Update would have a less than significant impact on inducing population and housing growth as the anticipated increase is consistent with SCAG's 2012-2035 forecasts.
- The General Plan Update does not propose policies that would result in displacement or demolition of permanent or temporary residential structures.

a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not induce substantial population growth because any future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. The proposed project does not propose new homes, businesses, roads, or infrastructure beyond that identified in the General Plan and General Plan Update EIR; and as such, would not induce substantial population growth. Thus, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact. The proposed project would not displace housing units or people, and would not necessitate the construction of housing. Thus, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.14 PUBLIC SERVICES.

General Plan Update EIR Conclusions

- Impacts related to the expansion of fire protection facilities to maintain applicable service standards will be less than significant with implementation of existing General Plan and Municipal Code policies and requirements.
- Impacts related to the expansion of police protection facilities to maintain applicable service standards will be less than significant with implementation of existing General Plan and Municipal Code policies and requirements.
- Impacts related to the expansion of school facilities to maintain applicable service standards will be less than significant with implementation of existing state regulations.

- Impacts related to the expansion and construction of parks to maintain applicable service standards will be less than significant with implementation of existing General Plan and Municipal Code policies and requirements.
- Impacts related to the expansion and construction of libraries to maintain applicable service standards will be less than significant with implementation of existing Municipal Code requirements.

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

1) *Fire protection?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR, and would be subject to the City's development requirements, which include the Uniform Building Code and reviews from the City's Fire Department. In addition, through the development permit application, specific conditions of approval may be included. As such future development would be reviewed by Fire, Police, Electric, and Public Works for the provision of adequate public services to serve a specific development proposal. Therefore, the City's review process includes safeguards to ensure that future development within the Design Manual Area would not result in impacts related to the need for fire protection services that would cause a need for new, or physically altered, fire and other public services protection facilities. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

2) *Police protection?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR, and would be subject to the City's development requirements, which include reviews from the City's Police Department. In addition, through the development permit application, specific conditions of approval may be included. As such future development would be reviewed by Police Department prior to approval to ensure compliance with the Colton Municipal Code requirements related to crime prevention. Therefore, the City's review process includes safeguards to ensure that future development within the Design Manual Area would not result in impacts related to the need for police protection services that would cause a need for new, or physically altered, police and other public services protection facilities. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3) *Schools?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new homes, businesses, or other uses that would induce population growth. The proposed project would not result in an increase in the student population of the County, or otherwise involve school facilities. As a result, impacts related to the need for new, or physically altered, schools would not occur. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

4) Parks?

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new homes, businesses, or other uses that would induce population growth. The proposed project does not otherwise involve park facilities and would not result in an increase in the use of existing facilities, such that a need for new, or physically altered, parks would occur. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

5) Other public facilities?

No Impact. As discussed in Responses 3.14.a through 3.14.d, the proposed project does not propose new homes, businesses, or other uses that would induce population growth, and as such, would not result in a population increase that would require public facilities. Therefore, impacts related to the need for new, or physically altered, public facilities would not occur. Thus, implementation of the proposed project would result in no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.15 RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new homes, businesses, or other uses that would induce population growth. The proposed project does not otherwise involve recreation facilities and would not result in an increase in the use of existing facilities, such that substantial physical deterioration would occur. In addition, the proposed project does not require the construction or expansion of recreation facilities. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.16 TRANSPORTATION/TRAFFIC. *Would the project:*

General Plan Update EIR Conclusions

- Long-term implementation of land use policy, in combination with regional contributions to traffic on the local road network, will cause an increase in traffic that will result in several intersections and roadway segments to operate at Level of Service F. Impact will be significant.

- Impact with respect to air traffic patterns would be less than significant.
- Impact with respect to traffic hazards would be less than significant.
- Impact with respect to emergency access would be less than significant.
- Impact with respect to parking capacity would be less than significant.
- No adverse impact will result with respect to alternative transportation.

a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new uses that would induce population growth or result in substantial traffic volumes, or otherwise conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

In addition, through the development permit application, future development projects within the Design Manual Area would be reviewed by the City Contract Traffic Engineer and specific conditions of approval may be included. In addition, future development would be reviewed for compliance with the County congestion management program, off street parking and circulation patterns, and the installation of street improvement requirements pursuant to the Colton Municipal Code Title 12 (Streets and other Public Places), Title 13 (Utilities), Title 14 (Storm Drains and Floodplain Management), Title 15 (Building and Construction) and Title 16 (Division of Land). Therefore, implementation of the proposed project would not result in impacts related to traffic congestion, conflict with traffic programs, or City performance standards. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

No Impact. Future development within the Design Manual Area would not affect air traffic patterns due to Colton's distance from Ontario International Airport. The San Bernardino International Airport is located approximately three miles east of Colton, and offers a full range of services and facilities to aviation in the Southern California region, including Luxivair SBD, air cargo services, and four maintenance repair and overhaul (MRO) businesses. The Airport is strategically positioned to meet growing aviation activity including: cargo, business aviation, general aviation, and commercial airlines. In 2014, the average daily operations were 84, and primarily due to general aviation activities. Future development within the Design Manual Area would not result in change in air traffic patterns for the San Bernardino International Airport. Thus, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The proposed project does not propose new uses or hazardous design features that could result in traffic impacts, but does include additional design guidelines to supplement General Plan standards and requirements set forth in the Colton Municipal Code Title 12 (Streets and other Public Places) and other applicable City performance standards. Therefore, the proposed project would not result in an increase in hazards due to design features or incompatible uses. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) Result in inadequate emergency access?

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR, and would be subject to the City's development requirements, which include the Uniform Building Code and reviews from the City's Fire Department to ensure emergency access. In addition, through the development permit application, specific conditions of approval may be included, along with a review of future development's compliance with City building codes, fire codes, and other applicable Colton Municipal Code sections related to development standards for project developments. Therefore, the proposed project would not result in impacts related to inadequate emergency access. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. Design Manual Chapter 4 addresses Complete Streets. This chapter expands upon the General Plan Mobility Element and the General Plan's specific alternative transportation policies that support the use of public transit and promote bicycling and walking. The Design Manual provides a detailed lens on the Downtown area, beyond what is reflected in Mobility Element Figure M-1. Design Manual Figure 4.1 – Complete Streets Network illustrates existing and future circulation facilities including the vehicular network with street typology and classification, including alleys, bicycle networks, pedestrian networks including paseos, and transit networks within the Design Manual area. Pedestrian corridors are proposed along H Street between 7th Street and the proposed "Cottage Lane Paseo" and along La Cadena Drive between D Street and Restaurant Row, extending to the southern edge of the Design Manual area, linking to south Colton. The Downtown area already has an established bicycle network, and the proposed facilities would further improve connectivity, especially linking residential to commercial areas so that employees can commute to and from work via bicycle. Existing bike facilities include a Class II Bike Lane, a lane with on-street striping, on 9th Street from Valley Boulevard to G Street and on G Street from 9th Street to 10th Street as well as a Class III Bike Route running the length of Valley Boulevard Corridor. Additional Class II Bike Lanes are proposed on 7th, 9th, G, and C Streets. Therefore, the proposed project would not result in a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.17 UTILITIES AND SERVICE SYSTEMS. *Would the project:*

General Plan Update EIR Conclusions

- Impacts related to the exceedance of wastewater treatment requirements of the Colton Wastewater Reclamation Facility will be less than significant based on existing City plans and regulatory requirements.
- Impacts related to the potential future construction of water and wastewater infrastructure will be less than significant with implementation of existing City standards.
- Impacts related to the potential future expansion of storm drain facilities will be less than significant with implementation of existing City standards.
- Implementation of the proposed General Plan Update will not require new or expanded water supply entitlements to be secured.
- Impacts related to insufficient wastewater treatment capacity will be less than significant with implementation of existing standards and regulations.
- Impacts associated with solid waste regulations and adequacy of disposal sites will be less than significant pursuant to existing policies and regulations.

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new uses that would induce population growth or exceed wastewater treatment requirements. Also, through the development permit application for future development, specific conditions of approval may be included, along with a review of compliance of City building codes, fire codes, and other municipal codes related to development standards for project developments.

Future development within the Design Manual Area would not violate any water quality standards or waste discharge requirements, as project proponents are required to comply with requirements of the City Public Works Department and ensure that Best Management Practices (BMPs) are followed during construction. Under Section 402 of the Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) issues National Pollutant Discharge Elimination System (NPDES) permits to regulate waste discharges to waters of the U.S. Waters of the U.S. including rivers, lakes, and their tributary waters. Waste discharges include discharges of stormwater and construction project discharges. The City has a permit from the RWQCB for all wastewater generated within its boundaries. Because project proponents within the Design Manual Area would be required to adhere to wastewater discharge requirements found within the NPDES permit process, there would not be conflicts with requirements of the RWQCB (Regional Water Quality Control Board). Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new uses that would induce population growth or result in the construction of new or expansion of existing water or wastewater treatment facilities. In addition, through the development permit application, specific conditions of approval may be included, along with a review of compliance with provisions in the Colton Municipal Code, including Title 13 (Utilities). Therefore, the proposed project would not induce growth and would require compliance with existing regulations related to water use and wastewater services and facilities. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new uses that would induce population growth or result in the construction of new or expansion of existing storm water drainage facilities. Under the proposed project, future development within the Design Manual Area would continue to be regulated by the other provisions in the Colton Municipal Code, including Title 13 (Utilities) and Title 14 (Storm Drains and Floodplain Management). In addition, future development would be required to control stormwater consistent with the existing requirements of the RWQCB. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new uses that would induce population growth that require new or expanded entitlements relative to available water supplies.

Future development within the Design Manual Area would continue to be regulated by the other provisions in the Colton Municipal Code, including Title 13 (Utilities) and Title 14 (Storm Drains and Floodplain Management), that require future development within the Design Manual Area to be served by water purveyors. In addition, future development within the Design Manual Area would continue to be regulated by local and regional regulations related to water use. Also, through the development permit application for future development, the City's Engineering staff would review the development's compliance for the provision of adequate water supplies and compliance with groundwater management and public water supply systems. Therefore, implementation of the proposed project would not result in impacts related to water supplies and would not require expanded water entitlements. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual does not propose new uses that would induce population growth that generates wastewater demand that exceeds the provider's existing capacities. In addition, future development within the Design Manual Area would be required to comply with the Colton Municipal Code and other applicable local, regional, or state regulations related to wastewater. Therefore, implementation of the proposed project would not result in impacts related to wastewater treatment facilities' capacity. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual do not propose new uses that would induce population growth that generates solid waste demand that exceeds the provider's existing capacities. In addition, future development within the Design Manual Area would be required to comply with the Colton Municipal Code and other applicable local, regional, or state regulations related to solid waste. Therefore, implementation of the proposed project would not result in impacts related to would not result in impacts related to landfill capacity and compliance with solid waste regulations. Thus, implementation of the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. As discussed in previous sections of this Initial Study, the proposed project would not result in impacts to wildlife and habitat resources. The proposed project does not have the potential to reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animals. Generally, the Design Manual Area does not contain areas of sensitive habitat or where sensitive species may be found.

With respect to historic resources, there are 17 designated historical landmarks within the Design Manual Area. Future development within the Design Manual Area would be subject to policies in the Cultural Resources Preservation Element (including provisions that address identifying, designating, and preserving historically significant resources and educating the public about those resources), Colton Municipal Code Chapter 15.40 - Historic Preservation Ordinance, and protections offered by local Historic Landmark and Historic District

designations. In addition, the Design Manual is intended to support the Historic Preservation Ordinance regulations, in order to preserve, protection, and enhance historic resources.

Future development within the Design Manual Area would be subject to the City's development permit process, which would require review of a development project for compliance with all City development standards and CEQA. Thus, implementation of the proposed project would result in less than significant impacts to wildlife and habitat resources or historical resources.

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less Than Significant Impact. Future development within the Design Manual Area has been identified within the General Plan Land Use Element and General Plan Update EIR. Adoption and implementation of the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual would not result in impacts that are individually limited, but could be incrementally considerable. There are no other past, current, or probable future projects or proposed projects that would combine with the Zoning Code updates, Zoning Map revisions, and Downtown Design Manual to result in a cumulatively adverse impact. Therefore, less than significant impacts would occur in this regard.

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant Impact. Previous sections of this Initial Study reviewed the proposed project's potential impacts related to aesthetics, air quality, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, noise, and public services and utilities. As concluded in these previous discussions, the proposed project would result either in no impact or less than significant impacts. Therefore, the proposed project would not result in environmental impacts that would cause substantial adverse effects on human beings.

3.19 REFERENCES

The following references were utilized during preparation of this Initial Study/Environmental Checklist. These documents are available for review at the City of Colton, Planning Division, 650 N. La Cadena Drive, Colton, CA 92324.

City of Colton, *City of Colton General Plan* (various dates – 1987, 1991, 2000, 2013, 2014)

City of Colton, *City of Colton General Plan Update: Land Use, Housing, and Mobility Elements Environmental Impact Report* (August 20, 2013)

City of Colton, *West Valley Habitat Conservation Plan* (2015)

City of Colton, *Zoning Map*

City of Colton, *Colton Municipal Code* (Codified through Ordinance No. O-10-15, passed October 20, 2015 [Supp. No. 16, 12-15])

City of Colton, *Initial Study for Adult Use Regulations Update* (November 16, 2015)

4.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 3.0 have been added. A NEGATIVE DECLARATION will be prepared.	
I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	

	City of Colton
Signature	Lead Agency
Mario Suarez/Senior Planner	
	April 21, 2016
Printed Name/Title	Date

4.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 3.0 have been added. A NEGATIVE DECLARATION will be prepared.	
I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	

Mario Suarez
Signature

City of Colton
Lead Agency

Mario Suarez
Printed Name/Title

March 18, 2016
Date

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APPENDIX A
ZONING CODE ADDITIONS AND REVISIONS

Your Welcome - the two sets were really upbeat and made my head and toes run with the beat. Your entertainment aura is magnificent and adds to the entire experience. Nice!!!

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ATTACHMENT 4

Redlined Zoning Text Amendments to Chapters 18.06, 18.23.4 and 18.23 of the Zoning Code

Text Amendment Redlines to Zoning Ordinance Chapter 18.06

Chapter 18.06 - ZONING DISTRICTS AND MAPS

Sections:

18.06.010 - Designation of Land Use Zones.

In order to carry out the provisions of this title, the City is divided into eighteen Zones designated as follows:

Symbol	Zone Name
V-L	Very-Low Density Residential Zone
R-1	Low Density Residential Zone
R-2	Medium Density Residential Zone
R-3	Multiple-Family Residential Zone
R-4	Multiple Family Residential Zone
C-1	Neighborhood Commercial Zone
C-2	General Commercial Zone
C-2/D	General Commercial--Downtown Overlay Zone
M-U/D	Mixed-Use—Downtown Zone
M-U/N	Mixed-Use—Neighborhood Zone
I-P	Industrial Park Zone
M-1	Light Industrial Zone
M-2	Heavy Industrial Zone
O-S/R	Open Space Recreational
O-S/Res	Open Space Resources
P-I	Public/Institution Zone
R-U	Railroad/Utility/ROW Zone
SDA	Sensitive Development Area Overlay Zone
R-O	Residential Overlay
SP	Specific Plan Zone

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992; Ord. No. O-05-13, § 2(Exh. A(3)), 10-10-2013)

18.06.020 - Official Zoning Map.

The boundaries of the Zones listed in Section 18.06.010 are shown on a map referenced herein to and made a Part of this title, Designated as the "Official Zoning Map." This map and all the notations, references and other information shown on it Shall be considered as a Part of this title.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.030 - Filing of Zoning Map.

The original of the Official Zoning Map, Shall be kept on file with the Community Development Department and shall constitute the original record. A Copy of said map shall also be maintained by the Department.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.040 - Uncertainty as to boundaries.

Where uncertainty exists as to the boundaries of any Zone as shown on the Zoning Map, the Director of the Community Development Department Shall determine the boundaries with the Application of the Following guidelines:

A. Street, Alley or Lot Lines.

   1. Where indicated Zone boundaries are approximately Street, Alley or Lot Lines, such lines are determined to be the boundaries of the Zone. Otherwise, the boundaries shall be determined by the dimensions shown on the map. In the absence of a dimension, the boundary shall be determined by Use of the scale shown on the map.

   2. A Street, Alley, Railroad or Railway Right-of-Way, Watercourse, channel or body of water included on the Zoning Map Shall, unless otherwise indicated, be included within the Zone of adjoining Property on either side thereof; and where such Street, Alley, Right-of-Way, Watercourse, channel or body of water serves as boundary between two or more different Zones, a line midway in such Street, Alley, Right-of-Way, etc., extending in the general direction of the long dimension thereof Shall be considered the boundary between Zones.

B. Further Uncertainties. Where further uncertainties exist, the Commission shall, by Written Decision, determine the location of the Zone boundary or Building Setback Line.

C. Vacations. In the event that a vacated Street, Alley, Right-of-Way or Easement was the boundary between two Zones, the new Zone boundaries shall be at the new Property line.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.050 - Amendments to Zoning Map.

All amendments and changes in the Official Zoning Map shall be recorded at the end of each fiscal year on additional Official Zoning Maps and all individual amendments shall be recorded by the Community Development Director not later than forty-eight hours after such amendment becomes effective.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.060 - Uses Permitted in each Zone.

A. Allowed Uses. Generally, a land use is either allowed by right, allowed through issuance of a conditional use permit, or not permitted. In addition to the requirements for planning permits or entitlements listed herein, other permits and entitlements may be required prior to establishment of the use (e.g., Building Permit or permits required by other agencies). The requirements for planning permits or entitlements identified in Tables: 18.06.060-E, 18.06.060-F and 18.06.060-G below include:

1. Permitted (P). A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this Title (e.g., development standards) as well state and federal law.

2. Conditionally Permitted (C). A land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a Conditional Use Permit from the designated approving authority, subject to compliance with all applicable provisions of this Zoning Code (e.g., development standards) as well as state and federal law.

3. Not Permitted (N). A land use shown with an "N" is not allowed in the applicable zoning district.

4. Adult Use Development Permit (A). A land use shown with an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an Adult Use Development Permit from the Planning Commission subject to compliance with all provisions of Chapter 18.49 of this Zoning Code.

5. The conformity to the property Development Standards of this title may include the provisions of required walls, landscaping, parking, trash enclosures, street improvements, aesthetic improvements and all other Improvements determined by the Development Services Director to be necessary or required by any regulating ordinance for a particular use.

B. Uses Not Listed. Land uses that are not listed in Table 18.06.060-1 below or in the zoning district tables are not allowed, except as otherwise provided for in this Title.

C. Illegal Uses. No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the City.

D. Special Use Regulations. Additional use regulations for specific land uses, such as Residential or Group Care Facility, are listed in Chapter 18.48 (Special Provisions).

E. Residential Districts Table	V-L	R1	R2	R3/R4
Administrative/Professional Services	N	C[1]	C[1]	N
Animal Boarding	P	N	N	N
Assisted Living Facilities	N	N	N	P
Boarding, lodging, or rooming houses, pursuant to Chapter 18.48 of this Title.	C	C	C	C
Cemeteries	C	N	N	N
Community Gardens	N	P	P	P
Day Care Center Child or Adult	C	C	C	N
Dance, Martial Arts, Yoga Studio	N	C[1]	C[1]	N

Dwelling—Compact Lots Subdivision, pursuant to Section 18.48.190 of Title 18.	N	N	C	P
Dwelling—Single-Family	P	P	P	P
Dwelling—Two-Family	N	N	P	P
Dwelling—Multiple-Family	N	N	P	P
Dwelling—Second Unit	P	P	P	N
Dwellings—Cluster Development	C	C	P	P
Dwelling—Group	N	N	N	P
Educational Institution	N	C	C	C
Family Day Care Home—Small	P	P	P	P
Family Day Care Home—Large	C	C	C	C
Home Occupation pursuant to Chapter 18.48 of this Title.	P	P	P	P
Manufactured Home, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Mobilehome Park, pursuant to Chapter 18.48 of this Title.	N	N	C	C
Office Ancillary to Multi-Family/Model Home	P	P	P	P
Plant Nursery (grown in containers only)	P	P	P	P
Religious Assembly	C	C	C	C
Residential or Group Care Facility—Small (serving 6 or fewer persons)	P	P	P	P
Residential or Group Care Facility—Large (serving 7 or more persons)	C	C	C	C
Utility Distribution Facilities	P	P	P	P
[1] Only applicable in Downtown Area as shown on Zoning Map.				

F. Commercial Districts Table	C-1	C-2	MU-D	MU-N
Administrative/Professional Services	P	P	P	P
Adult Businesses	N	N	N	N
Alcoholic Beverage Sales—On- or Off-Site, pursuant to Chapter 18.48 of this Title.	C	C	C	C
Amusement Arcade, pursuant to Chapter 18.48 of this Title.	N	P	C	C
Animal Boarding	N	C	N	N
Animal Grooming	N	P	P	P
Animal Health Care	N	C	P	P
Antique Shops	P	P	P	N
Assembly Uses	C	C	C	N

Automobile Parking	N	C	C	C
Automobile Repair	N	C[1]	N	N
Automobile Sales/Rentals	N	C[1]	N	N
Automobile Servicing	N	C	N	N
Bar	N	C	C	N
Business Support Services	P	P	P	P
Cemeteries	N	N	N	N
Communication Services	N	P	P	P
Community Recreation	P	P	P	P
Construction Sales/Service	N	P	N	N
Composting	N	N	N	N
Convenience Sales and Service	P	P	P	P
Cultural Institutions	P	P	P	P
Dance, Martial Arts or Yoga Studio	P	P	P	P
Day Care Center Child or Adult	C	C	C	C
Dwelling—Compact Lots Subdivision, pursuant to Section 18.48.190 of Title 18.	N	N	P	P
Dwelling—Single Family	N	N	P	P
Dwelling—Multiple-Family	N	N	P	P
Dwelling—Second Units	N	N	P	P
Dwelling—Live/Work	P	P	P	P
Eating/Drinking Establishments	P	P	P	P
Eating/Drinking Establishments—Drive-Thru	C	C	C[1]	C
Educational Institutions and Vocational Schools	C	P	C	C
Entertainment Facilities	C	P	P	P
Family Day Care Home, Large	C	C	C	C
Family Day Care Home, Small	P	N	P	P
Farmers Market, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Financial Institutions	N	P	P	P
Florist	P	P	P	P
Fortunetelling, pursuant to Chapter 18.48 of this Title.	N	C	N	N
Funeral Services	N	P	N	N

Health and Fitness Club	N	P	P	P
Home Occupations, pursuant to Chapter 18.44 of this Title.	P	P	P	P
Hospitals	N	P	N	N
Hotels and Motels	N	C	C	N
Instructional Services	C	P	P	N
Laundry services—Heavy	N	P	N	N
Laundry services—Light	P	P	P	P
Library Services	C	P	P	P
Manufacturing—Custom, pursuant to Chapter 18.48 of this Title.	N	P	N	N
Medical/Dental/Optical Services	P	P	P	P
Movie Theaters	N	P	P	N
Nightclub	N	C	C	N
Personal Services	P	P	P	P
Plant Nursery (grown in containers only)	P	P	P	P
Postal Services	P	P	P	P
Recreational Facilities	N	P	P	P
Recycling Facilities—Small Collection	P	P	P	P
Recycling Facilities—Large Collection	N	C	N	N
Recycling Facilities—Reverse Vending Machines	P	P	P	P
Recycling Processing Facility—Light	N	N	N	N
Recycling Processing Facility—Heavy	N	N	N	N
Repair Services	N	P	P	P
Resale/Secondhand Stores	C	C	C	C
Research Services	N	P	N	N
Retail Sales—Indoors	P	P	P	P
Retails Sales—Outdoors	N	C	C	C
Single-Room Occupancy Facility	N	C	C	N
Swap Meets (Indoor and Outdoor), pursuant to Chapter 18.48 of this Title.	N	C	N	N
Therapeutic Services, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Transportation Facilities—Public.	C	P	P	P
Transportation Facilities—Private.	N	C	N	N

Utility Distribution Facilities	P	P	N	N
Utility Operations Facilities	N	C	C	N
Warehousing (accessory use only, maximum 15% of floor area)	N	P	N	N
Wholesaling	N	P	N	N
24-hour Retail or Restaurant Operations, pursuant to Chapter 18.48 of this Title.	C	C	C	C
[1] Not permitted in General Commercial – Downtown Overlay Zone and Mixed-Use Downtown Zone.				

G. Industrial Districts Table	I-P	M-1	M-2
Administrative/Professional Services	P	P	P
Adult Businesses	N	N	A
Alcoholic Beverage Sales—On- or Off-Site Sale	C	C	C
Amusement Arcade, pursuant to Chapter 18.48 of this Title.	P	P	P
Animal Boarding	N	N	P
Animal Grooming	P	P	P
Animal Health Care	P	P	P
Assembly Uses	C	C	P
Automobile Parking	C	C	P
Automobile Repair	C	C	P
Automobile Sales/Rentals	C	C	P
Automobile Servicing	C	C	P
Business Support Services	P	P	P
Cemeteries	N	C	P
Communication Services	P	P	P
Community Recreation	P	P	P
Construction Sales/Service	P	P	P
Composting, Mulching and Related Green Waste	N	C	C
Convenience Sales and Service	P	P	P
Contractors' Storage Yard/Corporation Yards	N	C	C
Cultural Institutions	P	P	P
Dance, Martial Arts or Yoga Studio	P	P	N

Day Care Center Child or Adult	C	N	N
Dwelling—Caretaker	P	P	P
Dwelling—Live/Work	P	P	N
Eating/Drinking Establishments	P	P	P
Eating/Drinking Establishments—Drive Thru	P	P	C
Educational Institutions and Vocational Schools	P	P	P
Emergency Shelter	N	P	N
Entertainment Facilities	P	P	N
Farmers Market, pursuant to Chapter 18.48 of this Title.	P	P	P
Financial Institutions	P	P	P
Funeral Services	P	P	P
Health and Fitness Club	P	P	N
Hospitals	P	P	P
Hotels and Motels	C	N	N
Instructional Services	P	P	P
Laundry services—Heavy	P	P	P
Laundry services—Light	P	P	P
Library Services	P	P	P
Lodge or Private Club	C	C	C
Manufacturing—Custom	P	P	P
Manufacturing—Light	P	P	P
Manufacturing—Heavy	N	N	P
Medical/Dental/Optical Services	P	P	P
Miniwarehouse	C	C	P
Personal Services	P	P	P
Plant Nurseries (grown in containers)	P	P	P
Plant Nurseries (grown in soil)	C	C	C
Postal Services	P	P	P
Public Maintenance Services	P	P	P
Recreational Facilities	P	P	P
Recreational Vehicle Parks	C	N	N

Recycling Facilities—Small Collection	P	P	P
Recycling Facilities—Large Collection	C	C	C
Recycling Facilities—Reverse Vending Machines	P	P	P
Recycling Processing Facility—Light	N	C	C
Recycling Processing Facility—Heavy	N	N	C
Repair Services	P	P	P
Research Services	P	P	P
Retail Sales—Indoor	P	P	P
Retail Sales—Outdoor	C	C	C
Salvage Operations	N	N	C
Swap Meets (Indoor and Outdoor), pursuant to Chapter 18.48 of this Title.	C	C	C
Transportation Facilities—Public	P	P	P
Transportation Facilities—Private	C	P	P
Truck and Trailer Storage	N	N	C
Utility Distribution Facilities	P	P	P
Utility Operations Facilities	N	N	P
Warehousing	P	P	P
Wholesaling	P	P	P
24-hour Retail or Restaurant Operations, pursuant to Chapter 18.48 of this Title.	C	C	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.			

H. Open Space Districts Table	O-S Recreation	O-S Resources
Basins for Groundwater Recharge	N	P
Cemeteries	N	C
Equestrian Uses	C	C
Flood Control Facilities	N	P
Flood Plains	N	P
Habitat Conservation Areas	N	P
Nature Preserves	N	P
Passive Recreation Areas (public and private)	P	C
Permanent Open Space	N	P

Private Parks	C	N
Private Recreational	C	N
Public Parks	P	N
Recreational Activity Fields, including but not limited to private or public golf courses	P	C
Trails (public and private)	P	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.		

I. Public/Institutional District Table	Public/Institutional Zone
Affordable Housing owned by City Housing Authority or other public entity	P
Cemeteries	P
Civic Center and City Hall	P
Community Recreation	P
Fire Stations	P
Flood Control Facilities	P
Flood Plains	P
Hospitals	P
Library Services	P
Parks	P
Postal Services	P
Public Maintenance Services	P
Public Safety Facilities (Police and Fire Stations)	P
Public Schools	P
Public Transportation Facilities	P
Recreation Activity Fields (public only), including golf courses	P
Recreation Uses (public only)	P
Trails	P
Utility Operations and/or Distribution Facilities	P
All facilities, including buildings and grounds, owned by the City, County, State of California, the United States government, a school district, library district, water district, sanitary district, or other type of public service district	P

Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted use	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.	

J. Railroad/Utility Corridor Table	Railroad/Utility Corridor Zone
Community Gardens within Utility Corridor	P
Flood Plains	P
Public Transportation Facilities	P
Railroads	P
Trails	P
Utility Operations and/or Distribution Facility	
Incidental and accessory equipment and uses located on the same site with and necessary for the operation of a permitted use	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.	

K. Similar Uses Permitted. When a use is not specifically listed in this Zoning Code, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this Zoning Code, and anticipating that new uses will evolve over time, this Section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Code and the Standard Industrial Classification Manual for determining similarity. The Director may administer a fee via the Code Interpretation Letter in accordance with the most current adopted fee schedule.

1. In determining "similarity," the Director shall consider all of the following:
    a. The proposed use meets the intent of, and is consistent with the goals, objectives and policies of the General Plan; and
    b. The proposed use meets the stated purpose and general intent of the district in which the use is proposed to be located; and
    c. The proposed use will not adversely impact the public health, safety and general welfare of the City's residents; and
    d. The proposed use shares characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use district in which it is to be located.
2. Appeal. Any determination of similarity shall be final ten days after the date the Director's decision letter is issued, unless an appeal to the Planning Commission is filed and fees paid pursuant to adopted fee schedule.

(Ord. 0-02-97 § 5, 1997; Ord. 0-1-94 § 1, 1994; Ord. 0-13-93 § 1, 1993; Ord. 0-14-92 § 1 (Exh. A) (part), 1992; Ord. No. O-03-13, § 4, 7-2-2013; Ord. No. O-05-13, § 2(Exh. A(3)), 10-10-2013; Ord. No. O-06-14, § 4, 5-22-2014; Ord. No. O-03-15, § 4—6, 3-3-2015)

Text Amendment Redlines to Zoning Ordinance Chapter 18.23

Chapter 18.23 - M-U MIXED-USE—DOWNTOWN ZONE

18.23.010 - Intent and Purpose.

The ~~M-U~~ Mixed-Use Downtown Zone (M-U/D) ~~is intended to provide for a downtown district that~~ integrates civic, public, commercial, office, and residential uses. Supporting convenience retail and personal service commercial uses are permitted to serve the needs of local residents, employees, and visitors. Higher-density residential uses are encouraged to add vibrancy and presence. Long-established, low-density residential areas containing homes dating to Colton's early years are encouraged to retain their density and character. Live/work development approaches are permitted as well where they contribute to the function and character of Downtown. All development within ~~the~~ this ~~district~~ zone should reflect attractive, pedestrian-oriented design that complements the area's historic character. Public and shared parking facilities are encouraged.

18.23.030 - Permitted Uses.

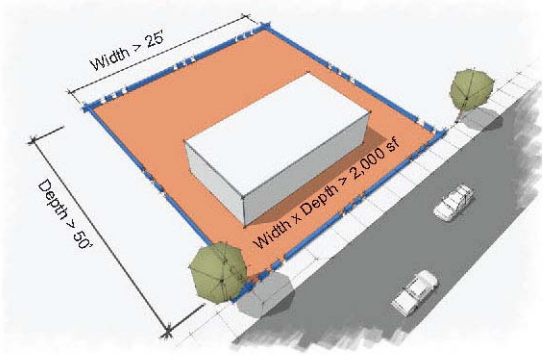
Refer to Table F in Section 18.06.060 F.

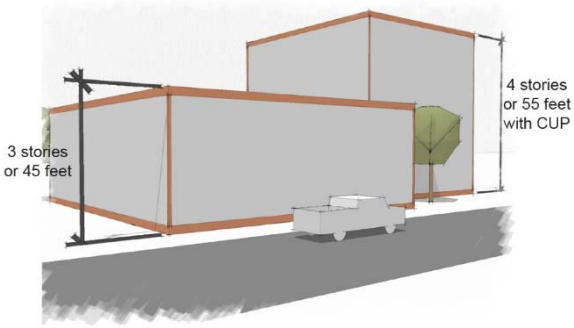
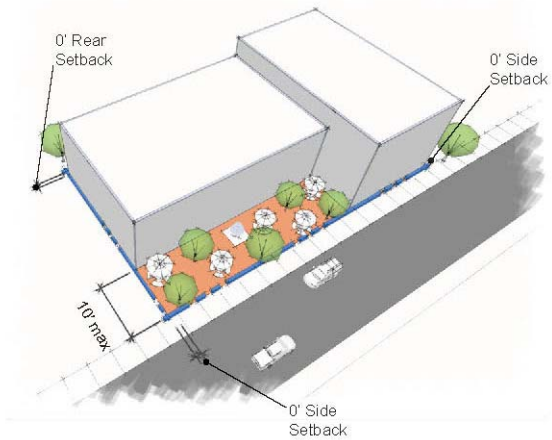
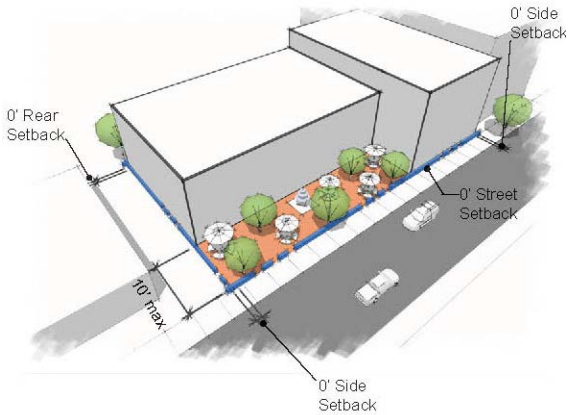
18.23.040 - Reserved.

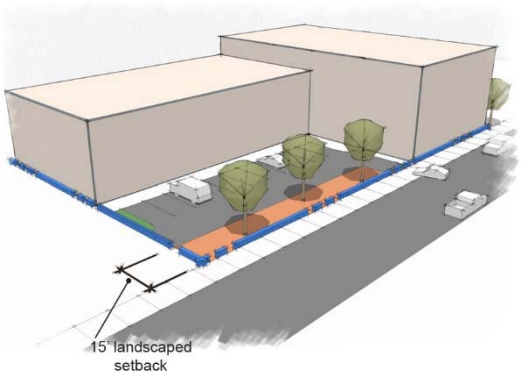
18.23.050 - Property Development Standards.

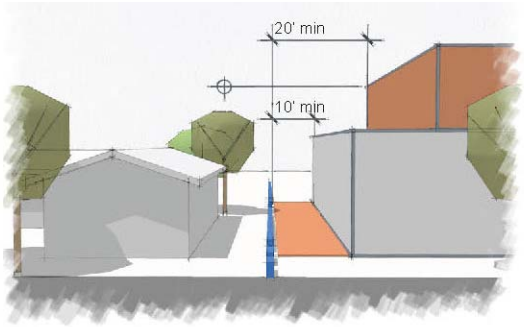
The following property development standards, set out in Table 18.23.050-1, shall apply to all land and buildings in the M-U Mixed-Use Downtown Zone.

18.23.050-1 Property Development Standards

Building Placement	Table 1	
A. Minimum Lot Size	2,000 sf ~~10,000 sf~~	 *Minimum Lot Dimensions*
B. Minimum Lot Width	25 feet[1] ~~80 feet[1]~~	
C. Minimum Lot Depth	50~~100~~ feet[1]	
Stand Alone Residential Maximum Density	Residential: ~~2.0~~ 30.0 dwelling units/acre.[2]	
Mixed-Use/ Commercial Maximum Intensity	3.0~~2.0~~ Floor Area Ratio (FAR) for non-residential components.	

Building Placement	Table 1	
Building Height	Three stories or forty-five feet. Up to four stories or fifty-five feet with CUP.[1]	 *Building Height*
~~Front~~ Street Setback	*H Street and La Cadena Drive*: 0 feet to 10 feet maximum. Setback area shall include plaza, courtyard, outdoor dining, or enhanced pedestrian connections. *7th Street, 9th Street, 10th Street, G Street, and Valley Boulevard*: Maximum 10 feet landscaped to building; Minimum ~~20~~15 feet landscaped to parking area. ~~Buildings may be built to zero to twenty feet from the public sidewalk line. Setback areas not occupied by a structure or driveway shall be landscaped and/or contain semi-public amenities such as courtyards or outdoor seating areas. (currently some project have parking in front setback, this should be specifically discouraged, at least along La Cadena) Where there is no existing or planned public sidewalk, the building setback is ten feet extending across fifty percent of the full width of the lot, with the exceptions of cornices, eaves, sills, walking arcades and similar architectural features which may project up to ten~~	 *Setbacks: H Street and La Cadena Drive*  *Setbacks: 7th Street, 9th Street, 10th Street, G Street, and Valley Boulevard*

Building Placement	Table 1	
	~~to fifteen feet into the required setback and public right-of-way.~~	 *Setbacks with Landscaping: 7th Street, 9th Street, 10th Street, G Street, and Valley Boulevard*
Side Setbacks	There shall be no side setback required for interior lots. ~~Adjacent to other commercial lots or corner lots. In the case where the side of a lot abuts a residential zone, the minimum side setback shall be ten feet, with a masonry wall separation between the two uses. In the case where the side of a lot abuts an existing residential use, a masonry wall separation shall be required between the two uses. Where a building is provided with providing a vehicle access door facing the side of a lot, the building shall be setback twenty five feet from the opposite side of the alley.~~	
Rear Setbacks	There shall be no rear setback required for interior lots.~~. Adjacent to other commercial lots. In the case where the rear of a lot abuts a residential zone, the minimum rear setback shall be fifteen feet, with a masonry Wall separation between the two uses. In the case where the rear of a lot abuts an existing residential use, a masonry wall separation shall be required between the two uses. Where a building is provided with a vehicle access door facing the rear of the lot, the building shall be~~	

Building Placement	Table 1	
	~~setback twenty five feet from the opposite side of the alley.~~	
Ground Floor Transparency	The ground floor building facade facing a street frontage line, where the ground floor use is non-residential, shall consist of a minimum ~~sixty~~ 45 percent area of glass doors, windows, or other transparent materials.	*Ground Floor Transparency*
Good Neighbor	Where the side of a lot abuts a residential zone, the minimum side setback shall be ten feet. Where the rear of a lot abuts a residential zone, the minimum rear setback shall be 15 feet. Those portions of a building that abut a residential zone, where the proposed structure is over 35 feet tall, shall be setback a minimum of 20 feet from that property line. Where vehicular access is taken from the side or rear of a lot, the building shall be setback a minimum of 25 feet from that side.	 *Setbacks Adjacent to Residential Zones*

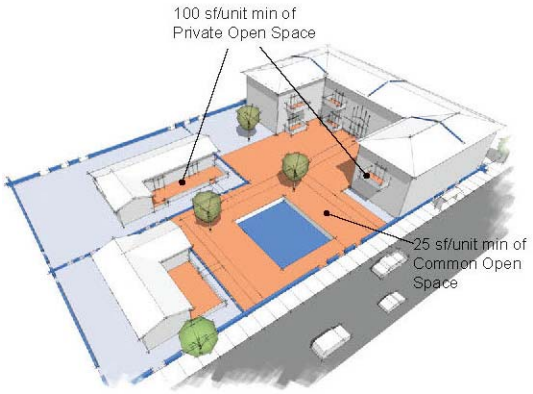
1. For buildings with ground floor commercial uses, the ~~minimum~~ required floor-to-ceiling height at the ground floor level for buildings facing public frontage lines ~~should be twelve to fifteen feet~~ shall be a minimum of twelve feet.
2. For projects developed exclusively for senior residents as income-subsidized housing, densities of up to 60 dwelling units per acre are allowed with approval of a Conditional Use Permit.

18.23.060 - Residential ~~Recreation~~ Open Space.

In the form of private and common area, ~~A~~all M-U Mixed-Use Downtown residential developments shall provide a minimum of ~~one square foot~~ 25 square feet of Residential ~~outdoor recreation~~ Open Space ~~for every three square feet of gross floor area within~~each Dwelling Unit.

A. ~~At least half of the~~ A minimum of 100 square feet of required Residential Open Space ~~required~~ shall be in the form of private ~~recreation~~ open space, with a minimum dimension of eight feet ~~and a minimum area of one hundred fifty square feet per dwellings~~. Private open space may be provided in the form of patios, porches, balconies, or recessed areas open on at least ~~two sides~~ one side.

B. Common ~~recreation~~ Residential Open Space shall be provided at a minimum of 25 square feet per unit. Common Residential Open Space areas shall ~~contain a minimum area of five hundred square feet and with~~ have a minimum dimension of ~~twenty~~ ten feet. When common open space is designed for public/private use, a minimum of 20 square feet per unit is required. These Common Residential Open Space areas may be provided in the form of pools, playgrounds, recreation fields, ~~putting greens~~ or recreation buildings, but no less than 50% of the Common Residential Open Space area shall be outdoor, landscaped Common Residential Open Space.



Residential Open Space

~~C. Provide sidewalk within the public right-of-way along entire street frontage.~~

~~D.~~ C. Provide sidewalk connections from homes to public sidewalks, and between homes and Residential Open Space.

~~E. Provide shade shelters at bus stops with bench, meetings specifications of City and Omnitrans.~~

D. Residential Open Space credit may be considered for park and/or common areas located within 200 feet of the project site, subject to review and approval by the Development Services Director.

18.23.070 - Parking Requirements.

A. Specific Requirements.

1. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 18.23.070-1 (M-U Downtown Zone Parking Requirements). All uses must provide the sum of the requirements for each individual use.

2. "Square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a building and its accessory buildings unless otherwise specified. For a mixed-use building, "square feet" means "gross square feet" and refers to the sum gross square feet of the publicly accessible floor area of a building and its accessory buildings.

3. ~~For the purposes of calculating~~ Residential parking requirements for dens, studies, or other similar rooms that may be used as bedrooms shall be ~~considered bedrooms~~ defined and calculated based upon the Building Code.

4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.

Table 18.23.070-1 M-U—Downtown Zone Parking Requirements

Land Use	Spaces Required
Commercial Land Uses	
MU/D – H Street and La Cadena Drive Commercial Land Uses	One (1) space/1,000 square feetSpaces Required
MU/D – All Others	One (1) space/500 square feet
Residential Land Uses MU/D 1 space per 500 sf	
Multiple-Family (apartments, condominiums, and townhomes) – H Street and La Cadena Drive	One (1) space/dwelling unit
Multiple-Family (apartments, condominiums, and townhomes) – All Others	One and a half (1.5) spaces/dwelling unit Minimum two (2) spaces required for dwelling units with three (3) or more bedrooms
Live/Work Units – Residential Portion	One (1) space/dwelling unit
Single-Family Residential	Two (2) spaces/dwelling unit within a garage or carport

B. *General Requirements*. The general requirements for off-street parking shall be as outlined in Chapter 18.36 of this Code.

C. *Tandem Parking*. For lots less than 10,000 square feet in area, mixed-use developments, and/or multi-family residential projects, Ttandem parking spaces may be used for residential (non-guest) parking, and receive parking credit when serving the same residential unit subject to approval by the Development Services Director. Tandem parking spaces shall be a minimum of 11 feet wide and 20 feet deep per space.

D. *Shared Parking*. In addition to the shared parking requirements outlined in Section 18.36.040 of this Code, Tthe use of shared parking facilities agreements for mixed-use residential, retail, and office is encouraged within the Mixed-Use Downtown Zonesubject to the requirements outlined in Section 18.36.040 of this Code. Developments incorporating shared parking strategies and/or joint use agreements may receive up to a 10% reduction in the total number of parking spaces required for the proposed mix of uses subject to approval by the Development Services Director.

E. Off-site parking may be permitted for nonresidential projects subject to the approval of a Conditional Use Permit, based on the approval process outlined in Section 18.58.060 of this code. In addition to the findings in Section 18.58.060, the following criteria shall apply:

1. All off-site parking facilities shall be located within one thousand feet of the property where the use in question is located, unless a binding agreement is provided to provide transportation access from the parking facility to the use in question on a regular basis.

2. Public transit service shall be available within one-half mile of the use in question.

F. On-street parking spaces adjacent to a project site may be counted toward meeting minimum on-site parking requirements where no parking restrictions are in place, subject to the review and approval of the Development Services Director.

~~F~~G. *Bicycle Parking*. Provide facilities for the temporary storage of bicycles as outlined in Chapter 18.36 of this Code.

18.23.080 - Landscaping.

A. Landscaping shall be provided for the development of any lot with a minimum landscaping coverage of 15 percent of the lot area not occupied by building footprint. The landscaping shall provide a mixture of shrubs, trees, groundcover, flowers and lawns throughout the entire front yard area, side yard areas, parkways and throughout open spaces not occupied by access ways, parking areas and sidewalks. One tree per three parking spaces shall be provided and planted throughout the landscaped areas. Twenty-five percent of the trees shall be of twenty-four inch box size, another twenty-five percent of thirty-six inch box size, and the remainder may be a minimum of fifteen-gallon size. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect or Engineer and submitted to the Development Services Director along with the general building plans for review and approval.

B. The required landscaping shall be maintained in a neat, clean, safe, orderly, and healthful condition.

C. The landscaped areas shall be provided with a suitable permanent method for watering or sprinkling of plants. Wherever possible, the watering system shall utilize the least amount of water. Sprinklers used to satisfy the requirements of this provision shall be so spaced as to assure complete coverage of the landscaped areas.

18.23.090 - Trash, Recycling, and Storage Areas.

A. Residential.

1. Trash and recycling areas for multiple-family dwellings and live/work units shall provide a minimum ~~the equivalent of not less than a~~ fifty-gallon capacity container per dwelling unit. Where commercial trash containers are used, there shall be ~~not less than~~ a minimum of one such container for every fifteen dwelling units.

2. All outside trash and recycling collection areas shall be enclosed or screened with a six-foot-high wall with gates and shall be located ~~as~~ to allow for convenient pickup and disposal. The location and design shall also incorporate access separate from pedestrian access.

3. All trash and recycling containers shall be provided with lids.

4. For multiple-family dwellings and live/work units, at least sixty cubic feet of enclosed accessory storage space shall be provided for each dwelling unit. Said space may be located in the Dwelling Unit, integrated into a balcony space, or in a garage or carport; provided, that it does not interfere with parking a vehicle.

5. Recycling. Separate adequate capacity trash containers shall be provided for recycling.

B. Non-Residential.

1. Trash containers shall be provided with a sufficient capacity to contain all refuse generated by the use.

2. All outside trash and recycling collection areas shall be enclosed or screened with a six-foot-high wall with gates and shall be located to allow for convenient pickup and disposal.

3. All trash and recycling containers shall be provided with lids.

4. The design of the trash enclosure shall follow ~~the guidelines of the~~ City specifications on trash enclosures.

5. ~~Recycling separate~~ Separate, adequate capacity trash containers shall be provided for recycling.

18.23.100 - Mechanical Equipment.

A. All heating, ventilating, and air conditioning equipment, including ducts, meters, plumbing lines, and tanks, shall be architecturally screened from public view with the use of masonry walls when mounted at grade, or with the use of parapet walls when mounted on flat and pitched roofs.

B. Plumbing vent pipes, all heater flues, and all roof penetrations shall be gathered and concealed from view in the same manner and shall be painted to match the roof color.

18.23.110 - Architectural Compatibility.

The exterior design of structures shall be compatible with the surrounding architecture in order to preserve neighborhood integrity and promote architectural consistency within the City.

18.23.120 - ~~Design~~ Architectural and Site Plan Review.

Architectural and Site Plan Review for all development in the M-U/D Mixed-Use Downtown zone shall be submitted to the appropriate decision-making body for review and approval pursuant to Chapter 18.58. The decision-making body shall consider the following criteria:

A. The project is located within one-half mile walking distance of transit stops, shops, services, and public schools.

B. The project features high-quality market rate and/or affordable housing. Mixed income housing is encouraged.

C. The project will provide for, or contribute to, a mix of complementary uses.

D. The project will provide for, or contribute to, a range of housing types and densities within the community.

E. The project design includes pedestrian-friendly spaces such as plazas, squares, courtyards, and other amenities.

F. The project design includes comfortable and accessible open spaces

18.23.120 – Colton Downtown Design Manual Reference.

The Colton Downtown Design Manual is a companion document to complement the Downtown Development Code, and has been prepared to establish an achievable vision, shape future development, and implement an action plan for Downtown Colton. Any future development plans within the Downtown must be consistent with the Colton Downtown Design Manual.

Text Amendment Redlines to Zoning Ordinance Chapter 18.23.4

Chapter 18.23.4 - C-2 GENERAL COMMERCIAL - DOWNTOWN OVERLAY ZONE [new code section]

18.23.4.010 - Intent and Purpose.

The General Commercial Downtown Zone (C-2/D) is intended to provide standards to guide its physical form and to encourage a wide range of retail and commercial services, professional offices, and medical facilities in the geographic center of the City's Historic Downtown. The Colton Downtown Design Manual is a companion document that supports the intent and purpose of this Code, and provides the vision and implementation actions to shape future development and implement for Downtown Colton.

18.23.4.020 - Uses Generally.

In the C-2/D Zone, no building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered or enlarged, except for the purpose set out in Section 18.23.4.030 of this chapter.

18.23.4.030 - Permitted Uses.

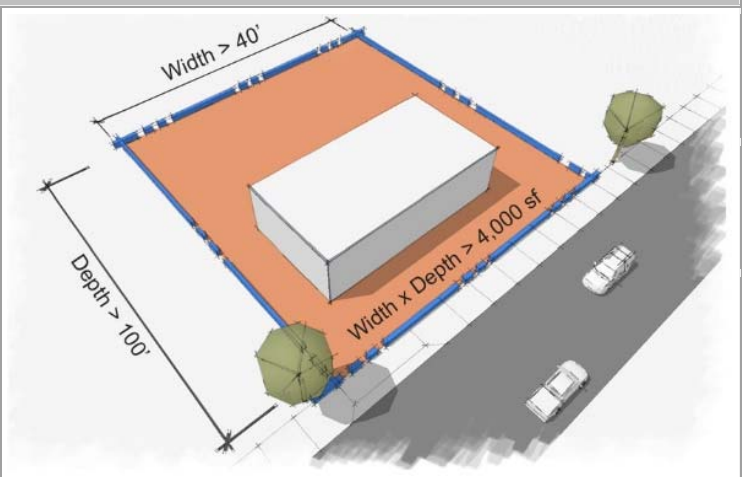
Refer to Table F in Section 18.06.060 F.

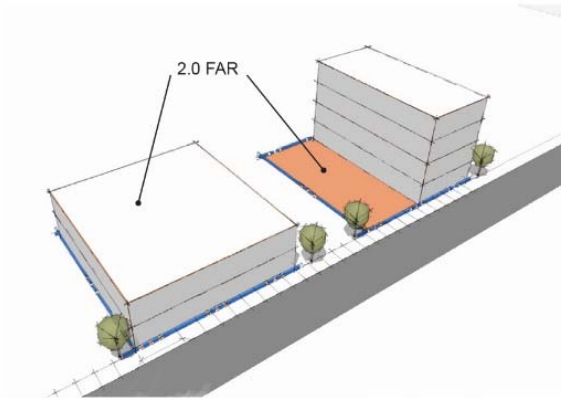
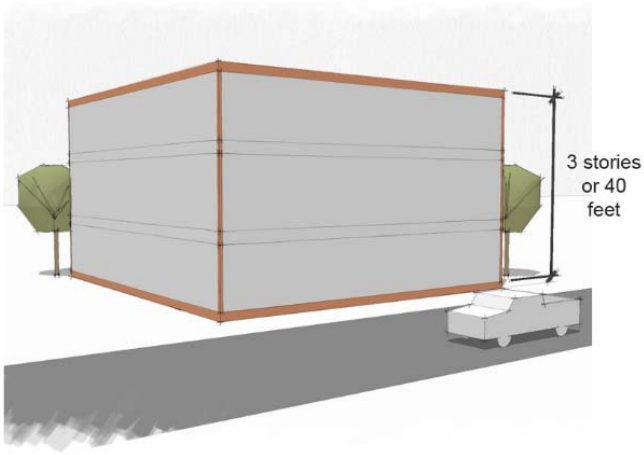
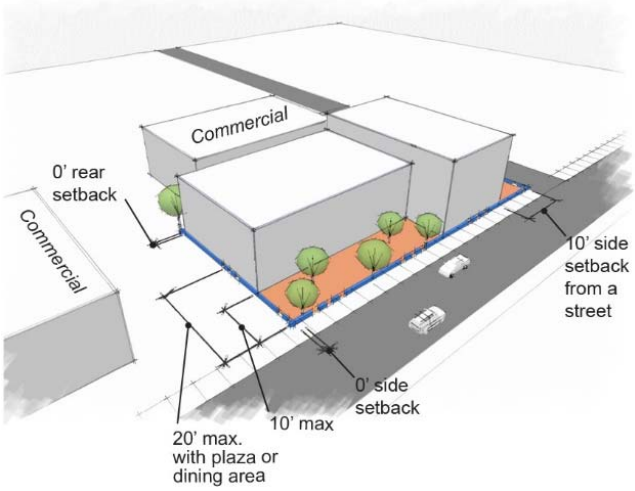
18.23.4.040 - Reserved.

18.23.4.050 - Property Development Standards.

The following Property Development Standards, set out in Table 18.23.4.050-1, shall apply to all land and buildings in the C-2/D Zone.

18.23.4.050-1 Property Development Standards

Building Placement and Form	Table 1	
A. Minimum Lot Size	4,000 sf	
B. Minimum Lot Width	40 feet	
C. Minimum Lot Depth	100 feet	*Minimum Lot Dimensions*

Building Placement and Form	Table 1	
D. Commercial Maximum Intensity	2.0 Floor Area Ratio (FAR)	 *Commercial Intensity*
E. Building Height Maximum	Three stories or 40 feet	 *Building Height*
H. Street Setback	The front setback for each lot shall be a maximum of 10 feet with an exception up to 20 feet for a plaza or dining area.	 *Setbacks: Adjacent to Commercial*
I. Side/Rear Setbacks	1. Each lot shall have a maximum side setback of 10 feet from a street. There shall be no side or rear setbacks required for interior lots adjacent to other commercial lots. 2. Where the side of a lot abuts a residential zone, the minimum side setback shall be 10 feet	

Building Placement and Form	Table 1	
	with a masonry wall separation between the two uses. 3. Where the rear of a lot abuts a residential zone, the minimum rear setback shall be 15 feet with a masonry wall separation between the two uses. 4. Those portions of a Building that abut a residential zone, where the proposed structure is over 35 feet tall, shall be setback a minimum of 20 feet from that property line. 5. Where vehicular access is taken from the side of a lot, the building shall be setback a minimum of 25 feet from that side. Where vehicular access is taken from the rear of a lot, the building shall be setback a minimum of 25 feet. 6. Where a building is provided with a vehicle access door facing the side or rear of a lot, the building shall be set back 25 feet from the opposite side of the alley.	
J. Building Placement	1. Buildings located along Valley Boulevard shall be oriented toward the Valley Boulevard street frontage unless proven infeasible by the applicant. 2. Buildings located along Valley Boulevard shall have a primary entrance door facing Valley Boulevard; entrances at building corners may be used to satisfy this requirement. 3. Buildings shall not back onto Valley Boulevard.	

Building Placement and Form	Table 1	
		Building Placement
K. Ground Floor Transparency	1. First floor building façades facing Valley Boulevard must include a minimum of 45 percent transparent glazing for commercial or retail uses. A minimum of 30 percent transparent glazing shall apply to office uses. Building code energy and seismic standards must be met. 2. Windows must be transparent; opaque or reflective glazing is not permitted.	 *Ground Floor Transparency*
L. Rooftop Screening	All roof-mounted equipment shall be screened from view from public rights-of-way including Interstate 10. Screening shall be constructed of materials complementary or similar to primary building surfaces.	

18.23.4.060 – Signage Standards.

The requirements for signs shall be as outlined in Section 18.50 of this Code.

18.23.4.070 – Vehicular Access and Parking.

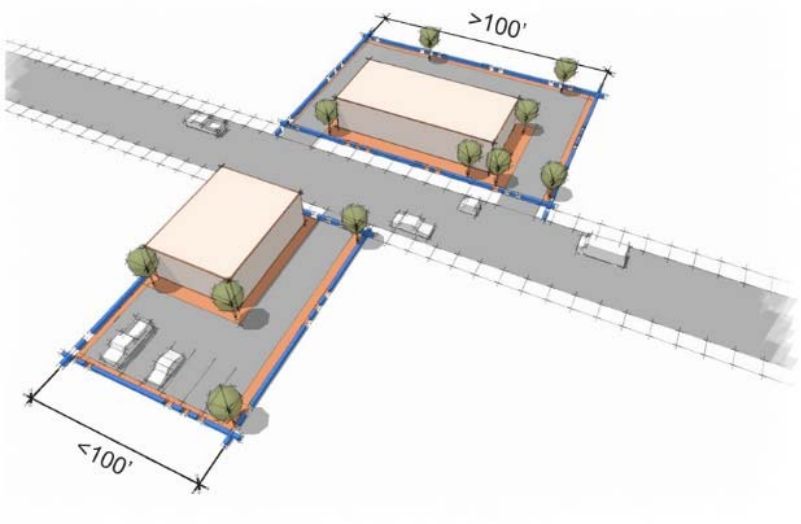
A. For parcels with less than 100 linear feet of street frontage, a maximum of one vehicle access from Valley Boulevard is permitted. For parcels with 100 linear feet or more of street frontage, a maximum of two vehicle access points from Valley Boulevard are allowed.

B. Reciprocal ingress and egress access with adjacent properties shall be provided for all properties. This requirement may be waived with City approval due to the following circumstances:

- Extreme site constraints,

- Extreme changes in topography,
- Circumstances that would result in severe environmental impacts,
- The location of existing structures or existing infrastructure,
- The lack of agreement between adjacent owners, or
- Other extreme hardship.

A. Parking shall be located behind buildings fronting Valley Boulevard.



Vehicular Access and Parking Location

Reciprocal Access

18.23.4.080 - Parking Requirements.

A. Specific Requirements.

1. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 18.23.070-1 (Downtown Zone Parking Requirements). All uses must provide the sum of the requirements for each individual use.
2. "Square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a building and its accessory buildings unless otherwise specified.
3. The General Parking Requirements in Subsection 18.18.120 B. shall be met.
4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.
5. On-street parking spaces adjacent to a project site may be counted toward meeting minimum on-site parking requirements where no parking restrictions are in place, subject to the review and approval of the Development Services Director.

B. *General Requirements*. The general requirements for off-street parking shall be as outlined in Chapter 18.36 of this Code.

18.23.4.090 - Landscaping.

A. Landscaping shall be provided for the Development of any Lot with a minimum Landscaping coverage of 15 percent of the Lot Area. The Landscaping shall provide a mixture of shrubs, trees, groundcover, flowers and lawns throughout the entire Front Yard area, Side Yard areas, Parkways and throughout Open Spaces not occupied by access ways, parking areas and sidewalks. One tree per five parking spaces shall be provided and planted throughout the landscaped areas. Thirty-five percent of the trees shall be of twenty-four-inch box size, another fifteen percent of thirty-six-inch box size, and the remainder may be a minimum of fifteen-gallon size. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect or Engineer, and submitted to the Development Services Director along with the general Building plans for review and approval.

18.23.4.100 - Trash Areas.

The requirements for trash areas shall be as outlined in Section 18.18.140 of this Code.

18.23.4.110 - Mechanical Equipment.

The requirements for screening of mechanical equipment shall be as outlined in Section 18.18.150 of this Code.

18.23.4.120 – Architectural and Site Plan Review.

Site Plans, Floor Plans and Building Elevations shall be submitted for review and approval whenever a structure or number of structures are proposed for the development of a site.

18.23.120 – Colton Downtown Design Manual Reference.

The Colton Downtown Design Manual is a companion document to complement the Downtown Development Code, and has been prepared to establish an achievable vision, shape future development, and implement an action plan for Downtown Colton. Any future development plans within the Downtown must be consistent with the Colton Downtown Design Manual.

ATTACHMENT 6

Planning Commission Resolution No. R-19-16

RESOLUTION NO. R-19-16

A RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING CHAPTERS 18.06 (USES PERMITTED IN EACH ZONE) AND 18.23 (MIXED-USE DOWNTOWN) OF THE MUNICIPAL CODE AND ADDING NEW CHAPTER 18.23.4 (C-2 GENERAL COMMERCIAL OVERLAY ZONE) AND TO DESIGNATE CERTAIN PARCELS WITH C-2/D (GENERAL COMMERCIAL-DOWNTOWN OVERALAY) ZONE AND CHANGING THE ZONE ON SPECIFIC PARCELS FROM C-2 (GENERAL COMMERCIAL) TO M-U/D (MIXED-USE/DOWNTOWN). (FILE INDEX NO. DAP-001-307)

WHEREAS, the City of Colton Development Services Department filed initiated amendments to the City's current zoning regulations, including revision to Chapter 18.06 (Uses Permitted in Each Zone), Chapter 18.23 (Mixed-Use Downtown) Zone and add new Chapter 18.23.4 (C-2 General Commercial Overlay) Zone (collectively the "Text Amendments") and designating certain parcels with C-2/D (General Commercial Overlay) Zone and Changing the Zone for certain parcels from C-2 (General Commercial) to M-U/D (Mixed-Use / Downtown) Zone;

WHEREAS, the City received a State of California Sustainability Communities Planning Grant for preparation of a Downtown Development Code and Design Manual with goals for infill development, affordable housing, a mix of uses to support mobility options, redevelopment and enhanced community design, and incentives for sustainable development.

WHEREAS, the Text Amendments were reviewed, studied, and found to comply with the California Environmental Quality Act ("CEQA") as more fully described below;

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study was prepared of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration.

WHEREAS, on June 28, 2016, the Planning Commission of the City of Colton ("Planning Commission") conducted a duly noticed public hearing on the Text Amendments at which time all persons wishing to testify in connection with the Text Amendments were heard and the Text Amendments were comprehensively reviewed; and

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

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

SECTION 1. The Planning Commission hereby makes and adopts all applicable findings with respect to the Text Amendments as set forth in the attached Exhibit "A" and Change of Zone Amendments to the City's Zoning Map in the attached Exhibit "B" as if fully set forth herein.

SECTION 2. The Planning Commission hereby recommends that the City Council adopt the attached Ordinance amending Chapter 18.06 (Uses Permitted in Each Zone), Chapter 18.23 (Mixed-Use Downtown) Zone and add new Chapter 18.23.4 (C-2 General Commercial Overlay) Zone of the Colton Municipal Code relating to Downtown regulations. A copy of the Ordinance as well as the findings contained therein is attached hereto as Exhibits "A" and "B" and is incorporated herein by reference.

SECTION 3. The Planning Commission has reviewed the Negative Declaration and all comments received regarding the Negative Declaration and, based on the whole record before it, finds: (i) that the Negative Declaration was prepared in compliance with CEQA and there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby adopts the Negative Declaration.

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

PASSED, APPROVED AND ADOPTED this 28th day of June, 2016.

_____
Richard Prieto, Planning Commission Chairperson

ATTEST:

_____
Planning Commission Secretary
Mark Tomich, AICP

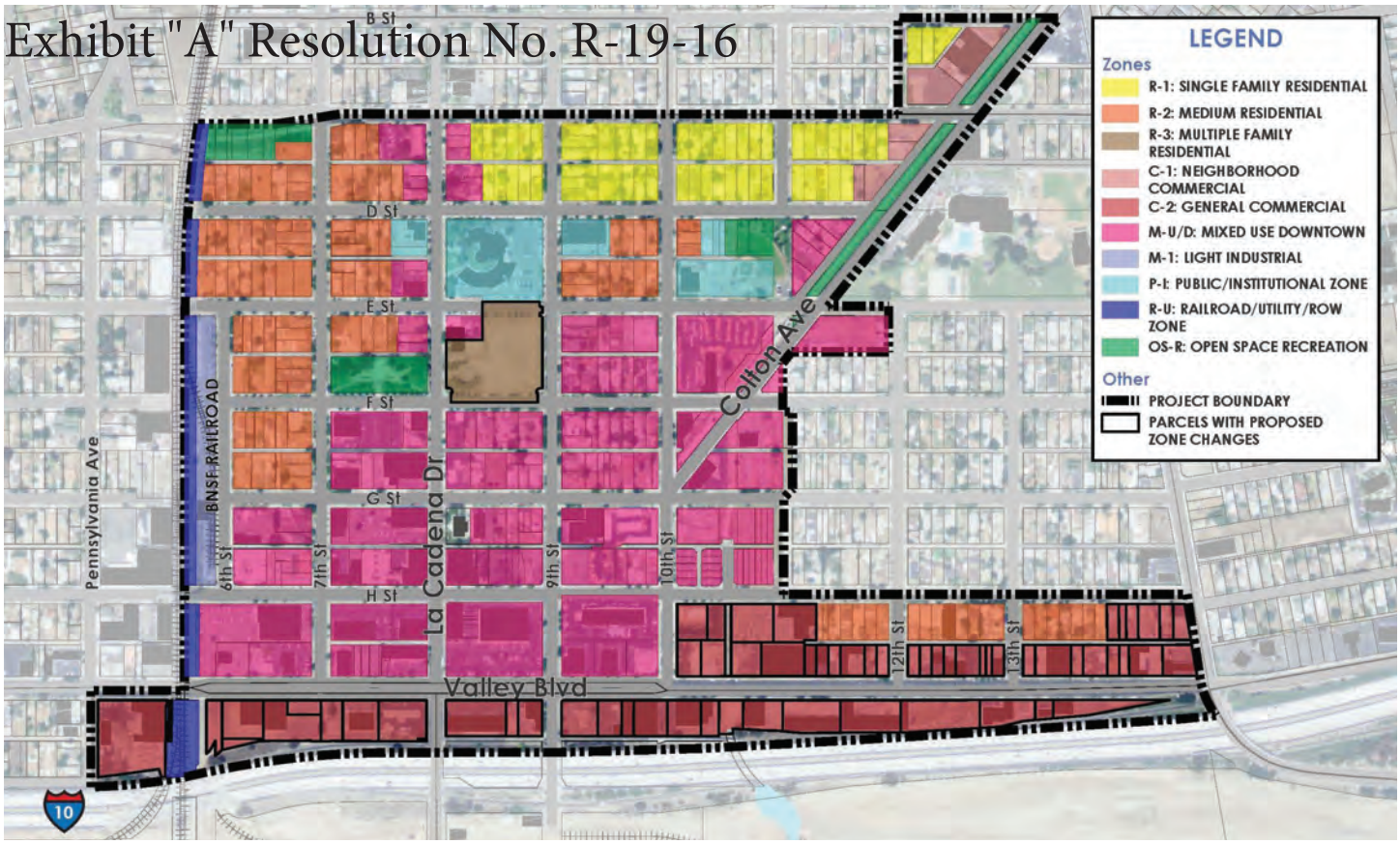
I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Colton at a meeting held on June 28, 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

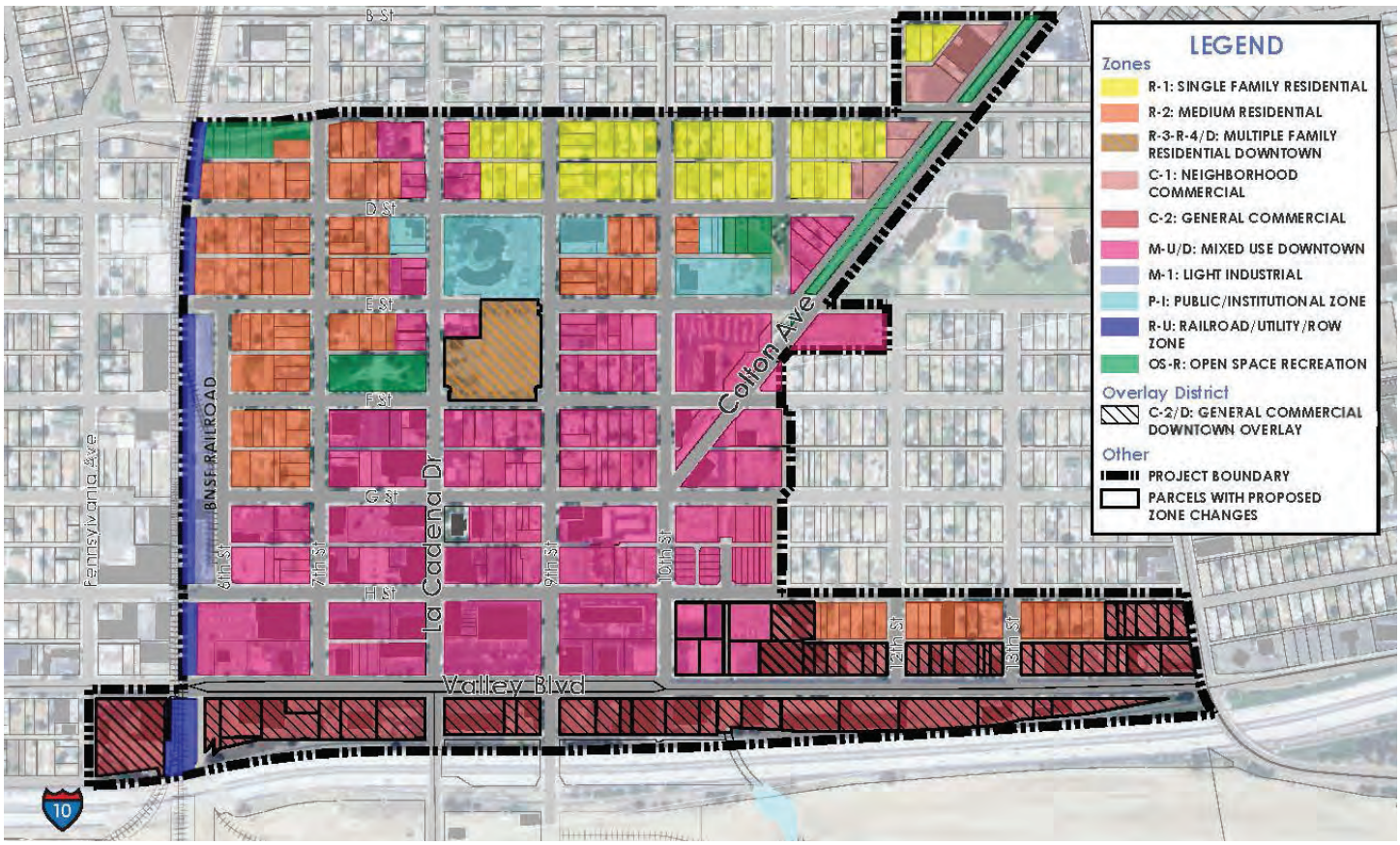
_____
Planning Commission Secretary
Mark Tomich, AICP

Exhibit “A” of Resolution No. R-19-16

Exhibit "A" Resolution No. R-19-16



Existing Zoning



Proposed Zoning

Exhibit “B” of Resolution No. R-19-16

Chapter 18.06 - ZONING DISTRICTS AND MAPS

Sections:

18.06.010 - Designation of Land Use Zones.

In order to carry out the provisions of this title, the City is divided into eighteen Zones designated as follows:

Symbol	Zone Name
V-L	Very-Low Density Residential Zone
R-1	Low Density Residential Zone
R-2	Medium Density Residential Zone
R-3	Multiple-Family Residential Zone
R-4	Multiple Family Residential Zone
C-1	Neighborhood Commercial Zone
C-2	General Commercial Zone
C-2/D	General Commercial--Downtown Overlay Zone
M-U/D	Mixed-Use—Downtown Zone
M-U/N	Mixed-Use—Neighborhood Zone
I-P	Industrial Park Zone
M-1	Light Industrial Zone
M-2	Heavy Industrial Zone
O-S/R	Open Space Recreational
O-S/Res	Open Space Resources
P-I	Public/Institution Zone
R-U	Railroad/Utility/ROW Zone
SDA	Sensitive Development Area Overlay Zone
R-O	Residential Overlay
SP	Specific Plan Zone

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992; Ord. No. O-05-13, § 2(Exh. A(3)), 10-10-2013)

18.06.020 - Official Zoning Map.

The boundaries of the Zones listed in Section 18.06.010 are shown on a map referenced herein to and made a Part of this title, Designated as the "Official Zoning Map." This map and all the notations, references and other information shown on it Shall be considered as a Part of this title.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.030 - Filing of Zoning Map.

The original of the Official Zoning Map, Shall be kept on file with the Community Development Department and shall constitute the original record. A Copy of said map shall also be maintained by the Department.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.040 - Uncertainty as to boundaries.

Where uncertainty exists as to the boundaries of any Zone as shown on the Zoning Map, the Director of the Community Development Department Shall determine the boundaries with the Application of the Following guidelines:

A. Street, Alley or Lot Lines.

   1. Where indicated Zone boundaries are approximately Street, Alley or Lot Lines, such lines are determined to be the boundaries of the Zone. Otherwise, the boundaries shall be determined by the dimensions shown on the map. In the absence of a dimension, the boundary shall be determined by Use of the scale shown on the map.

   2. A Street, Alley, Railroad or Railway Right-of-Way, Watercourse, channel or body of water included on the Zoning Map Shall, unless otherwise indicated, be included within the Zone of adjoining Property on either side thereof; and where such Street, Alley, Right-of-Way, Watercourse, channel or body of water serves as boundary between two or more different Zones, a line midway in such Street, Alley, Right-of-Way, etc., extending in the general direction of the long dimension thereof Shall be considered the boundary between Zones.

B. Further Uncertainties. Where further uncertainties exist, the Commission shall, by Written Decision, determine the location of the Zone boundary or Building Setback Line.

C. Vacations. In the event that a vacated Street, Alley, Right-of-Way or Easement was the boundary between two Zones, the new Zone boundaries shall be at the new Property line.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.050 - Amendments to Zoning Map.

All amendments and changes in the Official Zoning Map shall be recorded at the end of each fiscal year on additional Official Zoning Maps and all individual amendments shall be recorded by the Community Development Director not later than forty-eight hours after such amendment becomes effective.

(Ord. 0-14-92 § 1 (Exh. A) (part), 1992)

18.06.060 - Uses Permitted in each Zone.

A. Allowed Uses. Generally, a land use is either allowed by right, allowed through issuance of a conditional use permit, or not permitted. In addition to the requirements for planning permits or entitlements listed herein, other permits and entitlements may be required prior to establishment of the use (e.g., Building Permit or permits required by other agencies). The requirements for planning permits or entitlements identified in Tables: 18.06.060-E, 18.06.060-F and 18.06.060-G below include:

1. Permitted (P). A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this Title (e.g., development standards) as well state and federal law.

2. Conditionally Permitted (C). A land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a Conditional Use Permit from the designated approving authority, subject to compliance with all applicable provisions of this Zoning Code (e.g., development standards) as well as state and federal law.

3. Not Permitted (N). A land use shown with an "N" is not allowed in the applicable zoning district.

4. Adult Use Development Permit (A). A land use shown with an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an Adult Use Development Permit from the Planning Commission subject to compliance with all provisions of Chapter 18.49 of this Zoning Code.

5. The conformity to the property Development Standards of this title may include the provisions of required walls, landscaping, parking, trash enclosures, street improvements, aesthetic improvements and all other Improvements determined by the Development Services Director to be necessary or required by any regulating ordinance for a particular use.

B. Uses Not Listed. Land uses that are not listed in Table 18.06.060-1 below or in the zoning district tables are not allowed, except as otherwise provided for in this Title.

C. Illegal Uses. No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the City.

D. Special Use Regulations. Additional use regulations for specific land uses, such as Residential or Group Care Facility, are listed in Chapter 18.48 (Special Provisions).

E. Residential Districts Table	V-L	R1	R2	R3/R4
Administrative/Professional Services	N	C[1]	C[1]	N
Animal Boarding	P	N	N	N
Assisted Living Facilities	N	N	N	P
Boarding, lodging, or rooming houses, pursuant to Chapter 18.48 of this Title.	C	C	C	C
Cemeteries	C	N	N	N
Community Gardens	N	P	P	P
Day Care Center Child or Adult	C	C	C	N
Dance, Martial Arts, Yoga Studio	N	C[1]	C[1]	N

Dwelling—Compact Lots Subdivision, pursuant to Section 18.48.190 of Title 18.	N	N	C	P
Dwelling—Single-Family	P	P	P	P
Dwelling—Two-Family	N	N	P	P
Dwelling—Multiple-Family	N	N	P	P
Dwelling—Second Unit	P	P	P	N
Dwellings—Cluster Development	C	C	P	P
Dwelling—Group	N	N	N	P
Educational Institution	N	C	C	C
Family Day Care Home—Small	P	P	P	P
Family Day Care Home—Large	C	C	C	C
Home Occupation pursuant to Chapter 18.48 of this Title.	P	P	P	P
Manufactured Home, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Mobilehome Park, pursuant to Chapter 18.48 of this Title.	N	N	C	C
Office Ancillary to Multi-Family/Model Home	P	P	P	P
Plant Nursery (grown in containers only)	P	P	P	P
Religious Assembly	C	C	C	C
Residential or Group Care Facility—Small (serving 6 or fewer persons)	P	P	P	P
Residential or Group Care Facility—Large (serving 7 or more persons)	C	C	C	C
Utility Distribution Facilities	P	P	P	P
[1] Only applicable in Downtown Area as shown on Zoning Map.				

F. Commercial Districts Table	C-1	C-2	MU-D	MU-N
Administrative/Professional Services	P	P	P	P
Adult Businesses	N	N	N	N
Alcoholic Beverage Sales—On- or Off-Site, pursuant to Chapter 18.48 of this Title.	C	C	C	C
Amusement Arcade, pursuant to Chapter 18.48 of this Title.	N	P	C	C
Animal Boarding	N	C	N	N
Animal Grooming	N	P	P	P
Animal Health Care	N	C	P	P
Antique Shops	P	P	P	N
Assembly Uses	C	C	C	N

Automobile Parking	N	C	C	C
Automobile Repair	N	C[1]	N	N
Automobile Sales/Rentals	N	C[1]	N	N
Automobile Servicing	N	C	N	N
Bar	N	C	C	N
Business Support Services	P	P	P	P
Cemeteries	N	N	N	N
Communication Services	N	P	P	P
Community Recreation	P	P	P	P
Construction Sales/Service	N	P	N	N
Composting	N	N	N	N
Convenience Sales and Service	P	P	P	P
Cultural Institutions	P	P	P	P
Dance, Martial Arts or Yoga Studio	P	P	P	P
Day Care Center Child or Adult	C	C	C	C
Dwelling—Compact Lots Subdivision, pursuant to Section 18.48.190 of Title 18.	N	N	P	P
Dwelling—Single Family	N	N	P	P
Dwelling—Multiple-Family	N	N	P	P
Dwelling—Second Units	N	N	P	P
Dwelling—Live/Work	P	P	P	P
Eating/Drinking Establishments	P	P	P	P
Eating/Drinking Establishments—Drive-Thru	C	C	C[1]	C
Educational Institutions and Vocational Schools	C	P	C	C
Entertainment Facilities	C	P	P	P
Family Day Care Home, Large	C	C	C	C
Family Day Care Home, Small	P	N	P	P
Farmers Market, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Financial Institutions	N	P	P	P
Florist	P	P	P	P
Fortunetelling, pursuant to Chapter 18.48 of this Title.	N	C	N	N
Funeral Services	N	P	N	N

Health and Fitness Club	N	P	P	P
Home Occupations, pursuant to Chapter 18.44 of this Title.	P	P	P	P
Hospitals	N	P	N	N
Hotels and Motels	N	C	C	N
Instructional Services	C	P	P	N
Laundry services—Heavy	N	P	N	N
Laundry services—Light	P	P	P	P
Library Services	C	P	P	P
Manufacturing—Custom, pursuant to Chapter 18.48 of this Title.	N	P	N	N
Medical/Dental/Optical Services	P	P	P	P
Movie Theaters	N	P	P	N
Nightclub	N	C	C	N
Personal Services	P	P	P	P
Plant Nursery (grown in containers only)	P	P	P	P
Postal Services	P	P	P	P
Recreational Facilities	N	P	P	P
Recycling Facilities—Small Collection	P	P	P	P
Recycling Facilities—Large Collection	N	C	N	N
Recycling Facilities—Reverse Vending Machines	P	P	P	P
Recycling Processing Facility—Light	N	N	N	N
Recycling Processing Facility—Heavy	N	N	N	N
Repair Services	N	P	P	P
Resale/Secondhand Stores	C	C	C	C
Research Services	N	P	N	N
Retail Sales—Indoors	P	P	P	P
Retails Sales—Outdoors	N	C	C	C
Single-Room Occupancy Facility	N	C	C	N
Swap Meets (Indoor and Outdoor), pursuant to Chapter 18.48 of this Title.	N	C	N	N
Therapeutic Services, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Transportation Facilities—Public.	C	P	P	P
Transportation Facilities—Private.	N	C	N	N

Utility Distribution Facilities	P	P	N	N
Utility Operations Facilities	N	C	C	N
Warehousing (accessory use only, maximum 15% of floor area)	N	P	N	N
Wholesaling	N	P	N	N
24-hour Retail or Restaurant Operations, pursuant to Chapter 18.48 of this Title.	C	C	C	C
[1] Not permitted in General Commercial – Downtown Overlay Zone and Mixed-Use Downtown Zone.				

G. Industrial Districts Table	I-P	M-1	M-2
Administrative/Professional Services	P	P	P
Adult Businesses	N	N	A
Alcoholic Beverage Sales—On- or Off-Site Sale	C	C	C
Amusement Arcade, pursuant to Chapter 18.48 of this Title.	P	P	P
Animal Boarding	N	N	P
Animal Grooming	P	P	P
Animal Health Care	P	P	P
Assembly Uses	C	C	P
Automobile Parking	C	C	P
Automobile Repair	C	C	P
Automobile Sales/Rentals	C	C	P
Automobile Servicing	C	C	P
Business Support Services	P	P	P
Cemeteries	N	C	P
Communication Services	P	P	P
Community Recreation	P	P	P
Construction Sales/Service	P	P	P
Composting, Mulching and Related Green Waste	N	C	C
Convenience Sales and Service	P	P	P
Contractors' Storage Yard/Corporation Yards	N	C	C
Cultural Institutions	P	P	P
Dance, Martial Arts or Yoga Studio	P	P	N

Day Care Center Child or Adult	C	N	N
Dwelling—Caretaker	P	P	P
Dwelling—Live/Work	P	P	N
Eating/Drinking Establishments	P	P	P
Eating/Drinking Establishments—Drive Thru	P	P	C
Educational Institutions and Vocational Schools	P	P	P
Emergency Shelter	N	P	N
Entertainment Facilities	P	P	N
Farmers Market, pursuant to Chapter 18.48 of this Title.	P	P	P
Financial Institutions	P	P	P
Funeral Services	P	P	P
Health and Fitness Club	P	P	N
Hospitals	P	P	P
Hotels and Motels	C	N	N
Instructional Services	P	P	P
Laundry services—Heavy	P	P	P
Laundry services—Light	P	P	P
Library Services	P	P	P
Lodge or Private Club	C	C	C
Manufacturing—Custom	P	P	P
Manufacturing—Light	P	P	P
Manufacturing—Heavy	N	N	P
Medical/Dental/Optical Services	P	P	P
Miniwarehouse	C	C	P
Personal Services	P	P	P
Plant Nurseries (grown in containers)	P	P	P
Plant Nurseries (grown in soil)	C	C	C
Postal Services	P	P	P
Public Maintenance Services	P	P	P
Recreational Facilities	P	P	P
Recreational Vehicle Parks	C	N	N

Recycling Facilities—Small Collection	P	P	P
Recycling Facilities—Large Collection	C	C	C
Recycling Facilities—Reverse Vending Machines	P	P	P
Recycling Processing Facility—Light	N	C	C
Recycling Processing Facility—Heavy	N	N	C
Repair Services	P	P	P
Research Services	P	P	P
Retail Sales—Indoor	P	P	P
Retail Sales—Outdoor	C	C	C
Salvage Operations	N	N	C
Swap Meets (Indoor and Outdoor), pursuant to Chapter 18.48 of this Title.	C	C	C
Transportation Facilities—Public	P	P	P
Transportation Facilities—Private	C	P	P
Truck and Trailer Storage	N	N	C
Utility Distribution Facilities	P	P	P
Utility Operations Facilities	N	N	P
Warehousing	P	P	P
Wholesaling	P	P	P
24-hour Retail or Restaurant Operations, pursuant to Chapter 18.48 of this Title.	C	C	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.			

H. Open Space Districts Table	O-S Recreation	O-S Resources
Basins for Groundwater Recharge	N	P
Cemeteries	N	C
Equestrian Uses	C	C
Flood Control Facilities	N	P
Flood Plains	N	P
Habitat Conservation Areas	N	P
Nature Preserves	N	P
Passive Recreation Areas (public and private)	P	C
Permanent Open Space	N	P

Private Parks	C	N
Private Recreational	C	N
Public Parks	P	N
Recreational Activity Fields, including but not limited to private or public golf courses	P	C
Trails (public and private)	P	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.		

I. Public/Institutional District Table	Public/Institutional Zone
Affordable Housing owned by City Housing Authority or other public entity	P
Cemeteries	P
Civic Center and City Hall	P
Community Recreation	P
Fire Stations	P
Flood Control Facilities	P
Flood Plains	P
Hospitals	P
Library Services	P
Parks	P
Postal Services	P
Public Maintenance Services	P
Public Safety Facilities (Police and Fire Stations)	P
Public Schools	P
Public Transportation Facilities	P
Recreation Activity Fields (public only), including golf courses	P
Recreation Uses (public only)	P
Trails	P
Utility Operations and/or Distribution Facilities	P
All facilities, including buildings and grounds, owned by the City, County, State of California, the United States government, a school district, library district, water district, sanitary district, or other type of public service district	P

Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted use	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.	

J. Railroad/Utility Corridor Table	Railroad/Utility Corridor Zone
Community Gardens within Utility Corridor	P
Flood Plains	P
Public Transportation Facilities	P
Railroads	P
Trails	P
Utility Operations and/or Distribution Facility	
Incidental and accessory equipment and uses located on the same site with and necessary for the operation of a permitted use	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.	

K. Similar Uses Permitted. When a use is not specifically listed in this Zoning Code, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this Zoning Code, and anticipating that new uses will evolve over time, this Section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Code and the Standard Industrial Classification Manual for determining similarity. The Director may administer a fee via the Code Interpretation Letter in accordance with the most current adopted fee schedule.

1. In determining "similarity," the Director shall consider all of the following:
    a. The proposed use meets the intent of, and is consistent with the goals, objectives and policies of the General Plan; and
    b. The proposed use meets the stated purpose and general intent of the district in which the use is proposed to be located; and
    c. The proposed use will not adversely impact the public health, safety and general welfare of the City's residents; and
    d. The proposed use shares characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use district in which it is to be located.
2. Appeal. Any determination of similarity shall be final ten days after the date the Director's decision letter is issued, unless an appeal to the Planning Commission is filed and fees paid pursuant to adopted fee schedule.

(Ord. 0-02-97 § 5, 1997; Ord. 0-1-94 § 1, 1994; Ord. 0-13-93 § 1, 1993; Ord. 0-14-92 § 1 (Exh. A) (part), 1992; Ord. No. O-03-13, § 4, 7-2-2013; Ord. No. O-05-13, § 2(Exh. A(3)), 10-10-2013; Ord. No. O-06-14, § 4, 5-22-2014; Ord. No. O-03-15, § 4—6, 3-3-2015)

Chapter 18.23 - M-U MIXED-USE—DOWNTOWN ZONE

18.23.010 - Intent and Purpose.

The Mixed-Use Downtown Zone (M-U/D) integrates civic, public, commercial, office, and residential uses. Supporting convenience retail and personal service commercial uses are permitted to serve the needs of local residents, employees, and visitors. Higher-density residential uses are encouraged to add vibrancy and presence. Long-established, low-density residential areas containing homes dating to Colton's early years are encouraged to retain their density and character. Live/work development approaches are permitted as well where they contribute to the function and character of Downtown. All development within this zone should reflect attractive, pedestrian-oriented design that complements the area's historic character. Public and shared parking facilities are encouraged.

18.23.030 - Permitted Uses.

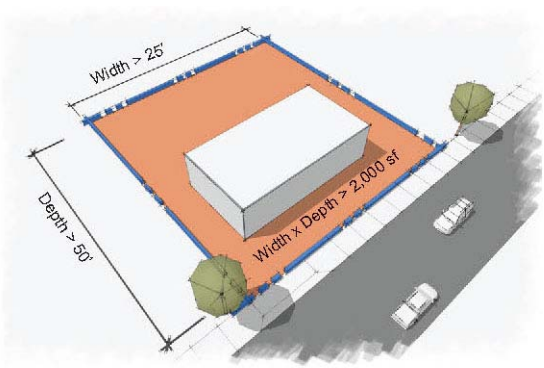
Refer to Table F in Section 18.06.060 F.

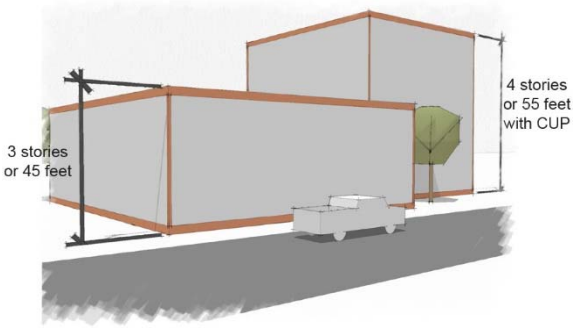
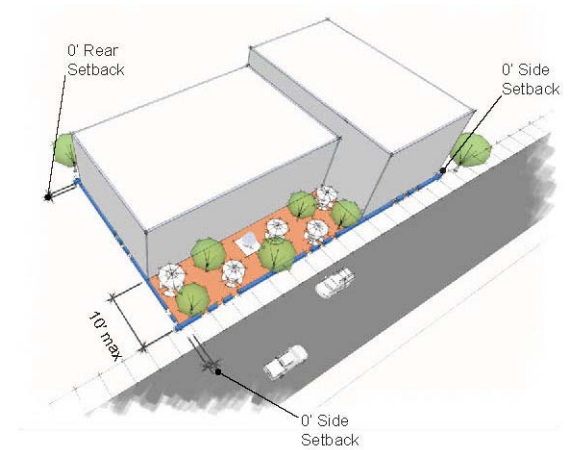
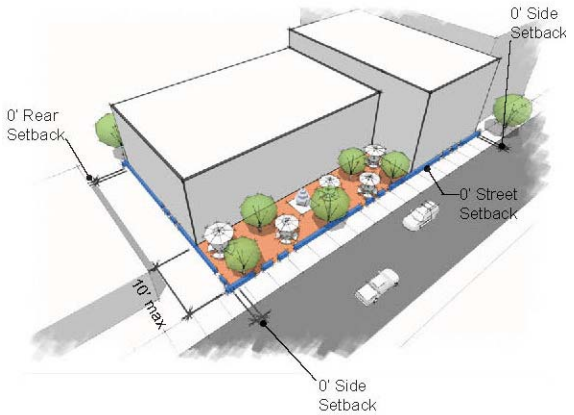
18.23.040 - Reserved.

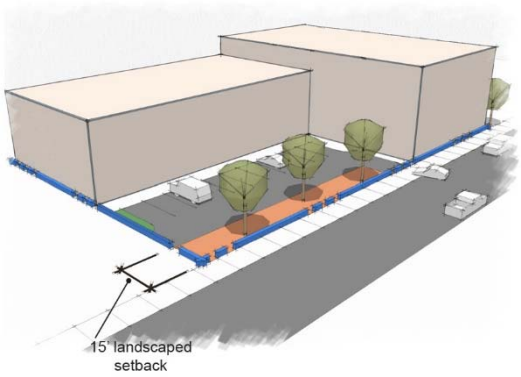
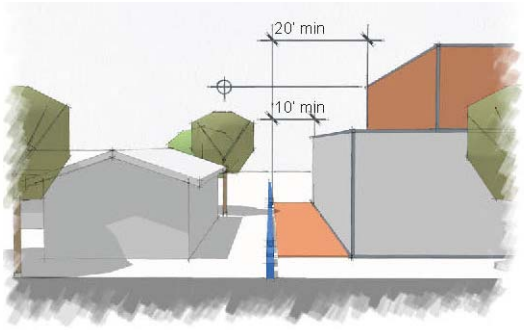
18.23.050 - Property Development Standards.

The following property development standards, set out in Table 18.23.050-1, shall apply to all land and buildings in the M-U Mixed-Use Downtown Zone.

18.23.050-1 Property Development Standards

Building Placement	Table 1	
A. Minimum Lot Size	2,000 sf	 *Minimum Lot Dimensions*
B. Minimum Lot Width	25 feet[1]	
C. Minimum Lot Depth	50feet[1]	
Stand Alone Residential Maximum Density	Residential: 30.0 dwelling units/acre.[2]	
Mixed-Use/ Commercial Maximum Intensity	3.0 Floor Area Ratio (FAR) for non-residential components.	

Building Placement	Table 1	
Building Height	Three stories or forty-five feet. Up to four stories or fifty-five feet with CUP.[1]	 *Building Height*
Street Setback	*H Street and La Cadena Drive*: 0 feet to 10 feet maximum. Setback area shall include plaza, courtyard, outdoor dining, or enhanced pedestrian connections. *7th Street, 9th Street, 10th Street, G Street, and Valley Boulevard*: Maximum 10 feet landscaped to building; Minimum 15 feet landscaped to parking area.	 *Setbacks: H Street and La Cadena Drive*  *Setbacks: 7th Street, 9th Street, 10th Street, G Street, and Valley Boulevard*
Side Setbacks	There shall be no side setback required for interior lots.	
Rear Setbacks	There shall be no rear setback required for interior lots.	

Building Placement	Table 1	
		 *Setbacks with Landscaping: 7th Street, 9th Street, 10th Street, G Street, and Valley Boulevard*
Ground Floor Transparency	The ground floor building facade facing a street frontage line, where the ground floor use is non-residential, shall consist of a minimum 45 percent area of glass doors, windows, or other transparent materials.	*Ground Floor Transparency*
Good Neighbor	Where the side of a lot abuts a residential zone, the minimum side setback shall be ten feet. Where the rear of a lot abuts a residential zone, the minimum rear setback shall be 15 feet. Those portions of a building that abut a residential zone, where the proposed structure is over 35 feet tall, shall be setback a minimum of 20 feet from that property line. Where vehicular access is taken from the side or rear of a lot, the building shall be setback a minimum of 25 feet from that side.	 *Setbacks Adjacent to Residential Zones*

1. For buildings with ground floor commercial uses, the required floor-to-ceiling height at the ground floor level for buildings facing public frontage lines shall be a minimum of twelve feet.

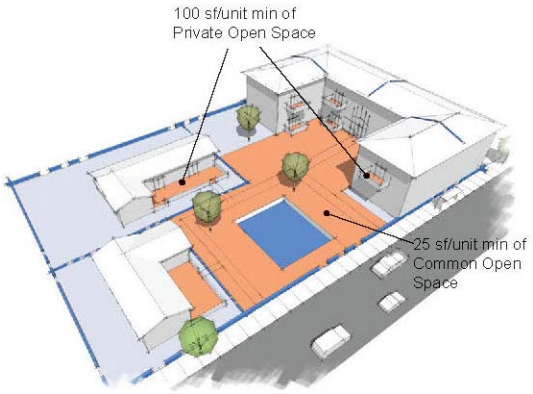
2. For projects developed exclusively for senior residents as income-subsidized housing, densities of up to 60 dwelling units per acre are allowed with approval of a Conditional Use Permit.

18.23.060 - Residential Open Space.

In the form of private and common area, all M-U Mixed-Use Downtown residential developments shall provide a minimum of 25 square feet of Residential Open Space each Dwelling Unit.

A. A minimum of 100 square feet of required Residential Open Space shall be in the form of private open space, with a minimum dimension of eight feet. Private open space may be provided in the form of patios, porches, balconies, or recessed areas open on at least one side.

B. Common Residential Open Space shall be provided at a minimum of 25 square feet per unit. Common Residential Open Space areas shall have a minimum dimension of ten feet. When common open space is designed for public/private use, a minimum of 20 square feet per unit is required. These Common Residential Open Space areas may be provided in the form of pools, playgrounds, recreation fields, or recreation buildings, but no less than 50% of the Common Residential Open Space area shall be outdoor, landscaped Common Residential Open Space.



Residential Open Space

C. Provide sidewalk connections from homes to public sidewalks, and between homes and Residential Open Space.

D. Residential Open Space credit may be considered for park and/or common areas located within 200 feet of the project site, subject to review and approval by the Development Services Director.

18.23.070 - Parking Requirements.

A. Specific Requirements.

1. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 18.23.070-1 (M-U Downtown Zone Parking Requirements). All uses must provide the sum of the requirements for each individual use.

2. "Square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a building and its accessory buildings unless otherwise specified. For a mixed-use building, “square feet” means “gross square feet” and refers to the sum gross square feet of the publicly accessible floor area of a building and its accessory buildings.

3. Residential parking requirements for dens, studies, or other similar rooms that may be used as bedrooms shall be defined and calculated based upon the Building Code.

4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.

Table 18.23.070-1 M-U—Downtown Zone Parking Requirements

Land Use	Spaces Required
Commercial Land Uses	
MU/D – H Street and La Cadena Drive	One (1) space/1,000 square feet
MU/D – All Others	One (1) space/500 square feet
Residential Land Uses	
Multiple-Family (apartments, condominiums, and townhomes) – H Street and La Cadena Drive	One (1) space/dwelling unit
Multiple-Family (apartments, condominiums, and townhomes) – All Others	One and a half (1.5) spaces/dwelling unit Minimum two (2) spaces required for dwelling units with three (3) or more bedrooms
Live/Work Units – Residential Portion	One (1) space/dwelling unit
Single-Family Residential	Two (2) spaces/dwelling unit within a garage or carport

B. *General Requirements*. The general requirements for off-street parking shall be as outlined in Chapter 18.36 of this Code.

C. *Tandem Parking*. For lots less than 10,000 square feet in area, mixed-use developments, and/or multi-family residential projects, tandem parking spaces may be used for residential parking, and receive parking credit when serving the same residential unit subject to approval by the Development Services Director. Tandem parking spaces shall be a minimum of 11 feet wide and 20 feet deep per space.

D. *Shared Parking*. In addition to the shared parking requirements outlined in Section 18.36.040 of this Code, the use of shared parking agreements for mixed-use residential, retail, and office is encouraged within the Mixed-Use Downtown Zone. Developments incorporating shared parking strategies and/or joint use agreements may receive up to a 10% reduction in the total number of parking spaces required for the proposed mix of uses subject to approval by the Development Services Director.

E. Off-site parking may be permitted for nonresidential projects subject to the approval of a Conditional Use Permit, based on the approval process outlined in Section 18.58.060 of this code. In addition to the findings in Section 18.58.060, the following criteria shall apply:

   1. All off-site parking facilities shall be located within one thousand feet of the property where the use in question is located, unless a binding agreement is provided to provide transportation access from the parking facility to the use in question on a regular basis.

   2. Public transit service shall be available within one-half mile of the use in question.

F. On-street parking spaces adjacent to a project site may be counted toward meeting minimum on-site parking requirements where no parking restrictions are in place, subject to the review and approval of the Development Services Director.

G. *Bicycle Parking*. Provide facilities for the temporary storage of bicycles as outlined in Chapter 18.36 of this Code.

18.23.080 - Landscaping.

A. Landscaping shall be provided for the development of any lot with a minimum landscaping coverage of 15 percent of the lot area not occupied by building footprint. The landscaping shall provide a mixture of shrubs, trees, groundcover, flowers and lawns throughout the entire front yard area, side yard areas, parkways and throughout open spaces not occupied by access ways, parking areas and sidewalks. One tree per three parking spaces shall be provided and planted throughout the landscaped areas. Twenty-five percent of the trees shall be of twenty-four inch box size, another twenty-five percent of thirty-six inch box size, and the remainder may be a minimum of fifteen-gallon size. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect or Engineer and submitted to the Development Services Director along with the general building plans for review and approval.

B. The required landscaping shall be maintained in a neat, clean, safe, orderly, and healthful condition.

C. The landscaped areas shall be provided with a suitable permanent method for watering or sprinkling of plants. Wherever possible, the watering system shall utilize the least amount of water. Sprinklers used to satisfy the requirements of this provision shall be so spaced as to assure complete coverage of the landscaped areas.

18.23.090 - Trash, Recycling, and Storage Areas.

A. Residential.

1. Trash and recycling areas for multiple-family dwellings and live/work units shall provide a minimum fifty-gallon capacity container per dwelling unit. Where commercial trash containers are used, there shall be a minimum of one such container for every fifteen dwelling units.

2. All outside trash and recycling collection areas shall be enclosed or screened with a six-foot-high wall with gates and shall be located to allow for convenient pickup and disposal. The location and design shall also incorporate access separate from pedestrian access.

3. All trash and recycling containers shall be provided with lids.

4. For multiple-family dwellings and live/work units, at least sixty cubic feet of enclosed accessory storage space shall be provided for each dwelling unit. Said space may be located in the Dwelling Unit, integrated into a balcony space, or in a garage or carport; provided, that it does not interfere with parking a vehicle.

5. Recycling. Separate adequate capacity trash containers shall be provided for recycling.

B. Non-Residential.

1. Trash containers shall be provided with a sufficient capacity to contain all refuse generated by the use.

2. All outside trash and recycling collection areas shall be enclosed or screened with a six-foot-high wall with gates and shall be located to allow for convenient pickup and disposal.

3. All trash and recycling containers shall be provided with lids.

4. The design of the trash enclosure shall follow City specifications on trash enclosures.

5. Separate, adequate capacity trash containers shall be provided for recycling.

18.23.100 - Mechanical Equipment.

A. All heating, ventilating, and air conditioning equipment, including ducts, meters, plumbing lines, and tanks, shall be architecturally screened from public view with the use of masonry walls when mounted at grade, or with the use of parapet walls when mounted on flat and pitched roofs.

B. Plumbing vent pipes, all heater flues, and all roof penetrations shall be gathered and concealed from view in the same manner and shall be painted to match the roof color.

18.23.110 - Architectural Compatibility.

The exterior design of structures shall be compatible with the surrounding architecture in order to preserve neighborhood integrity and promote architectural consistency within the City.

18.23.120 - Architectural and Site Plan Review.

Architectural and Site Plan Review for all development in the M-U/D Mixed-Use Downtown zone shall be submitted to the appropriate decision-making body for review and approval pursuant to Chapter 18.58. The decision-making body shall consider the following criteria:

A. The project is located within one-half mile walking distance of transit stops, shops, services, and public schools.

B. The project features high-quality market rate and/or affordable housing. Mixed income housing is encouraged.

C. The project will provide for, or contribute to, a mix of complementary uses.

D. The project will provide for, or contribute to, a range of housing types and densities within the community.

E. The project design includes pedestrian-friendly spaces such as plazas, squares, courtyards, and other amenities.

F. The project design includes comfortable and accessible open spaces

18.23.120 – Colton Downtown Design Manual Reference.

The Colton Downtown Design Manual is a companion document to complement the Downtown Development Code, and has been prepared to establish an achievable vision, shape future development, and implement an action plan for Downtown Colton. Any future development plans within the Downtown must be consistent with the Colton Downtown Design Manual.

Chapter 18.23.4 - C-2 GENERAL COMMERCIAL - DOWNTOWN OVERLAY ZONE

18.23.4.010 - Intent and Purpose.

The General Commercial Downtown Zone (C-2/D) is intended to provide standards to guide its physical form and to encourage a wide range of retail and commercial services, professional offices, and medical facilities in the geographic center of the City's Historic Downtown. The Colton Downtown Design Manual is a companion document that supports the intent and purpose of this Code, and provides the vision and implementation actions to shape future development and implement for Downtown Colton.

18.23.4.020 - Uses Generally.

In the C-2/D Zone, no building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered or enlarged, except for the purpose set out in Section 18.23.4.030 of this chapter.

18.23.4.030 - Permitted Uses.

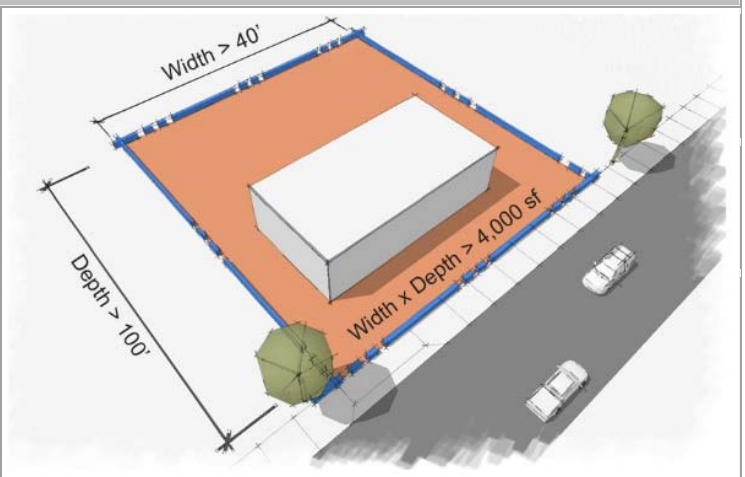
Refer to Table F in Section 18.06.060 F.

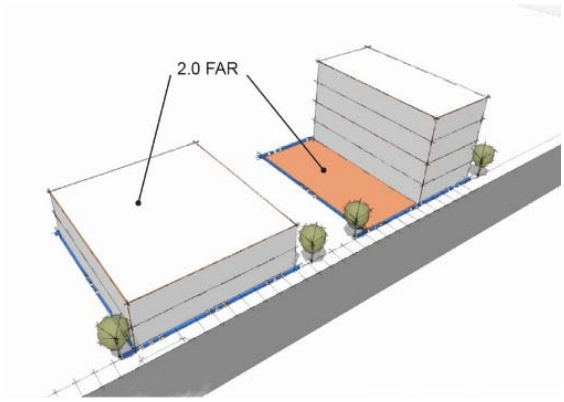
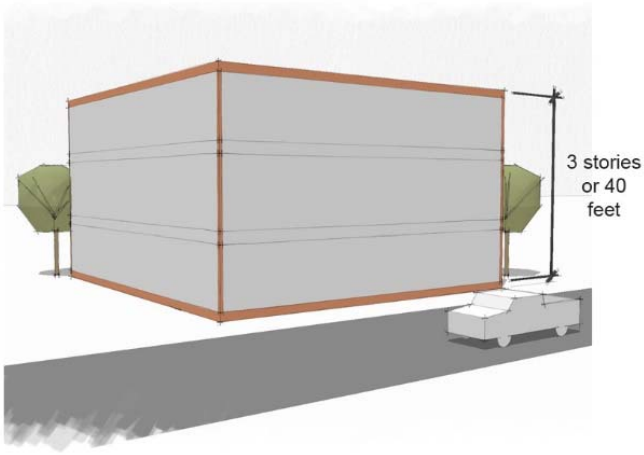
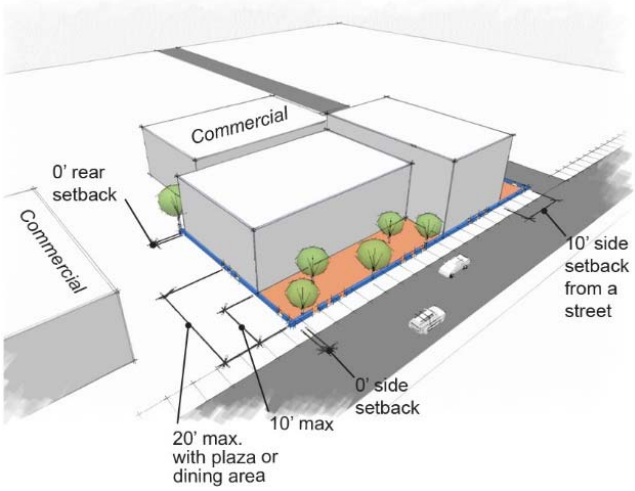
18.23.4.040 - Reserved.

18.23.4.050 - Property Development Standards.

The following Property Development Standards, set out in Table 18.23.4.050-1, shall apply to all land and buildings in the C-2/D Zone.

18.23.4.050-1 Property Development Standards

Building Placement and Form	Table 1	
A. Minimum Lot Size	4,000 sf	
B. Minimum Lot Width	40 feet	
C. Minimum Lot Depth	100 feet	*Minimum Lot Dimensions*

Building Placement and Form	Table 1	
D. Commercial Maximum Intensity	2.0 Floor Area Ratio (FAR)	 *Commercial Intensity*
E. Building Height Maximum	Three stories or 40 feet	 *Building Height*
H. Street Setback	The front setback for each lot shall be a maximum of 10 feet with an exception up to 20 feet for a plaza or dining area.	 *Setbacks: Adjacent to Commercial*
I. Side/Rear Setbacks	1. Each lot shall have a maximum side setback of 10 feet from a street. There shall be no side or rear setbacks required for interior lots adjacent to other commercial lots. 2. Where the side of a lot abuts a residential zone, the minimum side setback shall be 10 feet	

Building Placement and Form	Table 1	
	with a masonry wall separation between the two uses. 3. Where the rear of a lot abuts a residential zone, the minimum rear setback shall be 15 feet with a masonry wall separation between the two uses. 4. Those portions of a Building that abut a residential zone, where the proposed structure is over 35 feet tall, shall be setback a minimum of 20 feet from that property line. 5. Where vehicular access is taken from the side of a lot, the building shall be setback a minimum of 25 feet from that side. Where vehicular access is taken from the rear of a lot, the building shall be setback a minimum of 25 feet. 6. Where a building is provided with a vehicle access door facing the side or rear of a lot, the building shall be set back 25 feet from the opposite side of the alley.	
J. Building Placement	1. Buildings located along Valley Boulevard shall be oriented toward the Valley Boulevard street frontage unless proven infeasible by the applicant. 2. Buildings located along Valley Boulevard shall have a primary entrance door facing Valley Boulevard; entrances at building corners may be used to satisfy this requirement. 3. Buildings shall not back onto Valley Boulevard.	

Building Placement and Form	Table 1	
		Building Placement
K. Ground Floor Transparency	1. First floor building façades facing Valley Boulevard must include a minimum of 45 percent transparent glazing for commercial or retail uses. A minimum of 30 percent transparent glazing shall apply to office uses. Building code energy and seismic standards must be met. 2. Windows must be transparent; opaque or reflective glazing is not permitted.	 *Ground Floor Transparency*
L. Rooftop Screening	All roof-mounted equipment shall be screened from view from public rights-of-way including Interstate 10. Screening shall be constructed of materials complementary or similar to primary building surfaces.	

18.23.4.060 – Signage Standards.

The requirements for signs shall be as outlined in Section 18.50 of this Code.

18.23.4.070 – Vehicular Access and Parking.

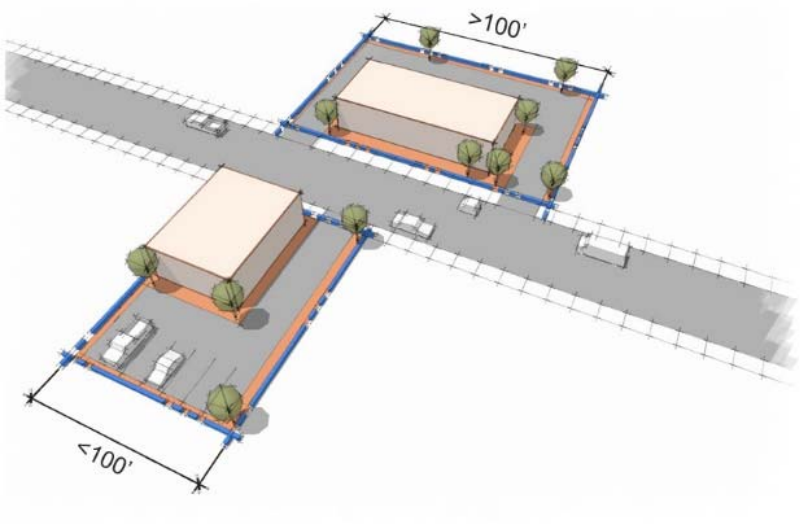
A. For parcels with less than 100 linear feet of street frontage, a maximum of one vehicle access from Valley Boulevard is permitted. For parcels with 100 linear feet or more of street frontage, a maximum of two vehicle access points from Valley Boulevard are allowed.

B. Reciprocal ingress and egress access with adjacent properties shall be provided for all properties. This requirement may be waived with City approval due to the following circumstances:

- Extreme site constraints,

- Extreme changes in topography,
- Circumstances that would result in severe environmental impacts,
- The location of existing structures or existing infrastructure,
- The lack of agreement between adjacent owners, or
- Other extreme hardship.

A. Parking shall be located behind buildings fronting Valley Boulevard.



Vehicular Access and Parking Location

Reciprocal Access

18.23.4.080 - Parking Requirements.

A. Specific Requirements.

1. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 18.23.070-1 (Downtown Zone Parking Requirements). All uses must provide the sum of the requirements for each individual use.
2. "Square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a building and its accessory buildings unless otherwise specified.
3. The General Parking Requirements in Subsection 18.18.120 B. shall be met.
4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.
5. On-street parking spaces adjacent to a project site may be counted toward meeting minimum on-site parking requirements where no parking restrictions are in place, subject to the review and approval of the Development Services Director.

B. *General Requirements*. The general requirements for off-street parking shall be as outlined in Chapter 18.36 of this Code.

18.23.4.090 - Landscaping.

A. Landscaping shall be provided for the Development of any Lot with a minimum Landscaping coverage of 15 percent of the Lot Area. The Landscaping shall provide a mixture of shrubs, trees, groundcover, flowers and lawns throughout the entire Front Yard area, Side Yard areas, Parkways and throughout Open Spaces not occupied by access ways, parking areas and sidewalks. One tree per five parking spaces shall be provided and planted throughout the landscaped areas. Thirty-five percent of the trees shall be of twenty-four-inch box size, another fifteen percent of thirty-six-inch box size, and the remainder may be a minimum of fifteen-gallon size. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect or Engineer, and submitted to the Development Services Director along with the general Building plans for review and approval.

18.23.4.100 - Trash Areas.

The requirements for trash areas shall be as outlined in Section 18.18.140 of this Code.

18.23.4.110 - Mechanical Equipment.

The requirements for screening of mechanical equipment shall be as outlined in Section 18.18.150 of this Code.

18.23.4.120 – Architectural and Site Plan Review.

Site Plans, Floor Plans and Building Elevations shall be submitted for review and approval whenever a structure or number of structures are proposed for the development of a site.

18.23.120 – Colton Downtown Design Manual Reference.

The Colton Downtown Design Manual is a companion document to complement the Downtown Development Code, and has been prepared to establish an achievable vision, shape future development, and implement an action plan for Downtown Colton. Any future development plans within the Downtown must be consistent with the Colton Downtown Design Manual.

ATTACHMENT 5

Planning Commission Resolution No. R-18-16

RESOLUTION NO. R-18-16

RESOLUTION OF THE OF THE CITY OF COLTON PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN AMENDMENT TO CITY'S GENERAL PLAN LAND USE MAP CHANGING GENERAL PLAN LAND USE DESIGNATION FROM "GENERAL COMMERCIAL" TO "MIXED-USE / DOWNTOWN" FOR CERTAIN PARCELS IN DOWNTOWN AND TO ADOPT THE "DOWNTOWN DESIGN MANUAL" A COMPANION DOCUMENT TO TITLE 18 (ZONING CODE). (FILE INDEX NO. DAP-001-307)

WHEREAS, local governments are authorized by Government Code section 65350 et seq. to prepare, adopt and amend general plans; and

WHEREAS, comprehensive updates to the Land Use Element of the City of Colton General Plan have been initiated and prepared by the City of Colton; and

WHEREAS, the proposed General Plan Update leaves the General Plan internally consistent; and

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

WHEREAS, the City received a State of California Sustainability Communities Planning Grant for preparation of a Downtown Development Code and Design Manual with goals for infill development, affordable housing, a mix of uses to support mobility options, redevelopment and enhanced community design, and incentives for sustainable development.

WHEREAS, the General Plan Update was reviewed, studied, and found to comply with the California Environmental Quality Act ("CEQA"), as more fully described below; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study was prepared of the potential environmental effects of the project. Based on the findings contained in that Initial Study, City staff determined that there would be no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration.

WHEREAS, on June 28, 2016, the Planning Commission of the City of Colton ("Planning Commission") held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the application was fully examined.

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 of the City of Colton, all written and oral evidence presented has been considered and reviewed, and the Commission finds that the General Plan Update is consistent with State law and General Plan Guidelines, will promote the public health, safety and welfare, and will leave the General Plan an integrated and internally consistent statement of policies.

SECTION 2. The Planning Commission has reviewed the Negative Declaration and all comments received regarding the Negative Declaration and, based on the whole record before it, finds: (i) that the Negative Declaration was prepared in compliance with CEQA and there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby adopts the Negative Declaration.

SECTION 3. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby recommends approval to the City Council of the amendments to the Land Use Element of the General Plan and adoption of the Downtown Design Manual as presented to the Commission as provided in Exhibits "A" and "B" of this Resolution.

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

PASSED, APPROVED, AND ADOPTED this 28th day of June 2016.

Richard Prieto,
Planning Commission Chairperson

ATTEST:

Planning Commission Secretary
Mark R. Tomich, AICP

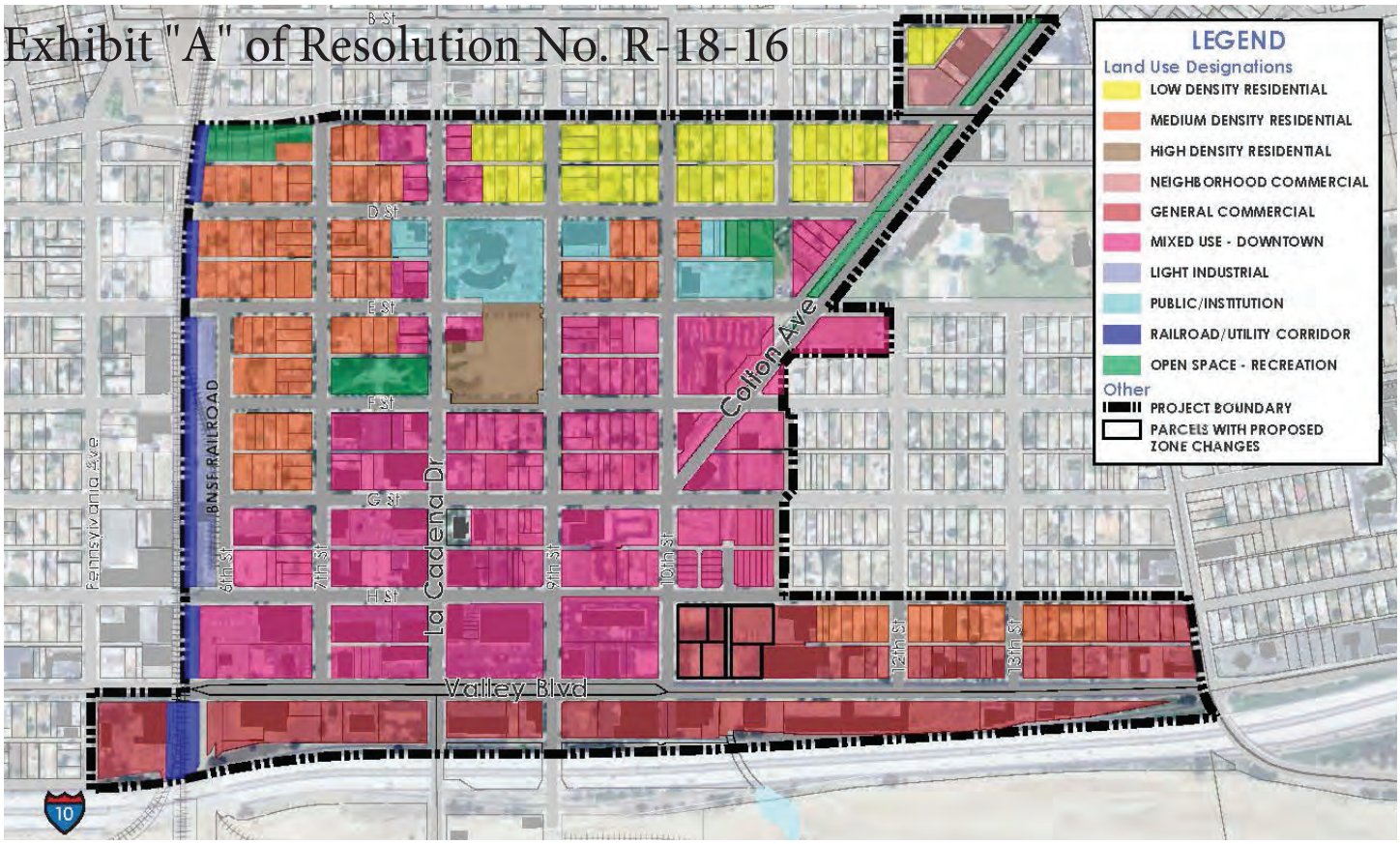
I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Colton at a meeting held on June 28, 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

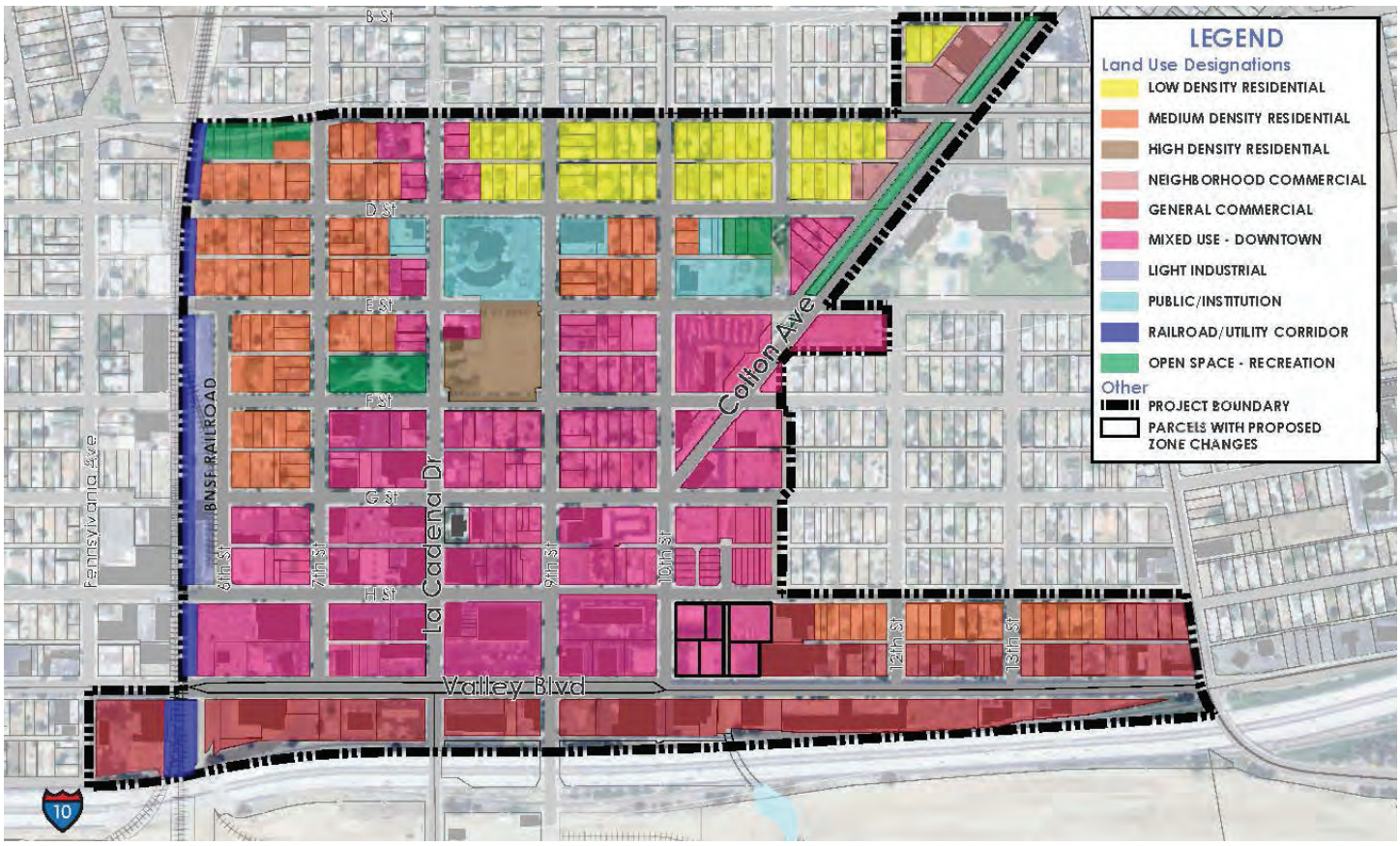
Planning Commission Secretary
Mark R. Tomich, AICP

Exhibit “A” of Resolution No. R-18-16

Exhibit "A" of Resolution No. R-18-16



Existing General Plan Land Use



Proposed General Plan Land Use

Exhibit “B” of Resolution No. R-18-16

City of Colton

DOWNTOWN DESIGN MANUAL

A companion document to Title 18 (Zoning Code)

Resolution No. _____

Exhibit "B" of Resolution No. R-18-16

PUBLIC REVIEW DRAFT

MARCH 25, 2016

acknowledgments

CITY OF COLTON

650 N. La Cadena Drive

Colton, CA 92324

CITY COUNCIL

Richard Delarosa, Mayor

Frank Navarro, Mayor Pro Tem

Deirdre Bennett, Councilmember

Dr. Luis Gonzalez, Councilmember

Isaac Suchil, Councilmember

David Toro, Councilmember

Summer Zamora Jorrin, Councilmember

PLANNING COMMISSION

Richard Prieto, Chair

Thomas Archuleta, Commissioner

Gilbert Arrieta, Commissioner

Angel Delgado, Commissioner

Rosa Granado-Domiguez, Commissioner

Gary Grossich, Commissioner

Kirk Larson, Commissioner

CITY STAFF

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Art Morgan, Economic Development Manager

Reggie Torres, Associate Engineer

Prepared for the City of Colton

Prepared by RRM Design Group

table of contents

1 INTRODUCTION
1.1 Overview and Purpose 1-1
1.2 Design Manual Area 1-1
1.3 Organization, Content, and Use 1-2
1.4 Relationship to Other Planning Documents 1-3

2 VISION AND PLANNING PRINCIPLES
2.1 Introduction 2-1
2.2 Existing Conditions 2-2
2.3 Community Engagement 2-4
2.4 Planning Principles 2-5
2.5 Vision 2-7

3 URBAN FORM AND DESIGN GUIDELINES
3.1 Introduction 3-1
3.2 Downtown Colton Mixed-Use Guidelines 3-2
3.3 Multi-Family Residential Guidelines 3-4
3.4 Single-Family Residential Guidelines 3-6
3.5 Valley Boulevard Corridor Guidelines 3-8
3.6 Crime Prevention Through Environmental Design (CPTED) 3-11
3.7 Affordable Housing Incentives 3-14

4 COMPLETE STREETS
4.1 Introduction 4-1
4.2 Complete Streets 4-1
4.3 Street Classification 4-6

5 STREETSCAPES AND PLACEMAKING
5.1 Introduction 5-1
5.2 Streets As A Shared Public Spaces 5-2
5.3 Public Spaces 5-16
5.4 Gateways and Public Signage 5-18
5.5 Public Art 5-22

6 IMPLEMENTATION
6.1 Introduction 6-1
6.2 How the Design Manual/Development Code Can Facilitate Private Investment 6-2
6.3 Economic Conditions Influencing Development Potentials in Downtown Colton 6-2
6.4 Summary of Market Potentials for New Development 6-4
6.5 Priority Development Areas 6-5
6.6 High-Priority Action Items 6-6
6.7 Potential Funding Sources and Financing Mechanisms 6-8
6.8 Overview of Community Revitalization Authority 6-10
6.9 Implementation Action Plan 6-12

A APPENDIX - FUNDING SOURCES

figures

1.1 Design Manual Area....1-1
1.2 General Plan Focus Areas....1-4
1.3 Historic Districts....1-5
2.1 Existing Conditions....2-3
2.2 Vision Poster....2-7
3.1 Design Manual Guideline Areas....3-1
3.2 General Plan Residential Sites Inventory....3-14
4.1 Complete Streets Network....4-1
4.2 Conceptual Paseo Sketch....4-4
4.3 General Plan Street Classifications....4-6
5.1 Perspective Location Map....5-2
5.2 Valley Boulevard Landscape Simulation....5-10
5.3 Landscape Palette Areas....5-11
5.4 Tree Palette....5-12
5.5 Shrub and Groundcover Palette....5-15
5.6 Gateway Location Map....5-18
5.7 Conceptual Primary Gateway Sketch....5-19
5.8 Conceptual Secondary Gateway Sketch....5-20
6.1Priority Development Areas....6-5

tables

5.1 Tree Palette....5-13
5.2 Shrub and Ground Cover Palette....5-14
6.1 Market Demand for Downtown Colton....6-4
6.2 Supportable Retail Space for Downtown Colton (in square feet)....6-4
6.3 Differences between EIFD and IFD....6-8
6.4 Implementation Action Plan Matrix....6-9

1

introduction

COLTON DOWNTOWN DESIGN MANUAL

1. INTRODUCTION

1.1 OVERVIEW AND PURPOSE

The Colton Downtown Design Manual is a companion document to complement the Downtown Development Code, and has been prepared to establish an achievable vision, shape future development, and implement an action plan for Downtown Colton.

The Design Manual provides a framework with which to shape future private development and public improvements based on Colton's community values and vision; expand the local economy; house new residents of all income levels; create community gathering and recreational places; and address relationships between land use, transportation, and the environment. The ultimate goal is to create a vibrant and lively downtown that will serve the needs of the community and create a destination to attract visitors.

1.2 DESIGN MANUAL AREA

The Design Manual area, also referred to herein as the Downtown area, is located in the heart of Colton as shown in **Figure 1.1 – Design Manual Area**. It covers 258 acres of Downtown Colton and includes about 1,400 residents, 450 homes, and important cultural and civic uses such as Fleming Park, City Hall, Colton Public Library, Colton Area Museum, and the Police and Fire Departments. The Downtown area is bound to the north and south by C Street and Interstate 10, respectively.

The eastern and western boundaries are not as linear: the eastern boundary starts at the Colton Avenue/B Street intersection following Colton Avenue to E Street, where the boundary meanders to the south through residential lots, to H Street where it jogs to the east ending at Mt. Vernon Avenue; and the western boundary generally follows the BNSF Railroad, and includes the Amko Recycling property at the southwest end.

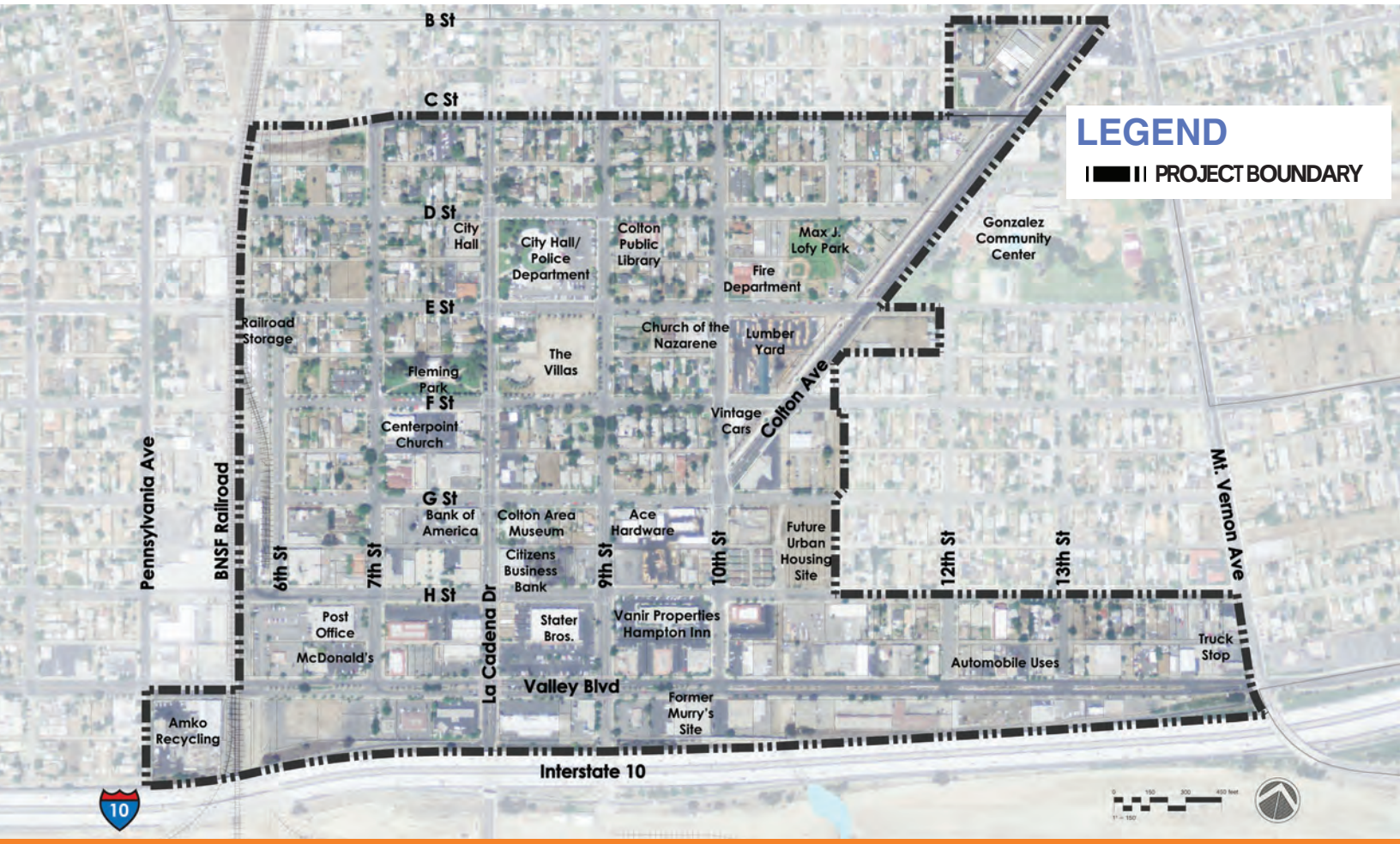


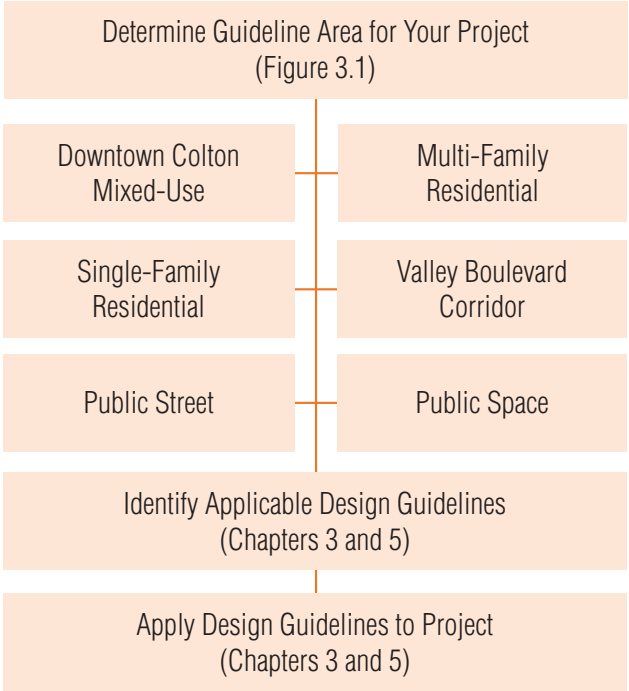
FIGURE 1.1 - DESIGN MANUAL AREA

1.3 ORGANIZATION, CONTENT, AND USE

The Design Manual is intended to be used by property owners, design professionals, developers, city staff, and review bodies to provide a clear set of guidelines serving as a mutual footing for developing design concepts and evaluating quality of design. It is separated into six chapters, summarized briefly in the text box, including how each chapter is intended to be used.

In addition, the user guide diagram provides an overview regarding how to apply the contents of this Design Manual to a proposed development project within the Downtown.

USER GUIDE DIAGRAM



DOWNTOWN DESIGN MANUAL SUMMARY AND USER GUIDE

1. Introduction

Provides an overview and purpose, describes the area affected, states who the intended users are, outlines the organization and content, describes how the design manual is intended to be used, and provides summaries of how the manual relates to other planning documents.

2. Vision and Planning Principles

Provides a history of public input received in developing the Design Manual, lists the planning principles established from community outreach efforts, and includes a vision poster paired with descriptions of the community's vision that guided the development of the Design Manual.

3. Urban Form and Design Guidelines

Addresses elements of design for specific land uses, including Downtown Colton Mixed-Use, Multi-Family Residential, Single-Family Residential, and Valley Boulevard Corridor. Crime Prevention Through Environmental Design (CPTED) guidelines that apply to all land uses are provided. This chapter is intended to be used by those planning and reviewing future development projects in the Colton Downtown area outlined in this Design manual area.

4. Complete Streets

Addresses multi-modal circulation including roadway typology, street classification, transit, bicycle, and pedestrian networks and improvements, to be used by designers, developers, City staff, and decision-makers for improvements to public mobility spaces.

5. Streetscapes and Placemaking

Addresses streetscapes, public spaces, gateways, public signage, and public art, to be used by designers, developers, City staff, and decision-makers for improvements to public community spaces.

6. Implementation

Provides strategies and an action plan with which to implement the concepts described within the Design Manual, to be used by designers, developers, private businesses, and City staff, as a guide to find funding sources for improvements identified in the Design Manual.

1.4 RELATIONSHIP TO OTHER PLANNING DOCUMENTS

This section discusses local and regional planning documents that are already in place. The Design Manual will conform with, and further implement, these existing plans and policies previously identified by the community.

1.4.1 General Plan Land Use Element

The General Plan is the guiding planning document for the City of Colton. The Land Use Element was updated in 2013 and a vision for how Colton is developed today and into the future was established. This element provides policy guidance to meet Colton's vision for the development, use, and maintenance of public and private lands.

It seeks to promote high-quality design, provide opportunities for revenue and employment generating businesses, and accommodate new more urban approaches to development while protecting Colton's traditional suburban development pattern and respecting its heritage and historic resources.

The Land Use Element calls for policies for Downtown Colton to create high-quality streetscapes and design requirements; revitalize areas which merit special attention; and create new mixed-use, walkable districts with pedestrian amenities that are great places to live and are attractive destinations. The Design Manual has been crafted to further this vision and support its policies.

Planning Focus Areas

The General Plan provides specific policies and action programs for several "Planning Focus Areas," as shown in **Figure 1.2 – General Plan Focus Areas**. The General Plan identifies these areas due to their "distinguishing characteristics, common issue(s), architectural styles or form, and/or development patterns."

Two of the General Plan's focus areas are within the Design Manual area, the Downtown Colton and Valley Boulevard Corridor Focus Areas. The Design Manual is intended to bring forward the City's vision for these focus areas, guiding property owners, designers, architects, City staff, and decision-makers in the design and review process.

The Colton Library roots Downtown Colton as a community focal point.

Businesses in Valley Boulevard Corridor Focus Area.

Bicyclist in Downtown Colton Focus Area.

Downtown Colton Focus Area

This area focuses on mixed-use and commercial development north of the I-10 freeway, south of C Street, west of Mt. Vernon Avenue, and east of railroad tracks. The following excerpt identifies the City's vision for this area:

"The City aims to encourage a mix of civic, office, commercial, and residential uses in the geographic center of the City. This area will function as a Central Business District for Colton, re-establishing downtown as a community focal point. Delineating a business district can help focus efforts to revitalize and bring new energy into the area...

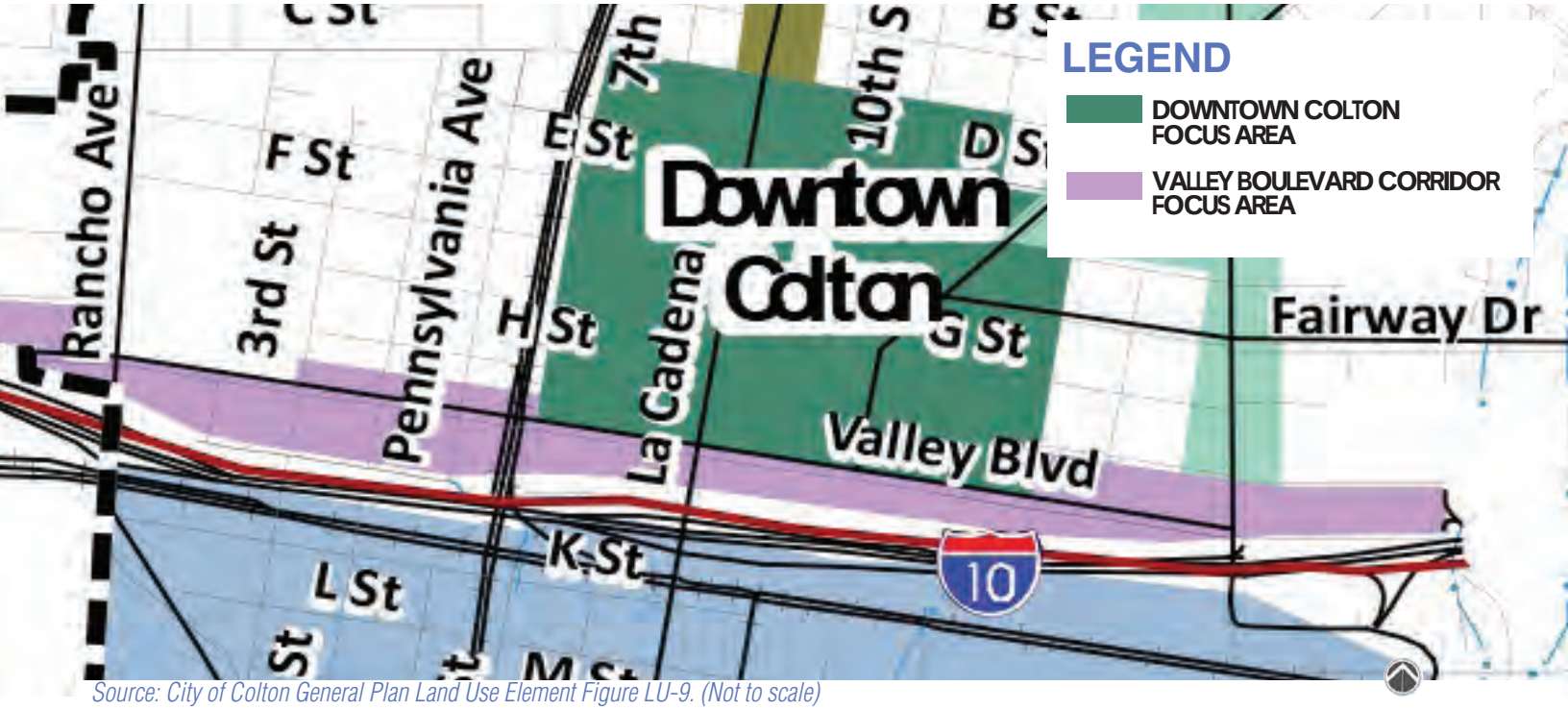
The intent of the business district will be to create opportunities for small-scale office and professional uses in a vibrant, walkable downtown setting. Residential uses will create the opportunity for activity in the area after business hours and will support the commercial uses along Valley Boulevard Gateway. Signage at downtown entry locations, particularly along Valley Boulevard, will help to create and enhance the downtown identity as an historic and attractive destination. In addition to civic uses, some of the most distinctive features of this area are the historic homes surrounding the Civic Center…Development in Downtown Colton will respect and build upon the historic structures and character, and new development will complement this character."

Valley Boulevard Corridor Focus Area

This area focuses on commercial and industrial development generally following Valley Boulevard. The following excerpt identifies the City's vision for this area:

"Valley Boulevard is Colton's main east-west corridor, with excellent frontage along I-10 and freeway access at Rancho Avenue, 9th Street, and Mount Vernon Avenue…Many commercial and industrial buildings exhibit deferred maintenance, and design quality has not been a priority...This busy commercial corridor presents opportunities for enhanced and new commercial development.

The corridor has the potential to support regional-serving commercial uses given its freeway visibility and orientation. Underutilized and aging industrial properties should be encouraged to transition to uses that can increase tax revenues and attract regional customers. The goal is to attract and facilitate more intense commercial development that is currently lacking in the City and that would provide mid-level, sit-down restaurants and commercial uses with a regional appeal... The visual appeal of a major corridor like Valley Boulevard is important... By coupling property redevelopment initiatives with more vigorous code enforcement activity, the City will help transform the use and appearance of private properties along this critical corridor."



Source: City of Colton General Plan Land Use Element Figure LU-9. (Not to scale)

FIGURE 1.2 - GENERAL PLAN FOCUS AREAS

1.4.2 General Plan
Cultural Resources Preservation Element

This General Plan element ensures that cultural resources are protected, which are the backbone of Colton's heritage and Downtown character. The element, adopted in 2000, was not included in the 2013 round of updates, as cultural resources tend to be more static than other issues. The element seeks to ensure effective preservation, protection and management of significant historic resources; ensure future development is compatible with existing structures and district characteristics, and educate the public about Colton's heritage and resources.

There are several historic districts in Colton, three of which overlap the Downtown area: Citrus Park, La Cadena, and 9th Street Historic Districts as shown in **Figure 1.3 – Historic Districts**.

Citrus Park - Within the Design Manual area, this district overlays the BNSF Railroad property and properties southwest of the H and 7th Street intersection. This district is significant because citrus processing was the principal industry and employer in Colton for nearly 40 years, women and children worked at the plants, and the industry gave Colton a distinctive place in the Inland region.

La Cadena Drive - Within the Design Manual area, this district overlays a handful of properties north of D Street on either side of La Cadena Drive. This district is significant to the history of regional transportation and for the various architectural styles and early social class, ethnic, and religious-based residential patterns represented.

9th Street - Within the Design Manual area, this district overlays a handful of properties north of D Street on either side of 9th Street. This district is primarily residential in nature featuring a number of Craftsman style homes, and is significant because of its variety of architectural styles of residential dwellings.

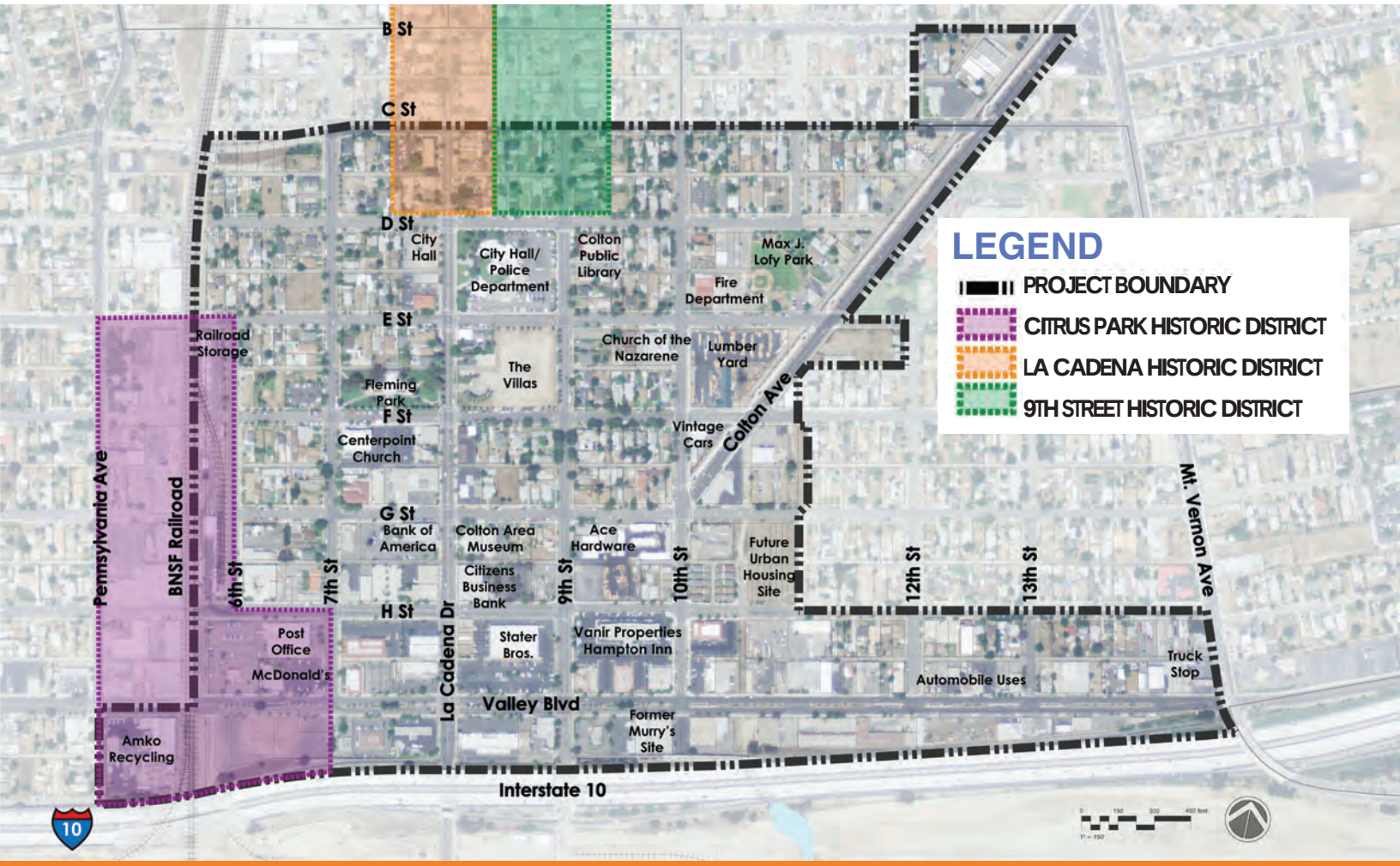


FIGURE 1.3 - HISTORIC DISTRICTS

1.4.3 General Plan Mobility Element

This element provides policy guidance to ensure that all circulation needs are addressed and accommodated consistent with growth allowed by the Land Use Element. To this end, the Mobility Element specifically calls for policies to provide an integrated and balanced multi-modal transportation network of Complete Streets to meet the needs of all users and transportation modes; provide amenities and improve safety, access, and mobility for all travelers in Colton; and support Omnitrans' expansion of Bus Rapid Transit (BRT). The recommendations in the Design Manual are based on those found in the Mobility Element.

1.4.4 Zoning Code

Title 18 of the Colton Code of Ordinances is the Zoning Code, which defines zoning districts and provides development and performance standards including regulations for land use, setbacks, lot coverage, parking, landscaping, and signs. The Zoning Code will be the regulating document for future development while the Design Manual is to be used as a companion document.

1.4.5 Historic Preservation Ordinance

Chapter 15.40 of the Colton Code of Ordinances is the Historic Preservation Ordinance. The ordinance establishes rules and regulations governing the designation and preservation of historic resources. In adopting this ordinance, the City acknowledged that encouraging the preservation of historic resources contributes to the livability and beauty of the community. Specifically, the ordinance stimulates economic revitalization; improves property values; fosters architectural creativity; increases neighborhood stability and conservation; fosters public appreciation of and civic pride in the beauty of the City and the accomplishments of its past; reinforces the distinctive character of the community; adds to the community's understanding of its history and connection with the life and values of the past; and ensures that Colton's cultural, historical, and architectural heritage will be imparted to future generations.

There are 17 designated historical landmarks within the Design Manual area, refer to **Figure 2.1 – Existing Conditions** in Chapter 2. The ordinance authorizes the Historic Preservation Commission to make recommendations, decisions, and determinations concerning the designation, preservation, protection, enhancement, and perpetuation of historic resources and districts which contribute to the historical, cultural and aesthetic values of the City.

1.4.6 Draft Homeless Action Plan

The Institute for Urban Initiatives prepared this plan in 2014 for Colton, though it has not been formally adopted. The plan provides information to design and implement housing and social service strategies for residents experiencing, or at-risk of experiencing, homelessness, with the tools and means to achieve housing stability and the next steps to be taken to develop a comprehensive strategy to end the cycle of homelessness in Colton.

1.4.7 Draft Public Facilities Needs Assessment

The City has analyzed the need for Civic Center expansion facility with a draft assessment submitted in January 2015 by Griffin Structures. This assessment is an important, and high level study, making recommendations for facilities such as City Hall and the City-owned Civic Center Annex on La Cadena and Library property across from City Hall on 9th Street. The assessment includes site requirement needs with approaches for improvements to these facilities.

1.4.8 Draft Economic Development Strategies

This document, which has not been formally adopted, outlines strategies including: increasing the tax base, jobs development, business retention, economic diversification, productive use of property, utilizing the chamber of commerce, development opportunities, quality of life, local consumption/buying, and broadening of dining and entertainment options.

1.4.9 SANBAG/SCAG RTP/SCS

The City is included in the San Bernardino Associated Governments (SANBAG), which is the council of governments and transportation planning agency for San Bernardino County. SANBAG participates in the regional planning activities of the Southern California Association of Governments (SCAG). One of the principal activities of SCAG is the development of the 2012-2035 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS).

The RTP/SCS includes regional goals and polices that guide transportation planning such as maximizing mobility and accessibility and ensuring travel safety and reliability for all people and goods; preserving and ensuring a sustainable regional transportation system; and encouraging active transportation, transit and non-motorized transportation. The Design Manual respects the goals and policies of the RTP/SCS, and provides specific guidelines, based on community feedback, for projects within Colton's Downtown.

1.4.10 Omnitrans

Omnitrans provides bus service in the area, discussed in further in Chapter 4. Coordinated regional transportation planning and design efforts are guided by their FY2015-2020 Short-Range Transit Plan and Transit Design Guidelines. The Design Manual includes guidelines on public transit bus services that are provided by Omnitrans.

2

vision and planning principles

COLTON DOWNTOWN DESIGN MANUAL

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Cadena
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CIVIC CENTER

2. VISION AND PLANNING PRINCIPLES

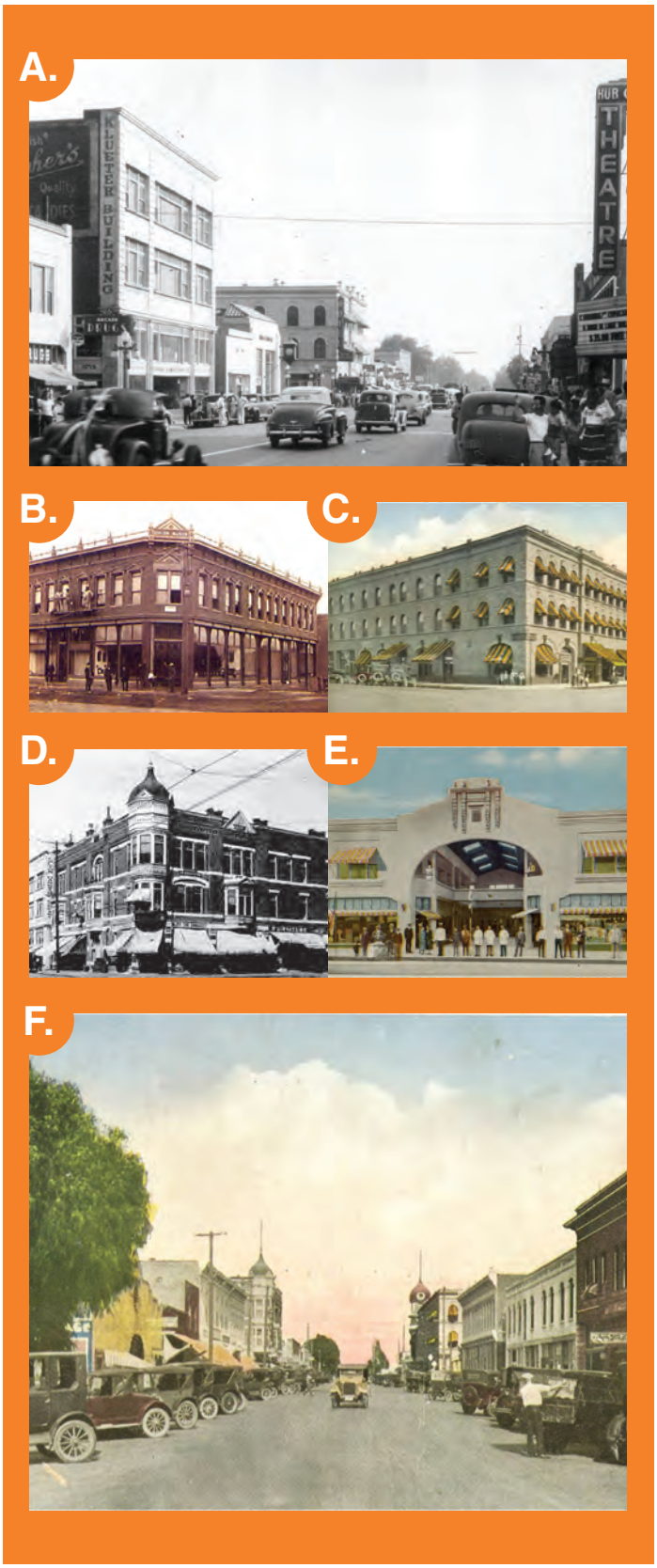
2.1 INTRODUCTION

In 2014, the City of Colton was awarded a California Sustainable Communities Planning Grant from the State of California Strategic Growth Council. The grant was awarded for the preparation of the City of Colton Downtown Development Code and Design Manual to revitalize and reestablish the historic Downtown area as the City's Downtown urban center. Consistent with grant goals, the Design Manual provides guidelines and strategies for the Downtown to:

- Increase infill and compact development;
- Provide incentives for development of affordable housing (moderate to very low income categories);
- Encourage a mix of uses, pedestrian linkages and public facilities that encourage walking, bicycle mobility, and use of transit (Omnitrans BRT and local routes);
- Establish design criteria that will guide development and redevelopment to facilitate a unique and attractive downtown identity that respects Colton's historic heritage;
- Create innovative incentives to meet the objectives of the grant to develop opportunities for a sustainable development pattern.

This chapter discusses existing conditions, community engagement efforts, planning principles, and the vision for the Design Manual.

Reinvigorating Downtown Colton to be a unique and attractive area encouraging livability.



2.2 EXISTING CONDITIONS

1.2.1 Downtown Colton History and Character

Colton's Downtown has a long heritage, largely associated with "Colton Crossing," the crossing of the Burlington Northern Santa Fe (BNSF) and Union Pacific railroads. The railroads were the primary reason for Colton incorporating in 1887, and they have been the underpinning of its economy since. A formal town was laid out on a traditional grid street pattern, evidenced today in Colton's Downtown. Activity associated with the railroad and citrus orchards made Colton a busy place, often referred to as "Hub City," with many businesses and residents working to support railroad operations, such as:

A. Klueter Building, a four-story brick commercial building, was formerly located across the street from the Hub City Theater on La Cadena Drive.

B. Union block, a two-story brick mixed-use building with large commercial frontages on the ground level.

C. Anderson Hotel, a three-story brick building, formerly located on the southeast corner of the La Cadena Drive and Valley Boulevard Intersection.

D. Former city hall building, a three-story brick building, as formerly located east of the Anderson Hotel on Valley Boulevard.

E. Arcade building, a two-story building, was formerly located on La Cadena Drive, and featured a prominent open-air arcade.

F. During these years, the downtown urban form, especially within the Downtown Core, was much denser than what exists today, with two-, three-, and four-story buildings lining the streets. This photograph is taken on Valley Boulevard facing east towards the La Cadena Drive intersection.

Construction of Interstates 10 and 215 through the City, further defining the crossroads nature of the community, attracted transportation-based industries. However, the freeway construction also resulted in the loss of much of the City's architectural heritage, including buildings in the Downtown area. As such, much of the original commercial buildings built in the early part of the 20th century have been demolished, and while they are no longer standing, photographs of these former Downtown buildings add to the record of Colton's historic heritage and provide inspiration for design concepts that respect the heritage of the Downtown area.

Eventually, the waning of the citrus industry lead to other businesses dependent on rail for materials delivery and shipment were established along the rail lines, creating large tracts of land devoted to industrial

operations, many of which continue today. Following the 1920s and Great Depression, Colton again experienced a development boom during the frenzied residential building period of post-World War II. A modest amount of commercial activity remained in the Downtown area to support demand for goods and services. Explosive subdivision was seen in the 1950s throughout the Inland Empire, leading to the creation of many new neighborhoods with their own commercial centers. All of these factors added to the transition that Colton saw from a crossroads commercial hub, to industries and people moving to other commercial centers within and outside of the Inland Empire, leading to vacancies and demolition in the Downtown area.

One of the first steps in the visioning process was to identify existing conditions in the Downtown area, and the map shown in **Figure 2.1 – Existing Conditions** was part of the result of that effort.

2.2.1 Market Study

A market study was prepared by The Natelson Dale Group for the Design Manual to forecast demand for future retail, restaurant, and office development in Downtown; to discuss potential roles of housing/mixed-use development; and to determine local and regional demand. Conducting a market study for this process was important in order to provide a realistic basis for the preparation of the Design Manual and for marketing information for developers.

Analysis conducted for the market study included an inventory of existing land use conditions in and around Downtown; existing taxable sales in Colton and surrounding cities; demographic analysis/growth forecasts; models to project Downtown shares of demand by land use; and stakeholder and developer interviews.

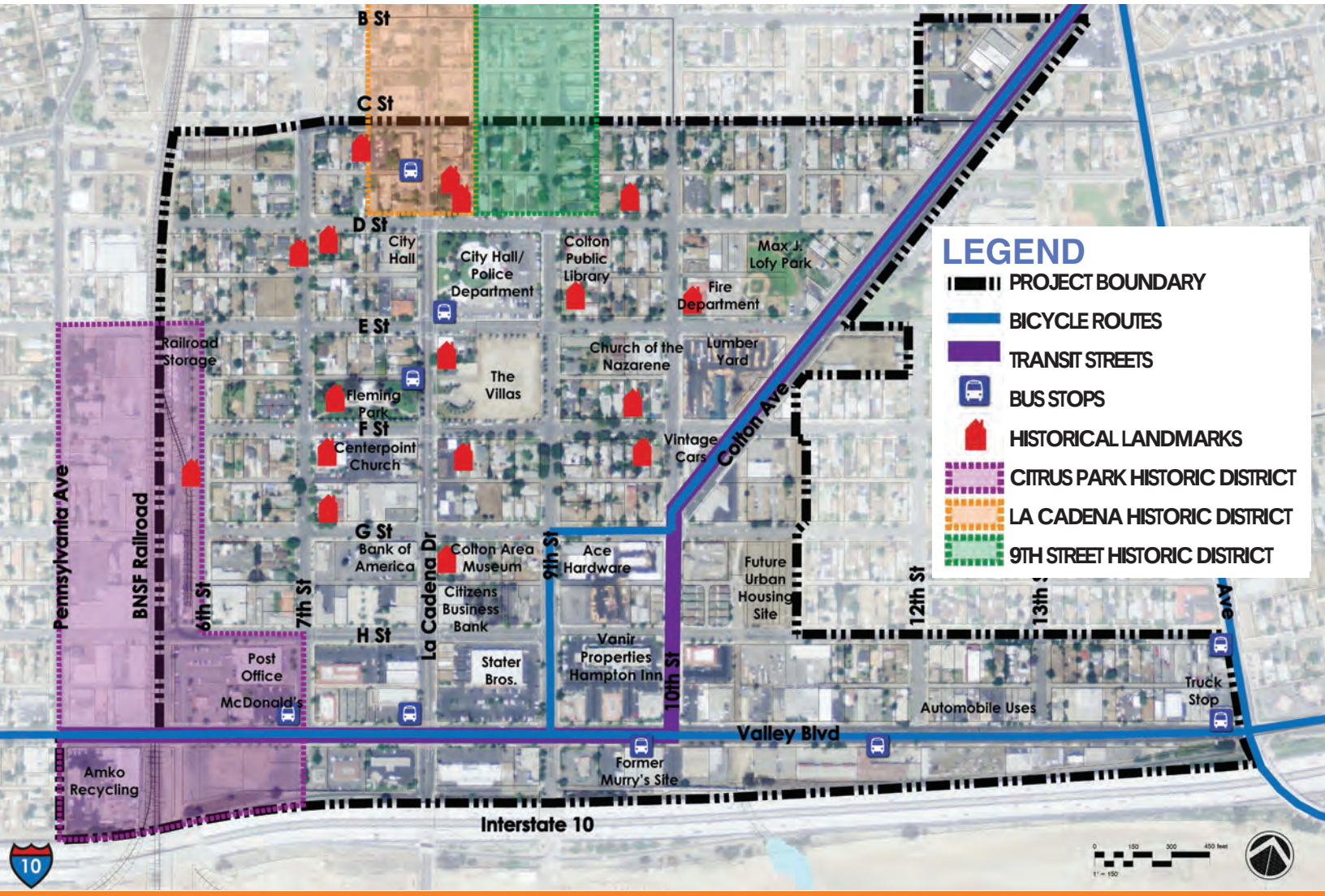


FIGURE 2.1 - EXISTING CONDITIONS

A.

B.

C.

D.

A. Consultant facilitation at March 19 workshop;
B. Community members at March 19 workshop;
C. City Council members and Planning Commissioners at April 23 joint meeting; and
D. Community members and staff at September 24 workshop.

The Market Study found key opportunities and challenges and corresponding implementation strategies, outlined further in Chapter 6 of the Design Manual. These findings and recommendations were taken into consideration when creating the vision for the Design Manual. Further discussion on the Market Study can be found in Chapter 6 of the Design Manual.

2.3 COMMUNITY ENGAGEMENT

Several community outreach efforts were conducted in 2015 to assist the Design Manual team in identifying and prioritizing issues and ideas to create a vision for Downtown Colton:

- Key Stakeholder Meetings – February 26
- Community Workshop, Introduce the Project – March 19
- City Council/Planning Commission Study Session – April 23
- Community Workshop, Present Key Concepts – September 24

To encourage comments and dialogue, the attendees of the outreach efforts were asked to comment on the following issues and identified their top priorities:

- What is the essence/identity of Colton?
- Why do you spend time in Downtown? What works?
- What keeps you from spending time in Downtown? What is needed?
- How do you envision beautification/public spaces?
- What are your thoughts on mobility?

The community provided thoughtful and constructive comments throughout the engagement process. This feedback was the foundation used to develop the planning principles outlined in the next section. All of the comments received were important and considered during this process, and those that stood out as the most crucial to the community are reflected in the planning principles and throughout the Design Manual.

2.4 PLANNING PRINCIPLES

Each of the 10 planning principles, that were crafted from community input, plays a key role in the guidelines provided in this Design Manual. Based on the public input received during community outreach efforts, the following Downtown planning principles were drafted in order to guide the preparation of the Design Manual.

Historic Heritage

Emphasize Colton's historic heritage (such as Southern Pacific Railroad, Earp family, WW II homes, agricultural industries) to promote historic attractions, tourism and celebrate community pride.

Mix of Commercial Uses

Foster a vibrant mix of uses to create an existing and dynamic downtown experience, including uses such as eating and drinking establishments, entertainment venues, and a range of retail and service shops.

Downtown Identity

Establish branding and cohesive signage, including a gateway sign visible from Interstate 10 that encourages tourists-commuters-passers-by to stop and directs them to key businesses and attractions, secondary gateways to welcome residents from adjacent neighborhoods and a downtown wayfinding program.

Small Businesses

Support small business owners to invest within Colton's Downtown core area through incentives, education, resources, and programs.

Link South Colton

Extend and connect the Downtown experiences on the north and south sides of Interstate 10. Commercial areas and neighborhoods south of the railroad tracks provide future opportunities to improve mobility, provide cultural events, and enhance Colton's integrated identity.

Streetscape Beautification

Catalyze the beautification of public spaces such as La Cadena Drive and Valley Boulevard, the La Cadena railroad underpass, transit stops, and parks through the planting of more drought resistant street trees and landscaping.

Sustainability and Healthy Living

Integrate sustainable design practices and green building policies that reduce reliance on non-renewable resources. Support healthy living practices including access to healthy foods, walkability, recreational amenities, and a safe environment.

Gathering Spaces

Provide a network of gathering spaces that provide a range of sizes and functions including plazas, parks, paseos, and visual focal points. Public spaces will be enhanced by landscaping, furnishings, and public art.

Expanded Mobility

Allow for a multi-modal transit station to support the future Omnitrans Holt Bus Rapid Transit (BRT) Line service. Integrate a network that includes a variety of mobility modes including public transit, bicycle facilities, pedestrian corridors and links, as well as vehicle circulation.

Revitalize and Maintain

Encourage and facilitate resources/incentives for the upkeep and enhancement of properties including facade improvements, lot consolidation, graffiti abatement, and infill of underutilized parcels.

VILLAGE PAPERY

2.5 VISION

A wide range of comments were documented and integrated into the comprehensive vision for the Design Manual from all of the community outreach efforts, to fulfill the vision as defined by the citizens and stakeholders. The vision poster resulting from this effort is reflected in **Figure 2.2 – Vision Poster**, key features of which are listed on the following pages and supported by photographic examples and graphics.

LEGEND

Existing / Proposed

- Mixed-Use Downtown
- General Commercial
- Medium Residential
- Class II Bike Lane

Proposed

- Public/Institutional
- Single-Family Residential
- Multiple Family Residential
- Class I Bike Path
- Class III Bike Route
- Core Opportunity Area
- Restaurant Row
- Pedestrian Corridor
- Pedestrian Corridor (Diagonal Parking)
- Bus Rapid Transit (Holt Line)
- Paseo
- Streetscape Improvements (Street furnishings & trees)
- Primary Gateway/ Enhanced Intersection
- Secondary Gateway
- Concept Paseo Sketch
- Opportunity Sites
- Multi-modal Transit Station
- Rail Car
- Pocket Park/Plaza

FIGURE 2.2 - VISION POSTER

A "Core Opportunity Area" is called out, which is referred to herein as the **"Downtown Core,"** and is focused on the key commercial and mixed use areas along and abutting La Cadena Drive and Valley Boulevard.

Mixed-Use Downtown existing (light pink) and proposed (dark pink) land uses are located mainly within the Downtown Core, but also extend east of the Core towards and along Colton Avenue, including two mixed-use opportunity sites.

General Commercial existing (light red) and proposed (dark red) land uses are mainly located on either side of Valley Boulevard east of 10th Street, with a few spots south of Valley to the west. Several opportunity sites are proposed south of Valley that are mostly associated with the proposed "Restaurant Row."

Medium Residential existing (light orange) and proposed (dark orange) land uses are sprinkled in different areas of Downtown, including northwest of the Downtown Core, on the same block as the Public Library and Fire Department, and north of the commercial buildings on Valley Boulevard east of the Downtown Core. The only opportunity site proposed is a currently vacant lot northwest of the E and 7th Street intersection.

Public/Institutional land uses are reflected in light blue, reflecting existing development only, as there are no proposed opportunity sites recommended. Existing development includes the Chamber of Commerce, Civic Center, Public Library, Fire Department, and Colton Area Museum.

Single-Family Residential development is reflected in light yellow, reflecting existing development only, as there are no proposed opportunity sites recommended. Existing development is located on four blocks between C and D Streets, La Cadena Drive and Colton Avenue at the northern end of Downtown.

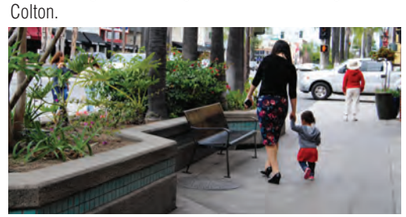
Multiple Family Residential development is reflected in light brown, reflecting existing development only, as there are no proposed opportunity sites recommended. The only existing development is The Villas, a 120-unit affordable senior housing complex located between E Street, F Street, La Cadena Avenue, and 9th Street adjacent to the Civic Center.

Mixed-use commercial opportunity sites are identified that are currently developed with more intensive industrial-natured uses that are not draws for residents and visitors to come into the Downtown area. One site is a lumber yard, spanning two properties, the first bound by E, 10th, and F Streets and Colton Avenue and the second located at 370 N 9th Street. The other site is land east of Max J. Lofy Park on the block bound by D, 10th, and E Streets and Colton Avenue.

Valley Boulevard was identified as an opportunity area for expanded commercial development, and specifically for restaurant use south of Valley Boulevard, between 7th and 10th Streets. This area is identified as **"Restaurant Row."** The row is visible from Interstate 10, making it a prime location to capture local and regional commuter and visitor traffic.

Existing and proposed Class I, II, and III bike facilities are identified. The Downtown area already has an established bicycle network, and the proposed facilities would further improve connectivity, especially linking residential to commercial areas so that employees can commute to and from work via bicycle. See Chapter 4 for details.

Pedestrian corridors are associated with improved walkability through enhancements such as site furnishings, widened sidewalks, and crosswalks. Pedestrian corridors are proposed along H Street between 7th Street and the proposed "Cottage Lane Paseo" and along La Cadena Drive between D Street and Restaurant Row, extending to the southern edge of the Design Manual area, linking to south Colton.



Diagonal parking allows for more parking spaces in front of key commercial frontages, where the right-of-way width allows. Diagonal parking is proposed along La Cadena Drive from F to H Street and along H Street from La Cadena Drive to 9th Street.

The proposed **Omnitrans Bus Rapid Transit (BRT) Holt Line** runs along the extent of Colton Avenue within the Downtown area, turns south along 10th Street, then turns west along Valley Boulevard extending west of the Design Manual area. The proposed Holt Line is identified in the Mobility Element, as well as in Omnitrans transportation planning documents. See Chapter 4 for details.

Paseos are proposed with enhancements and an outdoor dining concept, providing landscaped and well lit areas that are intended for pedestrians only, connecting people to places in a relaxed and pleasant atmosphere. One paseo location would extend Cottage Lane south to Valley Boulevard and north to Colton Avenue. Improvements to an existing paseo are also identified, which is located in the middle of the block bound by La Cadena Drive, H Street, 7th Street, and Valley Boulevard. See Chapter 5 for details.

Streetscape improvements are identified for all streets within the Downtown Core. Streetscape sections reflecting existing and proposed conditions are provided in Chapter 5 of the Design Manual and show how improvements can create a beautified, walkable, and inviting atmosphere in the Downtown.

A **primary gateway** is proposed to be located at the Valley Blvd/La Cadena Drive intersection. The gateway is intended to stand out from other secondary gateway areas, and does so by proposing enhanced paving, public art, historic lighting, facade improvements, crosswalks and a decorative metal overhead gateway crossing La Cadena Drive on the north side of the intersection, welcoming residents, workers, and visitors to the Downtown Core. The placement of this primary gateway is also intended to connect Downtown to south Colton, and to encourage visitors to visit south Colton businesses. See Chapter 5 for details, including a larger version of the proposed primary gateway sketch.

Three **secondary gateways** are proposed at locations where it is also important to welcome residents, workers, and visitors to the Downtown Core. These locations are at the intersections of Valley Blvd/12th Street, Valley Blvd/9th Street, Valley Blvd/BNSF Railroad, and La Cadena Drive/D Street. These gateways include monument signage, consistent with the primary gateway design. See Chapter 5 for details.

At the proposed **pocket park** located at the block where Colton Avenue terminates to the south, the design theme is intended to honor Colton's railroad heritage. This could consist of placing a historic rail car, installing public art celebrating Colton Crossings and the "Hub City" moniker that Colton is known for. It is an opportunity to celebrate Colton's unique past as a western frontier town.

A **multi-modal transit station** is proposed to be located south of Ken Hubbs Park on E Street. The proposed placement of the station is intended to be centrally-located, and easily accessible by pedestrians, bicyclists, motorists, and transit users. The new station is identified in the Mobility Element, as well as in Omnitrans transportation planning documents. See Chapter 4 for details.

South Colton Connection is emphasized south of Valley Boulevard on La Cadena Drive through the Interstate 10 underpass. This is an important connection that the community feels strongly about. The placement of the primary gateway and associated improvements, and the related action item in the Chapter 6 of the Design Manual, are intended to provide opportunities to tie south Colton to the Downtown area.

Community gathering places are proposed for residents to enjoy together in a relaxing environment. Such a gathering place is proposed at southeast corner of the Valley Blvd/9th Street intersection.

Two pocket parks/plazas are proposed, one located on the block bound by G, 10th, H, and 9th Streets and the second located across Valley Boulevard from the southern terminus of the proposed Cottage Lane Paseo. In developed areas, pocket parks can provide a link to the larger recreation system where larger parks are not feasible to implement.

Wayfinding signs are proposed to be located at key areas throughout the Downtown and will present a unified and user-friendly guide to move around the Downtown. See Chapter 5 for details.

Facade improvements mostly along Valley Boulevard, but also La Cadena Drive, are identified to beautify the two main commercial areas to create an inviting environment to draw in visitors and residents to Downtown businesses.

3

urban form and design guidelines

COLTON DOWNTOWN DESIGN MANUAL

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3. URBAN FORM AND DESIGN GUIDELINES

3.1 INTRODUCTION

This chapter sets the stage for development by identifying design concepts that fulfill the community's vision for Downtown Colton. Key areas of the Downtown have been identified to focus the intent of guidelines on differing neighborhood characteristics and correlate to the underlying zoning designation. These areas, as reflected in **Figure 3.1 – Design Manual Guideline Areas** are:

- Downtown Colton Mixed-Use
- Multi-Family Residential
- Single-Family Residential
- Valley Boulevard Corridor

The properties in Figure 3.1 that are not associated with a guideline area are civic, park, and railroad properties that the Design Manual does not apply to. In addition to providing guidelines by key areas, Crime Prevention Through Environmental Design (CPTED) guidelines are included that can generally be applied to all areas. The Design Manual is intended to support the Development Code regulations as its companion document, in order to provide specific design guidelines and incentives to revitalize the Downtown.

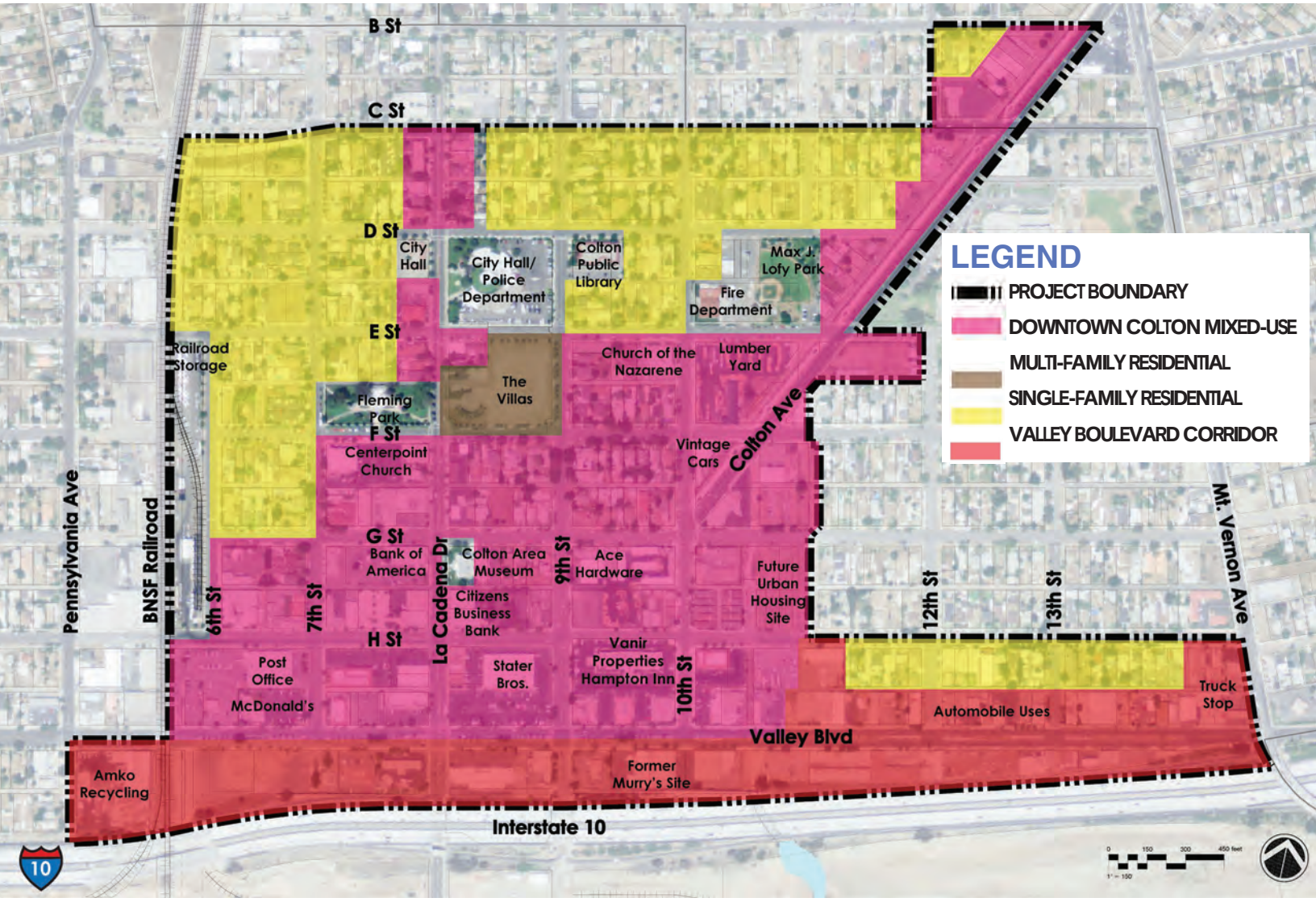
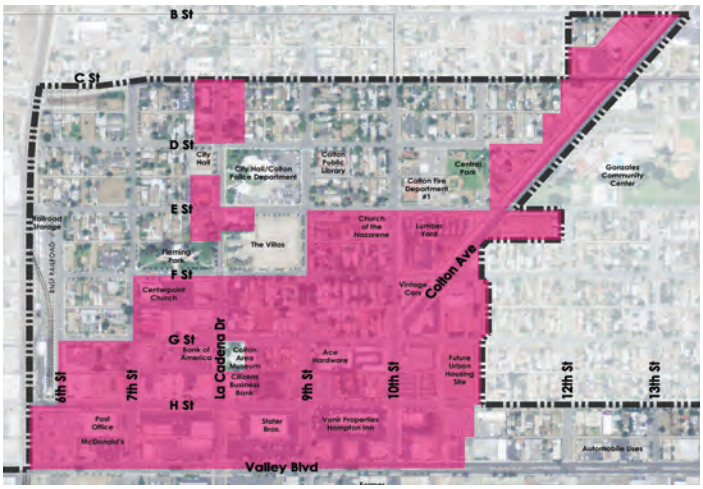


FIGURE 3.1 - DESIGN MANUAL GUIDELINE AREAS



Areas where Downtown Colton Mixed-Use guidelines should be applied are highlighted in pink.

Clear glass windows at the street level allow for spaces to feel welcoming to pedestrians walking through the Downtown.

Reflective glass is strongly discouraged as it creates a source of glare and a barrier, and does not welcome passersby to enter.

As with the Zoning Code, the Design Manual provides development policies of the City. The Design Manual does not necessarily prescribe a certain style of design or development but focuses on site planning, building form, articulation, and design direction. The guidelines in the Design Manual supplement the zoning standards, by creating qualitative guidance for future development in line with the community's vision for Downtown Colton.

3.2 DOWNTOWN COLTON MIXED-USE GUIDELINES

3.2.1 Site Planning and Design

A. Buildings should be located adjacent to and oriented toward La Cadena Drive and H Street to enhance the pedestrian nature of the street and promote activity.

B. Mixed-use projects should be designed to create a pedestrian-scale environment through appropriate street and sidewalk widths, relationships of buildings to streets, and use of public spaces.

C. Open spaces and amenities should be provided to support residential and commercial uses.

D. Site amenities, entries, and features should be coordinated to complement one another, for example, by applying similar colors, styles, and design themes, to create a unified appearance.

E. Easily-understandable circulation should be organized so that drivers and pedestrians can move through the Downtown without confusion and minimal conflict.

F. Outdoor storage areas, including trash and recycling enclosures, should be located to the rear or sides of a building and screened from public view to the maximum extent possible. Wall screening should be of similar materials as the primary buildings. Chain link gates or fences are not appropriate for screening.

G. Shared parking strategies are encouraged to optimize parking capacity.

3.2.2 Building Form and Articulation

A. Buildings located within the Downtown are encouraged to incorporate an arcade to provide shade, expand the pedestrian zone, and add visual interest.

B. Recessed or projecting entries and articulation in the storefront mass is encouraged.

C. Similar and complementary front facade massing, materials, and details should be incorporated into side and rear facades, especially those that are visible from a public space.

D. Clear glass is encouraged on the street level to draw pedestrians into storefronts and restaurants.

E. Restaurants fronts are encouraged to have open air seating.

F. Reflective, mirrored, opaque, or tinted glass is strongly discouraged.

G. Blank walls are strongly discouraged. Consider utilizing windows, trellises, wall articulation, arcades, changes in materials and wall planes, or other features to improve the visual character of a building.

H. Murals, trellises, or vines should be placed on large expanses of walls at the rear or sides of buildings to create visual interest.

I. Buildings should have at least one primary entrance facing a street.

J. For buildings with rear entrances, awnings, landscaping, and small wayfinding wall signs are encouraged, to welcome visitors and customers.

K. All awnings on the same building should be uniform in material, color, size, and style regardless of a difference in tenant or use.

L. Awnings should not be wrapped around buildings in continuous bands. Awnings should only be placed on top of doors, on top of windows, or within vertical elements when the facade of a building is divided into distinct structural bays.

3.2.3 Exterior Lighting

A. Building entrances should be well lit.

B. Lighted roof panels, internally illuminated awnings, and other methods of illuminating buildings are discouraged.

C. The latest lighting technology should be used to conserve energy and minimize light pollution.

D. Parking and security lighting fixtures should not project above the fascia or roof line of the building, and should be shielded to avoid impacts on surrounding properties.

3.2.4 Landscaping

A. Parking areas should be landscaped to minimize summer glare, heat buildup and negative visual impact.

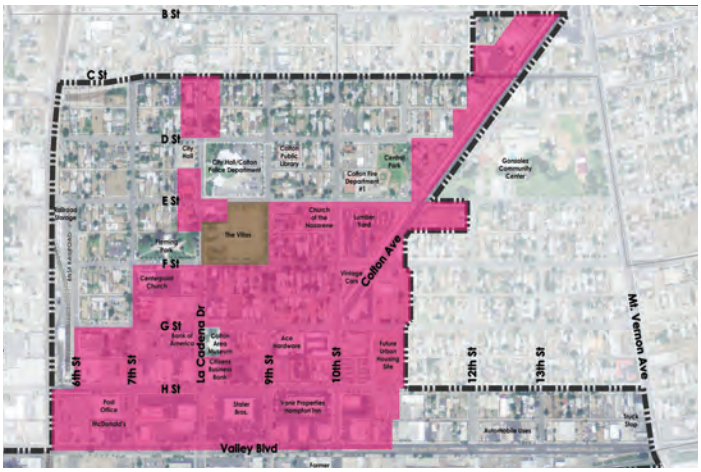
B. Drought tolerant plants should be used wherever possible.

C. Irrigation systems are required to be designed in compliance with the City's Water Efficient Landscape Ordinance.

Signs on entry awnings above businesses are encouraged.

Placement of vines on walls can create visual interest.

Decorative mounting brackets are encouraged.



Areas where Multi-Family Residential guidelines should be applied are highlighted in brown and pink.

Porches are architectural features that can extend the living area.

Clustered structures can create plazas and common areas for residents to enjoy

3.2.5 Signage

A. Signs on entry awnings above businesses are encouraged.

B. Primary signs are encouraged to be either located on an awning or wall, but not on both.

C. Sign mounting materials and design should complement the sign and building design, and decorative brackets are encouraged.

D. Sign illumination is required to be designed in compliance with the design standards included in the City's Sign Ordinance.

E. Joint use of signs shall be encouraged in compliance with the standards included in the City's Sign Ordinance.

3.2.6 Historic Structures

A. Rehabilitation and preservation of existing structures representing the historic character of the area is encouraged, rather than demolition and rebuilding.

B. Windows on historic structures should be repaired when possible, and if replaced, materials and design should match the original.

C. New construction and additions should respect and reflect the original period of existing buildings in the neighborhood.

3.3 MULTI-FAMILY RESIDENTIAL GUIDELINES

3.3.1 Site Planning and Design

A. Buildings should be placed close to, and oriented toward, the street.

B. Structures should be clustered to create plazas and common areas to prevent long continuous rows of structures.

C. Long rows of parking spaces or garages should be avoided, and parking facilities should be located behind buildings, away from the street where feasible.

D. The number of vehicular access points front the street should be minimized.

E. Areas for bicycle and motorcycle parking should be provided.

3.3.2 Building Form and Articulation

A. Architectural features such as porches, trellises, and landscaping should be used to extend the living area towards the street, soften the transition between the street and dwelling, and provide shade.

B. Larger projects should incorporate various heights and architectural features to break up massing and add articulation

such as balconies, porches, arcades, dormers; provide variations in roof lines and second story setbacks; and utilize different materials to break up the massing.

C. Similar and complementary front facade massing, materials, and details should be incorporated into side and rear facades, especially those that are visible from a public space or street.

3.3.3 Utilitarian Features

A. Trash enclosures should be designed similarly to the buildings they serve and screened using landscaping to reduce their visual impact.

B. Enclosures should be unobtrusive and conveniently located for trash disposal by tenants and collection by service vehicles, however they should not be visible from primary entry drives or the public right-of-way.

3.3.4 Exterior Lighting

A. Light fixtures should be architecturally compatible with the building design.

B. All building entrances should be well lit.

C. The latest lighting technology should be used to conserve energy and minimize light pollution.

3.3.5 Landscaping

A. Trees and shrubs should be spaced to allow for mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.

B. Accent planting should be used around entries and key activity hubs.

C. Trees that drop flowers and fruit should be avoided in high pedestrian zones and parking areas.

D. Parking lots shall be landscaped with drought-tolerant shade trees consistent with the City's Water Efficient Landscape Ordinance.

E. A landscaping buffer should be provided between public spaces and parking lots, with breaks for pedestrian access.

F. Turf installation should be limited due to high water needs.

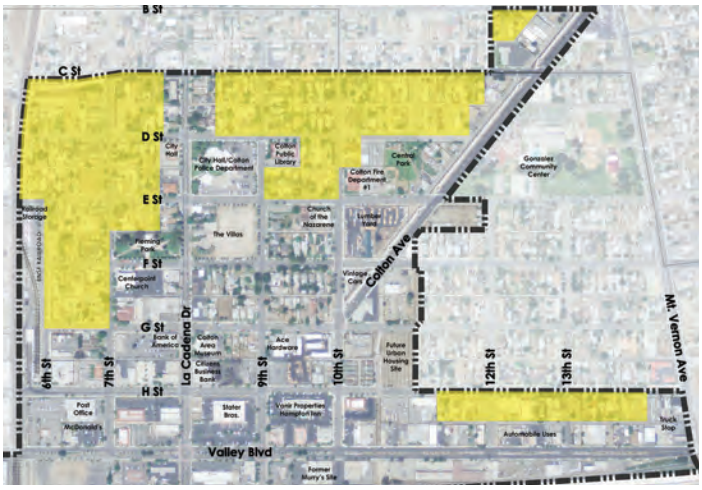
G. Landscaping should be used to screen trash enclosures, loading areas, and mechanical equipment from view.

H. Irrigation systems are required to be designed in compliance with the City's Water Efficient Landscape Ordinance.

Accent planting should be used around entries.

Turf installation should be limited due to high water needs.

Landscaping provides a visual screen for trash enclosures.



Areas where Single-Family Residential guidelines should be applied are highlighted in yellow.

Adaptive re-uses should be compatible with the character of the site.

Signage for adaptive re-uses should be designed and scaled to complement the residential character of the building.

3.4 SINGLE-FAMILY RESIDENTIAL GUIDELINES

3.4.1 Adaptive Re-Use

A. Uses should be compatible with the character of the site and building, so that the structure still can be recognized as primarily a single-family residential use.

B. Major alterations to buildings that significantly detract from the single-family nature of the building are discouraged.

C. Signage should be designed and scaled to complement the residential character of the building.

D. Architecture, color, materials, construction, and lighting of the exterior of the structure should represent those typically found in a residential neighborhood.

E. Historic structures and details should be maintained and enhanced.

F. Materials and/or supplies associated with a non-residential use should be stored indoors, so that exterior views are not impeded.

3.4.2 Site Planning and Design

A. Additions should be designed to provide maximum privacy to neighboring living and private outdoor space. Strategies include offsetting window placement from neighboring residences, providing buffers between outdoor patio areas, and thoughtful placement of second story additions.

B. Remodels/additions should reflect parking, setbacks, landscaping and other site design features that respect the original site design.

C. Remodels/additions should be designed to provide maximum daylight for homes.

D. Site layouts and design techniques that reduce noise are encouraged for single-family residential properties abutting commercial development. Strategies include increased setbacks, landscape buffer areas, and sound insulation in building construction.

E. Maximum driveway widths should not exceed the garage door width.

3.4.3 Building Form and Articulation

A. Architectural elements adding visual interest should be integrated, such as porches, balconies, trellises, recessed windows, and changes in materials and textures.

B. Building facades should be well-articulated with windows, moldings, pilasters, exposed chimneys, etc.

C. Materials and articulation used on the front facade should be incorporated into side and rear facades that are visible from a street or similarly important view shed.

D. When changes are to occur in siding, materials, and/or colors, they shall wrap around the outside corner and end at the inside corners of the structure.

3.4.4 Landscaping

A. Trees and shrubs should be spaced to allow for long-term growth.

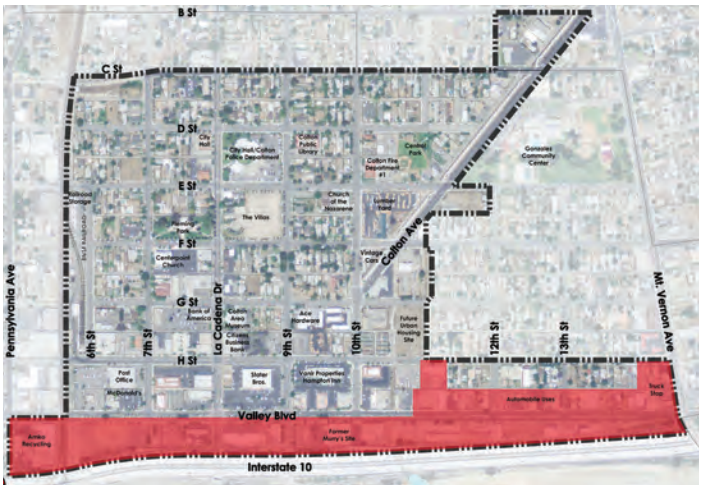
B. Existing mature trees should be preserved where feasible.

C. Irrigation systems are required to be designed in compliance with the City's Water Efficient Landscape Ordinance.

Buffers between single-family additions can provide privacy between residences.

Architectural elements add visual interest to frontages.

Changes in materials should occur at interior corners.



Areas where Valley Boulevard Corridor guidelines should be applied are highlighted in red.

Pedestrian-oriented plazas are strongly encouraged.

Frontages should be articulated to create visual interest.

3.5 VALLEY BOULEVARD CORRIDOR GUIDELINES

3.5.1 Site Planning and Design

A. Parking facilities should be located behind buildings when feasible.

B. Paving in areas should be limited, unless required for circulation, service/loading, and/or parking.

C. Landscaping or pedestrian-oriented plazas are strongly encouraged.

D. Service/loading areas should be designed as an integral and discreet part of the building(s) served and for easy access by service vehicles, for convenient access by each tenant, and to minimize circulation conflicts with other site uses.

E. Reciprocal access and shared parking lots are strongly encouraged on shallow lots to maximize building area adjacent to the street.

3.5.2 Building Form and Articulation

A. Blank walls are strongly discouraged. Consider utilizing windows, trellises, wall articulation, arcades, changes in materials, or other features to improve the visual character of the building.

B. Clusters of smaller buildings with pad buildings at the street edge, or at the back of sidewalk, are strongly encouraged to define the street frontage and pedestrian areas.

C. Similar, and complementary massing, materials, and details should be incorporated into side and rear facades, especially those that are visible from a public space or Valley Boulevard.

D. For buildings with rear entrances, awnings, landscaping, and small wayfinding wall signs are encouraged, to welcome visitors and customers.

E. Pedestrian walkways should connect to nearby residential neighborhoods.

F. New development should be clustered to create small plazas/ pocket parks to provide community gathering spaces featuring landscaping, fountains, public art, and textured pavement when possible.

3.5.3 Utilitarian Features

A. Trash enclosures should be designed similarly to the buildings they serve and screened using landscaping to reduce their visual impact.

B. Enclosures should be unobtrusive and conveniently located for trash disposal by tenants and collection by service vehicles, however they should not be visible from primary entry drives or the public right-of-way.

3.5.4 Exterior Lighting

A. Building entrances and parking areas should be well lit.

B. Lighted roof panels, internally illuminated awnings, and other methods of illuminating buildings are discouraged.

C. The latest lighting technology should be used to minimize light pollution and conserve energy.

D. Parking and security lighting fixtures should not project above the fascia or roof line of the building, and should be shielded to avoid impacts on surrounding properties.

3.5.5 Landscaping

A. Parking areas should be landscaped to minimize summer glare, heat buildup and negative visual impact.

C. Irrigation systems are required to be designed in compliance with the City's Water Efficient Landscape Ordinance.

3.5.6 Signage

A. Signs should not cause unnecessary distractions to motorists.

B. Primary signs are encouraged to be either located on an awning or wall, but not on both.

C. Sign illumination is required to be designed in compliance with the design standards included in the City's Sign Ordinance.

D. Joint use of signs shall be encouraged in compliance with the standards included in the City's Sign Ordinance.

3.5.7 Special Considerations

3.5.7.1 Shopping Center/Large Scale Retail Development

A. Uninterrupted facades are strongly discouraged. For every linear 50 feet of wall, the building articulation should be varied with a projection, offset, or change in material or color.

B. On the block north of Valley on either side of 12th and 13th, where abutting residential uses, a buffer should be provided such as a solid fence, shrubs or hedges.

Landscaped screening reduces the visual impact of utilities.

Building entrances and parking areas should be well lit.

Parking lot buffer with low maintenance landscaping.

Walkways between drive aisles create safer pedestrian access.

Valley Boulevard street presence should be inviting and pedestrian oriented.

Auto related uses can be found along Valley Boulevard.

C. Vehicle access/entries should be minimized to reduce curb cuts and increase pedestrian safety.

D. Provide access between adjacent lots to facilitate circulation, and reduce the amount of driveways.

E. Walkways should connect detached building and adjacent uses to allow for easy pedestrian access.

F. Where feasible, provide walkways between drive aisles to separate vehicles and pedestrians.

3.5.7.2 Auto Related Uses

These guidelines apply to existing legal non-conforming auto-related uses. Typically, a use is considered legal non-conforming because it was developed prior to current regulations being adopted that don't allow the use. Such an instance is commonly referred to as being 'grandfathered in'. While these uses themselves may be restricted through zoning regulations, the below design guidelines will help to ensure that exterior modifications to existing buildings and structures with such legal-nonconforming auto related uses are in keeping with the intent of the Design Manual.

A. Valley Boulevard street presence should be inviting and pedestrian oriented. Buildings should not back onto the street nor should parking be located at the frontage. Landscaping and building entries are encouraged along Valley Boulevard.

B. Auto loading/unloading areas should be located behind buildings allow for effective on-site vehicular circulation.

C. Vehicle storage areas should be located behind buildings when feasible, and/or screened to avoid unsightly parking lots of vehicles awaiting repair.

D. Fencing or screening should be solid and decorative and no more than eight feet in height, except at the front property line, where it should be no more than six feet in height.

E. Chain link fencing should not be used.

3.5.7.3 Freeway Adjacency

A. Rooftop equipment visible from the freeway should be shielded with screening matching the materials and design of the rest of the building.

B. Consider installing rooftop gardens, to soften the appearance of roof lines from the freeway, provide insulation from freeway noise, and keeping buildings cooler.

3.6 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

General Plan Policy LU-1.10 states that "Crime Prevention Through Environmental Design (CPTED) approaches be used in the design and development of all new projects and substantial remodeling projects." The CPTED approach has been established over the last several decades and the International CPTED Association (ICA) is a widely recognized organization that publishes the "CPTED Guidebook for Professionals."

The intent behind CPTED strategies is to positively influence offender decisions preceding criminal acts, and ideally deter such acts. The four most common of these strategies are natural surveillance, natural access control, natural territorial reinforcement, and maintenance. Natural surveillance and access control strategies limit the opportunity for crime, while territorial reinforcement promotes social control through a variety of measures, and maintenance shows an intolerance for disorder.

Implementation of CPTED principles improves overall quality of life resulting from safer communities and environments. CPTED strategies are typically universal in nature. The following Design Manual guidelines are based on those in the ICA's Guidebook, customized for Downtown Colton.

3.6.1 Natural Surveillance

Natural surveillance results from designing the placement of physical features, activities and people to maximize visibility and foster positive social interaction among users of private and public space. Natural surveillance strategies increase the perception that people can be seen, thereby increasing a threat of apprehension. As such, potential offenders feel increased scrutiny and limitations on their escape routes, so that criminal acts are deterred. The following strategies can be applied for natural surveillance in Downtown Colton:

A. Strengthen security along street frontages by incorporating pedestrian-oriented activities.

B. Introduce uses which generate pedestrian-oriented activities, such as outdoor sidewalk restaurants and cafes, into the Downtown Core.

C. Encourage retail and entertainment uses at street level, especially those located in the Downtown Core, that are open late, such as restaurants.

Pedestrian-oriented activities provides natural surveillance.

Retail and entertainment uses that are open late helps maximize visibility.

Outdoor sidewalk cafes foster positive social interaction in public spaces.

D. Place windows overlooking sidewalks and parking lots.

E. Leave window shades open.

F. Use passing vehicular traffic as a surveillance asset.

G. Trim trees and bushes to allow unobstructed lighting and observation.

H. Use the shortest, least sight-limiting fence appropriate for the situation.

I. When creating lighting design, avoid poorly placed lights that create blind spots for potential observers and miss critical areas. Ensure potential problem areas are well-lit such as pathways, stairs, entrances/exits, parking areas, ATMs, phone kiosks, mailboxes, bus stops, children's play areas, recreation areas, pools, laundry rooms, storage areas, dumpster and recycling areas, etc.

J. Avoid too-bright security lighting that creates blinding glare and/or deep shadows, hindering the view for potential observers. Eyes adapt to night lighting and have trouble adjusting to severe lighting disparities. Using lower intensity lights often requires more fixtures.

K. Use shielded or cut-off luminaires to control glare.

L. Place lighting along pathways and other pedestrian-use areas at proper heights for lighting the faces of the people in the space and to identify the faces of potential attackers.

3.6.2 Natural Access Control

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space. By selectively placing entrances and exits, fencing, lighting and landscaping to limit access or control flow, natural access control occurs. The following strategies can be applied for natural access control in Downtown Colton:

A. Use a single, clearly identifiable, point of entry.

B. Places structures strategically so that people are naturally directed towards reception areas.

C. Incorporate maze entrances in public restrooms. This avoids the isolation that is produced by a waiting room or double door entry system.

D. Use low, thorny bushes beneath ground level windows.

E. Eliminate design features that provide access to roofs or upper levels.

F. In the front yard, use waist-level, picket-type fencing along residential property lines to control access and encourage surveillance.

G. Use a locking gate between front and backyards.

H. Use shoulder-level, open-type fencing along lateral residential property lines between side and back yards. They should be sufficiently unencumbered with landscaping to promote social interaction between neighbors.

3.6.3 Natural Territorial Reinforcement

Natural territorial reinforcement promotes social control through increased definition between private and public spaces, showing an improved proprietary concern for private spaces. An environment designed to clearly delineate private space does two things. First, it creates a sense of ownership. Owners have a vested interest and are more likely to challenge intruders or report them to the police. Second, the sense of owned space creates an environment where "strangers" or "intruders" stand out and are more easily identified. By using buildings, fences, pavement, signs, lighting and landscaping to express ownership and define public, semi-public and private space, natural territorial reinforcement occurs. Additionally, these objectives can be achieved by assignment of space to designated users in previously unassigned locations. The following strategies can be applied for natural territorial enforcement in Downtown Colton:

A. Maintain premises and landscaping such that it communicates an alert and active presence occupying the space.

B. Provide trees in residential areas. Research results indicate that outdoor residential spaces with more trees are seen as significantly more attractive, safer, and more likely to be used than similar spaces without trees.

C. Display security system signage at access points.

D. Avoid cyclone fencing and razor-wire fence topping, as it communicates the absence of a physical presence and a reduced risk of being detected.

E. Place amenities such as seating in common areas in a commercial or institutional setting helps to attract larger numbers of desired users.

F. Schedule activities in common areas increases proper use, attracts more people and increases the perception that these areas are controlled.

3.6.4 Maintenance

Maintenance is an expression of ownership of property. Deterioration indicates less control by the intended users of a site and a greater tolerance of disorder. The 'broken windows theory' is a valuable tool in understanding the importance of maintenance in deterring crime. Broken windows theory proponents support a zero tolerance approach to property maintenance, observing that the presence of a broken window will entice vandals to break more windows in the vicinity. The idea is that the sooner broken windows are fixed, the less likely it is that such vandalism will occur in the future. The following strategies can be applied for continued maintenance in Downtown Colton:

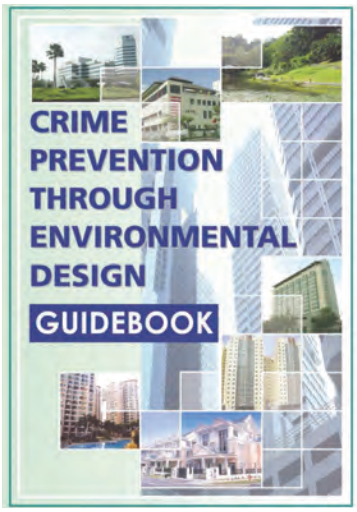
A. Keeping properties maintained by mowing grasses; trimming trees and landscaping; picking up trash; repairing broken windows, lights, fences, and similar features; and removing or painting over graffiti.

B. Routinely monitor locations prone to graffiti and implement rapid removal policies.

C. Hold community education events, such as a community paint-out or information session to get the community invested.

D. Use graffiti-resistant materials and surface colors to the extent possible.

You can find the National Crime Prevention Council's CPTED Guidebook on their website at: http://www.ncpc.org.sg/cpted.html. Appendix A of the Guidebook consists of a checklist of questions to use when reviewing projects, that provides an initial CPTED review for the project.



Using a single, clearly identifiable point of entry assists with natural access control.

The broken windows theory states that keeping properties maintained deters crime, because it shows that the community cares for the space.

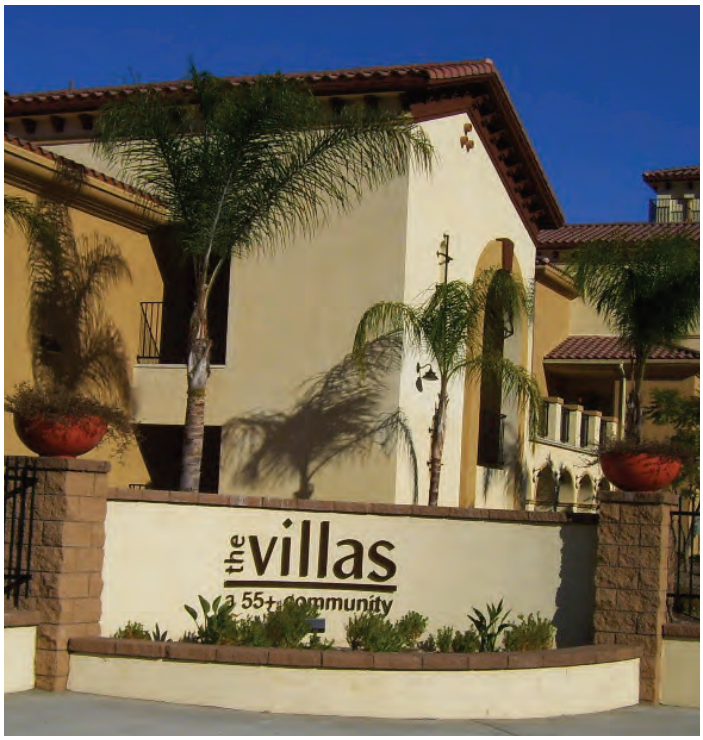
Use the least sight-limiting fence appropriate for the situation.

3.7 AFFORDABLE HOUSING INCENTIVES

The City of Colton currently accommodates a range of affordable housing. According to the 2013 Housing Element of the General Plan, low rents, low purchase prices, and the age of existing housing stock have created entire neighborhoods where virtually any unit is an affordable to lower-income household.

3.7.1 Colton General Plan Housing Element

Within the Downtown area, the Housing Element identifies four vacant sites and seven underutilized residential sites as shown in **Figure 3.2 – General Plan Residential Sites Inventory**. Two of the identified underutilized residential sites are called out as mixed-use opportunity sites (see Figure 2.2). One of the vacant sites identified is the site of the Villas, a 120-unit mixed-income senior housing complex located east of La Cadena Drive, between E and F streets, that was completed in early 2014. The Downtown area provides opportunities to implement some of the Housing Element goals, as a part of this, incentives are an important factor in seeing those come to fruition. The Housing Element calls out the following areas with incentives to develop affordable housing:



The Villas brought 120 affordable housing units to Colton.

Source: City of Colton General Plan Housing Element Figure H-4. (Not to scale)

FIGURE 3.2 - GENERAL PLAN RESIDENTIAL SITES INVENTORY

- Create opportunities for the development of higher-density housing, through homeownership programs, density bonuses, and mixed-use development zoning.
- Provide adequate housing sites, through recycling of underutilized properties, lot consolidation assistance, and updating the Zoning Code development standards to encourage higher density development.
- Remove governmental constraints, through updating the Zoning Code to encourage higher-density development and allow flexibility to encourage a variety of housing types, amending the Zoning Code and providing initiatives for extremely low-income and special needs housing, streamlining of permit processing, amending the Zoning Code to ensure that parking requirements do not constrain the development of housing, and continuing to monitor sites to accommodate affordable housing.

3.7.2 Colton Density Bonus Ordinance

Substantial incentives are provided under the Density Bonus Ordinance (Section 18.48.170 of the Colton Municipal Code), and include the following:

- Reductions in site development standards or modifications to architectural design requirements including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
- Approval of Mixed-Use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.
- Other regulatory incentives or concessions proposed by the applicant or the City, potentially including utility-related incentives, that result in identifiable, financially sufficient, and actual cost reductions.
- Priority processing of a housing development that qualifies for a density bonus based on income-restricted units.

The purpose of the Density Bonus Ordinance is to carry out the legislative requirements and comply with State density bonus law, California Government Code (CGC) Section 65915. The State law includes certain quantified incentives, such as those outlined for parking in the following section.

3.7.3 State Law on Parking Incentives

CGC Section 65915, the State density bonus law, includes incentives for affordable housing. Section 65915(p) provides specific parking incentives, allowing for reduced on-site parking compared to what would typically be required by the Zoning Code:

- (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) [of CGC Section 65915], that exceeds the following ratios:
    - (A) Zero to one bedroom: one on-site parking space.
    - (B) Two to three bedrooms: two on-site parking spaces.
    - (C) Four and more bedrooms: two and one-half parking spaces.
- (2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.
- (3) This subdivision shall apply to a development that meets the requirements of subdivision (b) [of CGC Section 65915] but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d) [of CGC Section 65915].

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complete streets

COLTON DOWNTOWN DESIGN MANUAL

LANE

4.0 COMPLETE STREETS

4.1 INTRODUCTION

An important factor in the Downtown is mobility, and identifying how improvements can be made to existing mobility facilities in a manner that fulfills the goals and vision of the General Plan, regional plans, and the community. This chapter focuses on providing a broader complement of mobility options and better integration of land use and mobility concepts. Beautification is also a key companion element in the revitalization of the Downtown area, which is addressed in Chapter 5.0, Streetscapes and Placemaking.

4.2 COMPLETE STREETS

Complete streets is a nationwide movement that began in the early 2000s, intended to integrate pedestrian, bicycle, motorist, and transit use in the planning, design, construction, operation, and maintenance of transportation networks. According to the Colton General Plan Mobility Element, "Complete Streets is that the overall street system provides an integrated network that connects all parts of the City by all transportation odes, and that allows all users to move safely and conveniently." The priority of use can be different for individual streets and even street segments, depending on location, primary use, and other factors. For example, the Design Manual recommends pedestrian improvements are given the priority on La Cadena Drive and H Street, whereas bicyclist circulation is emphasized on 7th, 9th, and G Streets. La Cadena Drive and Valley Boulevard are identified as multi-modal, as is the rail trail portion of Colton Avenue.

This concept can be seen in the General Plan Mobility Element, with different roadways identified by typology as multi-modal, transit, bicycle, pedestrian, or regional access. The Design Manual provides a detailed lens on the Downtown area, beyond what is reflected in Figure M-1 of the Mobility Element. **Figure 4.1 – Complete Streets Network** illustrates existing and future circulation facilities including the vehicular network with street typology and classification, including alleys, bicycle networks, pedestrian networks including paseos, and transit networks within the Design Manual area.

FIGURE 4.1 - COMPLETE STREETS NETWORK

Omnitrans currently provides two bus routes in the Downtown.

Omnitrans bus stop by the Civic Center.

4.2.1 Bus Facilities

Existing bus routes include Omnitrans' Routes 1 and 19. Route 1 has multiple stops along Mt. Vernon Avenue and Valley Boulevard. Route 19 has one stop at the La Cadena/Valley Boulevard intersection. These bus stops and routes allow residents and workers to access neighboring communities for work, shopping, and other purposes.

Proposed Omnitrans Bus Rapid Transit (BRT) Holt Line is planned to run through the Downtown, along Colton Avenue, turning south on 10th Street, then west on Valley Boulevard. The addition of the Holt Line will further connect Downtown Colton to other parts of Colton and neighboring communities, making it easier for Downtown residents to access employment and for neighboring community residents to gain employment at Downtown Colton businesses.

Proposed Omnitrans multi-modal transit station is recommended to be located on the west side of 10th Street, between G and H Streets. This location is recommended as it is centrally-located and adjacent to existing and identified future pedestrian and bicycle facilities, and the proposed BRT Holt Line.

In addition, the Mobility Element calls for a possible **Metrolink rail station** as a part of Colton's vision for mobility, and shows the location to be on La Cadena Drive south of Fogg Street in South Colton. Bus service from the multi-modal station could link to this future rail station, providing further mobility options.

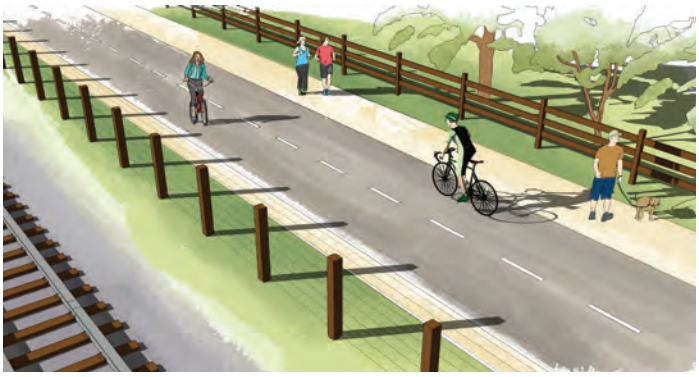
Implementation of a multi-modal transit station, potentially providing access to major railways, would greatly improve access to and from Colton, and specifically would provide a nexus for the Downtown area to blossom again into a bustling hub of urban activity.

4.2.2 Bicycle Facilities

Existing bike facilities include a Class II Bike Lane, a lane with on-street striping, on 9th Street from Valley Blvd to G Street and on G Street from 9th Street to 10th Street as well as a Class III Bike Route running the length of Valley Boulevard Corridor.

Proposed Class II Bike Lanes are on 7th, 9th, G, and C Streets. These roadways have been identified for bike lanes as they create a grid pattern connecting existing and proposed bike facilities, as well as providing access to Downtown commercial areas, residential neighborhoods, and to proposed transit facilities. Additional bicycle facilities will provide additional, safer access between residential neighborhoods and Downtown, where connections to bus service are available. Some recommendations for bicycle facilities differ from what is called for in the General Plan as follows:

- Addition of planned Class II Lane along 9th Street between C and G Streets. The intent behind this recommendation is to provide an additional connection between the planned Class II Lane along C Street and the Class III Routes in the southern portion of the Downtown area.
- Deletion of planned Class III Route along La Cadena Drive between C Street and Valley Boulevard. The intent behind this recommendation is to focus La Cadena Drive as a pedestrian corridor, and the adjacent streets as Class III Routes with connections at C and G Streets and Valley Boulevard.
- Some of the planned facilities within the Downtown area identified in the General Plan have been implemented since adoption, including the Class III Route along 9th Street between G Street and Valley Boulevard and the Class III Route along G Street between 9th and 10th Streets.



CLASS I BIKE PATH

CLASS II BIKE LANE

CLASS III BIKE ROUTE

Illustrative renderings of bicycle facility classes.

Pedestrian corridors focus on providing a safe and pleasant environment for walking around Downtown.

4.2.3 Pedestrian Corridors

Pedestrian corridors are proposed along the length of La Cadena Drive in the Downtown and H Street between 7th Street and Cottage Lane. Imagine walking down tree-lined streets with plenty of shade, benches for resting along the way, and safe crosswalks for moving around Downtown. Ride your bike into Downtown and leave it safely locked to a bike rack to stroll the sidewalks and enjoy an evening meal at one of the outside dining restaurants, with live acoustic music playing past sunset. This is the vision for the proposed pedestrian corridors identified in the Design Manual.

Paseo improvements and associated features are proposed along Cottage Lane between Colton Avenue and 12th Street and between H Street and Valley Boulevard; and in the middle of the block bound by La Cadena Drive, H Street, 7th Street, and Valley Boulevard. Paseos should be designed solely for pedestrian use in a manner that deters vandalism and loitering. **Figure 4.2 – Conceptual Paseo Sketch** shows paseo improvements that could be implemented to the existing Cottage Lane paseo near Valley Boulevard.

FIGURE 4.2 - CONCEPTUAL PASEO SKETCH

4.2.4 On-Street Parking

Diagonal parking is proposed along La Cadena Drive between F and H Streets and along H Street between La Cadena Drive and 9th Street. The benefits of diagonal parking are additional parking spaces for more access to Downtown businesses.

Paseo Improvements

Paseo improvements proposed in the Downtown.

Pedestrian Corridor (Diagonal Parking)

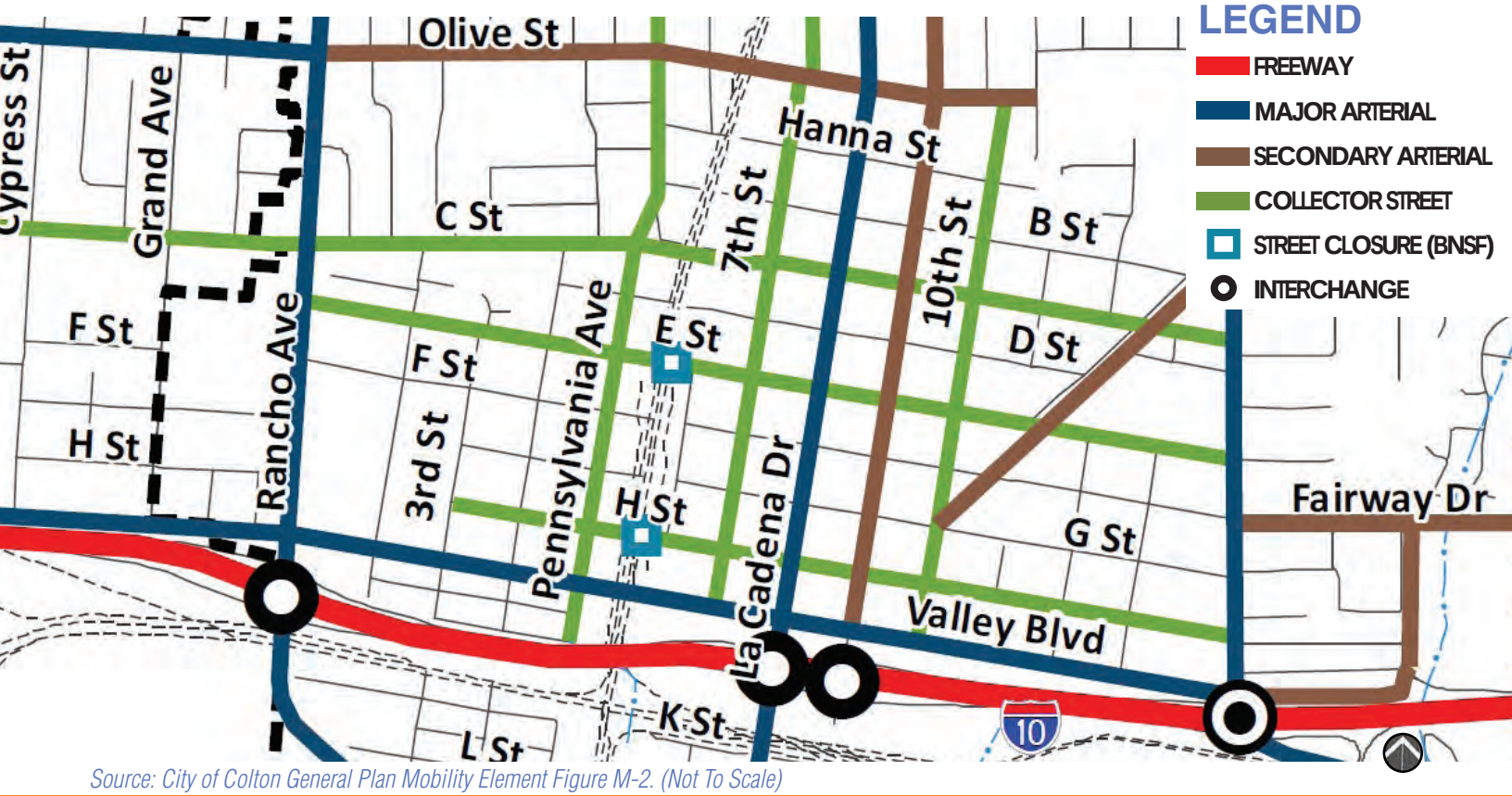
Diagonal parking proposed in the Downtown.

Diagonal parking and pedestrian corridors create improved access to Downtown amenities, parks, and businesses.

4.3 STREET CLASSIFICATION

Within the Downtown area, there are streets that have differing functions, such as arterials and collectors. These street classifications and their primary functions are detailed below, in keeping with the Mobility Element, and can be seen in **Figure 4.3 – General Plan Street Classifications**. No changes to any street classifications are proposed.

- **Arterial** - Designed to move large volumes of traffic, linking freeways with local streets and providing access between cities and subregions. They carry high traffic volumes and are designed for high speeds, and provide routes for regional transit. Major arterials may also serve as primary truck routes. On-street parking may be prohibited during peak periods or continuously to allow the street to perform as planned. Secondary Arterials provide access within the City, connecting traffic to districts and neighborhoods in Colton. Designed for intermediate speeds, secondary arterials accommodate on-street parking during most of the day. Within the Downtown area, primary arterials include La Cadena Drive, Valley Boulevard, and Mt. Vernon Avenue and secondary arterials include Colton Avenue and 9th Street.
- **Collector** - Provide a transition between local streets and higher-speed arterial roadways. These roadways are often designed for low speeds and generally provide on-street parking. Within the Downtown area, collectors include C, E, H, 7th and 10th Streets.
- **Local** - Neighborhood roadways designed to provide vehicular, pedestrian, and bicycle access throughout the City. They are intended to carry low volumes of traffic at low speeds and allow on-street parking. Traffic-calming measures can be implemented to discourage or prevent through traffic. The Zoning Code defines a local street as "any street serving as the principal means of access to property, other than a major or secondary highway or major traffic street." Within the Downtown area, local streets include D, F, G, 6th, 12th and 13th Streets.
- **Alley** - The Zoning Code defines as an alley as "a public or private way, at the rear or side of property, permanently reserved as a means of vehicular access to abutting property." Within the Downtown area, alleys are often not named; however are typically located in the middle of blocks running east-west.



Source: City of Colton General Plan Mobility Element Figure M-2. (Not To Scale)

FIGURE 4.3 - GENERAL PLAN STREET CLASSIFICATIONS

5

streetscapes and placemaking

COLTON DOWNTOWN DESIGN MANUAL

5.0 STREETSCAPES AND PLACEMAKING

5.1 INTRODUCTION

Streetscapes are a vital part of any community and have an important impact on communal spaces where people come together. Downtown Colton has strong bones to improve upon in order to make places that are comfortable, inviting, and current - establishing a sustainable and healthy environment for visitors and residents alike to enjoy.

Streetscapes are a vital part of any community and have an important impact on communal spaces where people come together.

5.2 STREETS AS SHARED PUBLIC SPACES

Street corridors are the heart of a community, the most fundamentally shared public space, and provide an opportunity to celebrate individual neighborhood characteristics, develop a comprehensive 'shared public space' concept, and support a varied-array of multi-modal transportation options. Functioning corridors enhance the quality of adjacent neighborhoods, walkability, connectivity, and accessibility to goods and services. The following sections describe proposed streetscapes for the areas defined within **Figure 5.1 – Perspective Location Map**. The streetscape perspectives illustrate street to building relationships, pedestrian corridors including walkable paseos and sidewalks, bicycle facilities, and verge areas. A verge is typically a narrow strip of grass or landscaping located between the roadway and sidewalk, also commonly referred to as a parkway.

For the purposes of the Downtown area, four different perspectives are illustrated and include typical plant palettes, design features, and identify specific areas such as those for dining, walking, parking, bicycling, and planting. The perspectives apply to different roadways depending on the function and intended use of the corridor so that each has a specific role and identity, and so that it contributes to the neighborhood's character while supporting specific, functional requirements. Included in each of the following sections are two perspectives for each corridor, an existing and a proposed perspective, reflecting a typical treatment recommended for improvements appropriate to the function of the individual roadway.

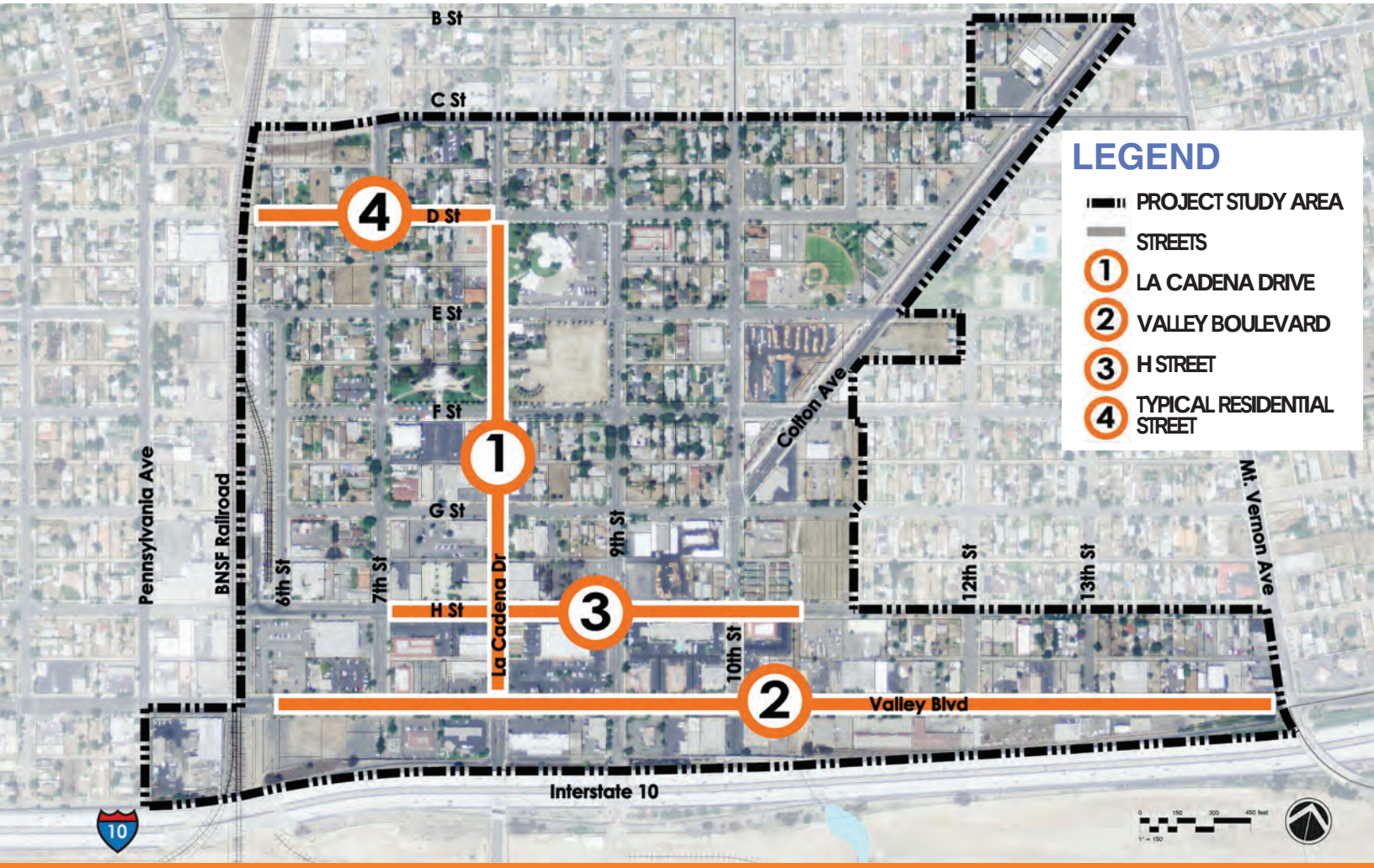
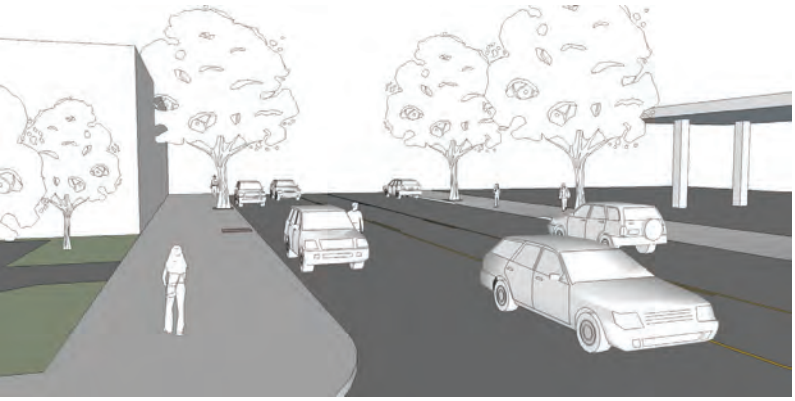


FIGURE 5.1 - PERSPECTIVE LOCATION MAP

5.2.1 La Cadena Drive (Valley Blvd to D Street)

La Cadena Drive is envisioned as the primary Downtown shopping and dining street that promotes pedestrian activity. This perspective reflects the section of La Cadena Drive between G and the mid-block alley before H Street. The existing roadway includes one-lane of vehicular travel in both directions, parallel parking on both sides, minimal tree planting, and no landscaping. The following improvements will create a pleasant human-scale experience:

- Enhanced pedestrian crosswalks and bulbouts at intersections and/or midblocks to reduce the travel distance for pedestrians that are crossing at intersections, improve safety, and provide additional opportunities for landscaping;



Existing perspective sketch of La Cadena Drive.

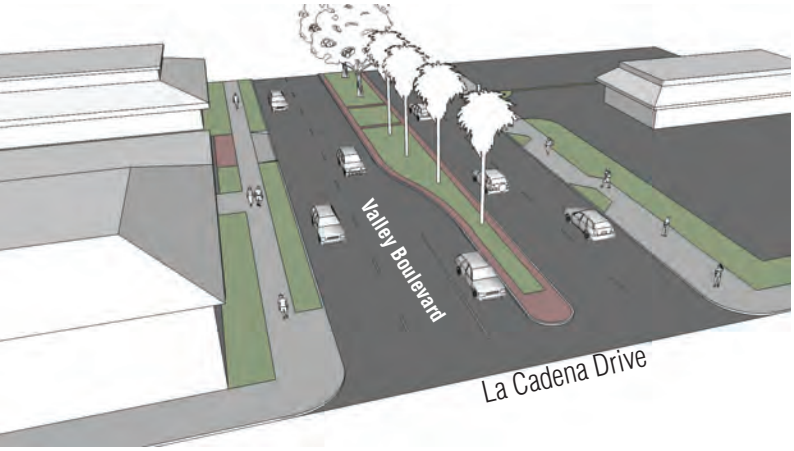
- Bulbout lengths that are at least equal to the width of the crosswalk, but optimally extended to the advanced stop bar;
- Where application of a curb extension adversely impacts drainage, curb extensions may be designed as edge islands with a 1-2 foot gap from the curb or a trench drain;
- Street trees of various colors in bulb out wells to create an enclosed and softened feel and provide shade for pedestrians;
- Diagonal parking on the west side of the street, to allow for easy access to businesses and services;
- Landscaping in bulb outs, around trees, and at key access points for visual interest;
- Streetscape amenities such as benches, trash receptacles, lighted bollards, and enhanced crosswalks;
- Historical markers at the La Cadena Drive/Valley Boulevard intersection to celebrate Colton's rail and packing heritage; and
- Sidewalk dining to create a lively downtown atmosphere, accompanying retail, civic, and cultural activities, thereby improving the Downtown business climate.

Proposed perspective sketch of La Cadena Drive.

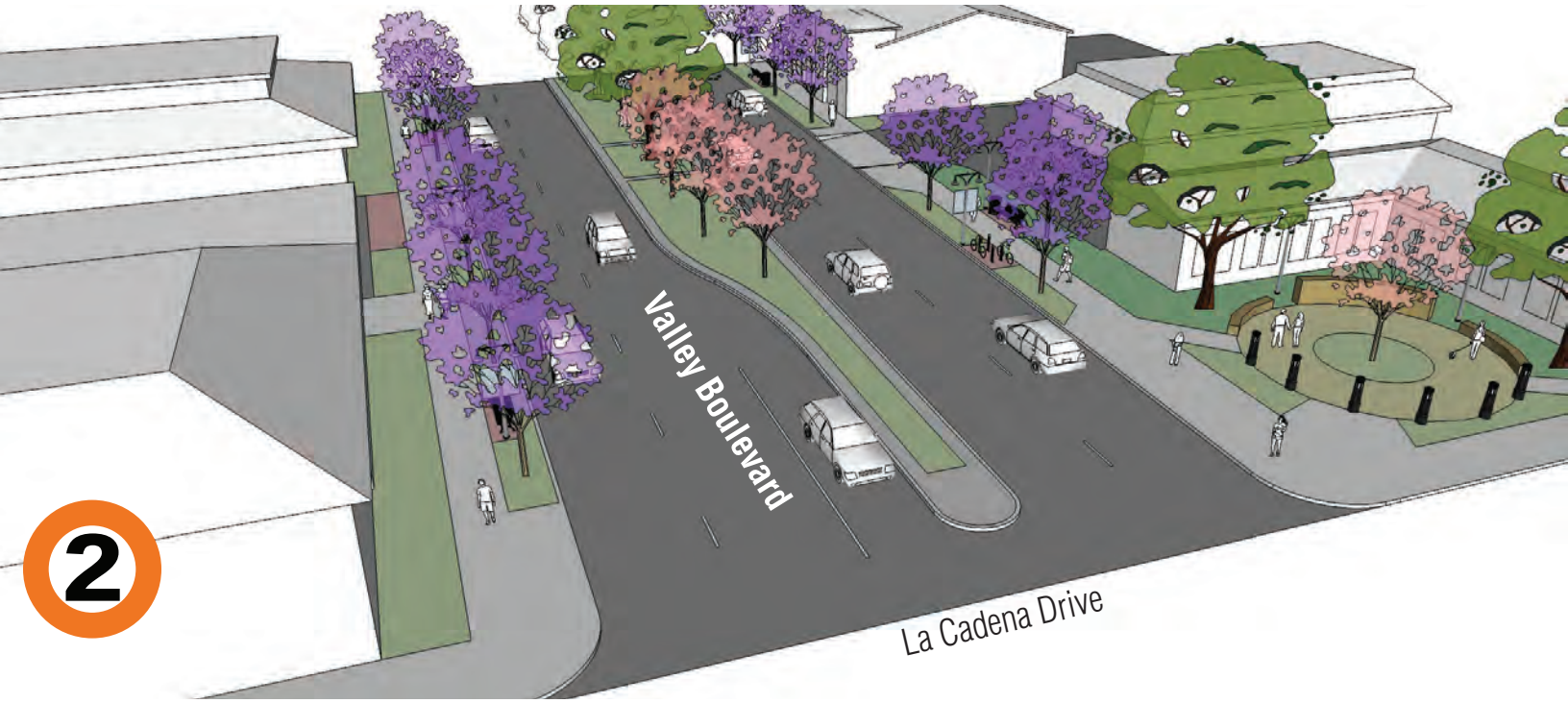
5.2.2 Valley Boulevard (6th Street to Mt. Vernon Avenue)

While Valley Boulevard is primarily dominated by the vehicle, the proposed enhancements will humanize the street and make it more attractive for all types of users including pedestrians and cyclists. This perspective reflects the section of Valley Boulevard between 9th and 10th Streets, which is a two-way double-lane roadway, with no on-street parking. The existing public area includes a tapered median with various tree types including palm trees, sidewalks on both sides of the street, and a large paved corner area west of the La Cadena intersection. The proposed improvements include:

- Replacement of palm trees with a flowering tree species that provide color and shade;
- Additional streets trees on both sides of the street, with differing colored flowering species to add visual interest and enhanced pedestrian environment;
- Streetscape amenities such as a benches, bicycle parking facilities, lighted bollards, and trash receptacles;
- The corner lot at Valley and La Cadena Drive should be improved with a community gathering space, with seating areas, trees and landscaping. This could also be an opportunity site for a public art installation and/or a historical marker, potentially celebrating the railroad and frontier history of Colton;
- Sidewalk dining to create a lively atmosphere along Valley Boulevard, accompanying retail activities, thereby improving the business climate; and
- The placement of gathering spaces shall be discouraged adjacent to vacant lots and blighted properties.



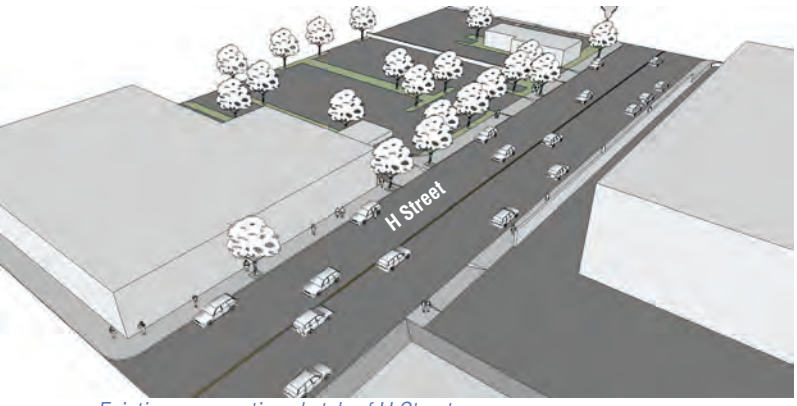
Existing perspective sketch of Valley Boulevard.



Proposed perspective sketch of Valley Boulevard.

5.2.3 H Street (7th Street to Paseo east of 10th Street)

H Street is envisioned as an east-west pedestrian corridor that will connect the multi-use trail to the Downtown core. This perspective reflects the section of H Street between La Cadena Drive and 9th Street. The existing condition includes one-lane of vehicular travel in both directions, parallel parking and narrow sidewalks on both sides of the street, limited tree plantings on the north side of the street, no trees on the south side, no landscaping on either side, and a short masonry wall between the south side sidewalk and Stater Brothers parking lot. The proposed improvements include:



Existing perspective sketch of H Street.

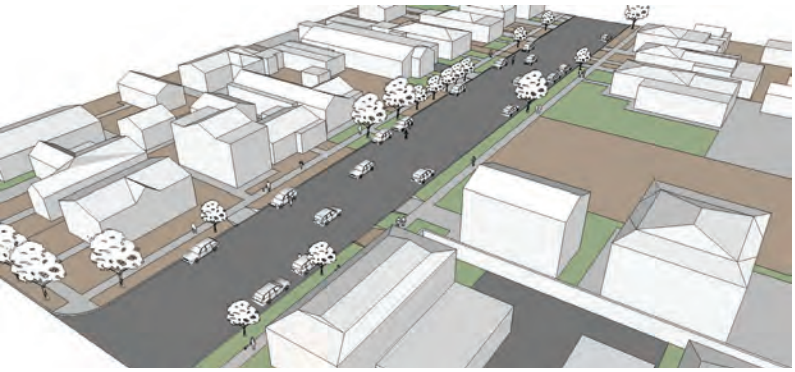
- Reduction of roadway width to allow for one lane of traffic in each direction and parallel parking on the south side of the street;
- New diagonal parking on the north side of the street, including diagonal parking pockets separated by parking lot entrances enhanced with planted bulb outs and bicycle parking facilities;
- A landscaping strip on the south side of the street and new tree wells and landscaped bulb outs on the north side;
- Enhanced pedestrian crosswalks and bulbouts at intersections and/or midblocks to reduce the travel distance for pedestrians that are crossing at intersections, improve safety, and provide additional opportunities for landscaping;
- Bulbout lengths that are at least equal to the width of the crosswalk, but optimally extended to the advanced stop bar;
- Where application of a curb extension adversely impacts drainage, curb extensions may be designed as edge islands with a 1-2 foot gap from the curb or a trench drain; and
- Streetscape amenities such as a benches, bicycle parking facilities, lighted bollards, and trash receptacles.

Proposed perspective sketch of H Street.

5.2.4 Downtown Neighborhood Streets

Residential streets within Downtown are wide, vehicle dominated and many lack trees and pedestrian enhancements. The illustration reflects a typical Downtown neighborhood street section and it represents D Street between the BNSF Railroad and 7th Street. As shown in the perspective, public rights-of-way in these single-family residential areas tend to be wider than what is typical of residential single and medium density residential neighborhoods. The existing condition typically contains one-lane of vehicular travel in both directions, parallel parking on both sides of the street, and paved areas between the sidewalk and edge of roadway on both sides of the street. The proposed improvements include features to create an enhanced street with a more pleasant pedestrian environment, including the following:

- An increase of drought-tolerant landscaping in verges;
- An increase of street trees to provide privacy and a softening of the public areas;
- Crosswalks to provide safe pedestrian circulation;
- A traffic circle at intersections, to slow vehicular traffic and provide a feature for tree planting and landscaping; and
- Curb bulbouts to reduce the curb-to-curb width of the roadway to reduce the travel distance for pedestrians that are crossing at intersections and provide additional opportunities for landscaping.



Existing perspective sketch of a typical Downtown neighborhood street.

Proposed perspective sketch of a typical Downtown neighborhood street.

5.2.5 Streetscape Elements

Streetscape elements are also an important piece of the puzzle when it comes to developing an identity and enhanced pedestrian experience for a community. Elements such as lighting, street furnishings, and landscaping features can enhance a space so that it can be used to its fullest potential. The streetscape elements identified for the Downtown area are intended to celebrate the historic character of Downtown Colton, and are reflective of existing fixtures found in the Downtown. Replacements/substitutions of streetscape elements are acceptable if substantially similar alternatives are used.

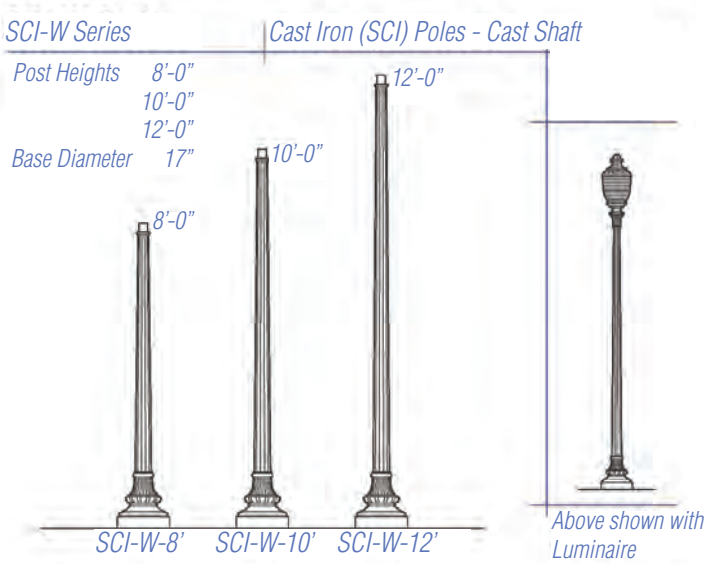
Lighting

Reminiscent of historic lighting, similar to the fixtures along Mount Vernon Avenue, with one and two luminaires depending on the location. Energy-efficient and hooded to the extent feasible.

The fixtures to the top right, that are reminiscent of a historic design aesthetic, are intended to be implemented on all streets in the Downtown area, and the fixtures to the right are intended for use along the Valley Boulevard corridor.

Lighting Fixtures

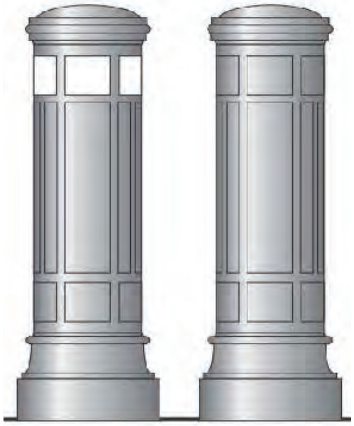
South Coast Lighting & Design: Newhall Family, Sentry Electric: SCI-W Series.



Downtown Area Fixtures (La Cadena Drive, H Street, and neighborhood streets)

Valley Boulevard Corridor Fixtures

Existing light fixtures should inspire models used for new and replacement fixtures, matching their historic nature.



Street Furnishings

Street furnishings such as benches, trash receptacles, bike racks, and bollards can reinforce a theme or character of place. Furnishings in Downtown should capture the desired historic rail theme.

Bench

Victor Stanley Classic Collection CBF-10.

- Steel slats with cast iron ends.
- Available in 4, 6, or 8 foot lengths.
- Surface Mount.
- Dark colors such as black, green, bronze.
- Optional intermediate armrests.

Trash Receptacle

Victor Stanley Protone Collection PSA-32 Steel.

- Available in 23 or 36 gallon receptacles.
- Variety of lid options.
- Dark colors such as black, green, bronze.

Bike Rack

Victor Stanley Sentry Collection BRNS-301.

- Tubular steel pipe with central steel plaque with optional design.
- Recommended for u-locks.
- 2 bike capacity.
- Dark colors such as black, green, bronze.
- Surface or in-ground mount.

Bollard

South Coast Lighting & Design: Nevada BOL305NL.

- Dark colors such as black, green, bronze.

Newspaper Rack

Custom-fabricated.

- Uniform design to consolidate newspapers, real estate flyers, and other newsletters.
- Paper storage area to be designed to hold a prefabricated newspaper dispenser.
- Dark colors such as black, green, bronze.

Public space furnishings will maintain the historic theme, with fixtures such as benches, bike racks, waste bins, and bollards tying spaces together to create a unified aesthetic.

5.2.6 Landscape Design and Maintenance

Landscaping creates a unified theme and an identity for the City and its various Downtown streets. Plant species can also provide beautification, stormwater management, improve air quality, reduce the heat island effect, create habitat, and create micro-climates.

Recommendations for streetscape landscaping are provided here and on the following pages, including tree and shrub and groundcover species. The following policies should be followed when approaching a landscape design and managing maintenance:

- Landscaping should be installed between the street and/or sidewalk edge and building face.
- Parkways should be a minimum of six feet wide, where feasible, to provide an adequate width for tree growth.
- Utilizing drought-tolerant and low-maintenances species are required pursuant to the City's Water Efficient Landscape Ordinance.
- Irrigation systems are required to be designed in compliance with the City's Water Efficient Landscape Ordinance.
- Irrigation equipment should regularly be checked by landscape maintenance crews to ensure optimal operations.
- Plant materials near crosswalks and driveways should be low-growing to maximize pedestrian visibility.
- Accent planting should be used around entries and key activity hubs.
- Median and parkway trees should have a high branching structure to avoid interference with vehicular traffic.
- Root barriers should be used in all planter locations at sidewalk edge to maximize root growth in the designated planter area.
- Trees and shrubs should be located and spaced to allow for mature and long-term growth.
- Trees should be evaluated on health and aesthetic quality. Trees which do not pass evaluation and do not contribute to the future vision for Colton, should be phased out and replaced at the time of streetscape improvements.
- Canopy trees are encouraged throughout the study area to provide shade.
- Plant species should be placed in areas with optimal conditions for growth to encourage lush landscapes.
- Landscape maintenance should be approached with the utmost care to ensure proper growth and longevity in the plant.
- Landscape maintenance should be considered during the design phase. For example, an 18-inch buffer should be established at all median edges for maintenance crew safety.
- Landscape maintenance should only be performed when necessary to avoid over pruning.
- Landscape maintenance should include a fertilization and mulching schedule and pest and disease control.
- Existing historical California Pepper trees shall be preserved.

It should be noted that in 1996 the City Council designated *Schinus molle* (California Pepper) trees over 50 years old located in the City rights-of-way as a historical resource. While the planting of new pepper trees is not recommended, the above policy applies to existing historic California Pepper trees located in public rights-of-way within the Downtown.

5.2.7 Landscape Palette

The landscape design for the Design Manual area incorporates several complementary tree, shrub, and groundcover palettes that will create a distinctive character and unified theme for each corridor. **Figure 5.2 – Landscape Palette Areas** shows landscape palette area locations that correspond to recommended species outlined later in this section. In addition to landscape improvements, the following improvements should be considered: pedestrian and streetscape lighting, wayfinding signage, pavement, and building facades. Generally, these improvements apply to all streetscape corridors in the Downtown.

As shown in the before and after images in **Figure 5.3 – Valley Boulevard Landscape Simulation**, a consistent plant palette should be implemented to create character and cohesion along the streetscape. Valley Boulevard has an existing median, small street tree wells, and inconsistent plantings. Some parkways have been paved over and filled in with asphalt.

Canopy trees with a high branching structure are recommended to create shade along the roadway. Street tree wells should be elongated to allow more planting and more root space for trees, as well as creating a softer edge. Parkways which have been paved over should be re-established as a landscape planter. A landscape buffer should

be maintained in the median, but should be updated to a more current material such as mulch, cobble, or decomposed granite.

Table 5.1 – Tree Palette and **Table 5.2 – Shrub and Groundcover Palette** on the following pages list permitted trees, shrubs, and groundcovers with corresponding height, spread, spacing, recommended location, and recommended corridors.

The palettes should be used to reference existing plants as well as allocate proposed plants along each corridor. Plant species should be selected appropriately for height, spread, and use, and should be placed where optimal growth conditions will ensure growth and longevity. Proposed plant species are recommended, but need to be further examined during review of future projects in street corridors. **Figure 5.4 – Tree Palette** and **Figure 5.5 – Shrub and Groundcover Palette** show examples of recommended species.

Certain existing tree and shrub and groundcover species in the Design Manual area should be removed at the time of landscape improvements for various reasons. These include but are not limited to: destructive root qualities, weak branching structures, poisonous, messy characteristics, high water use, and does not represent the vision for Downtown Colton.

Trees that are existing and should be removed at time of landscape improvements are: *Chamaerops humilis* (Mediterranean Fan Palm), *Cupaniopsis anacardiodes* (Carrotwood Tree), *Erythrina caffra* (Coral Tree), *Eucalyptus sideroxylon* (Red Ironbark Eucalyptus), *Ficus spp.* (Fig), *Syagrus romanzoffiana* (Queen Palm), *Washingtonia filifera* (California Fan Palm), and *Washingtonia robusta* (Mexican Fan Palm).

Shrubs and groundcover that are existing and should be removed at time of landscape improvements are: *Buxus japonicus microphyllus* (Japanese Boxwood), *Juniper spp.* (Juniper), *Nandina domestica* (Heavenly Bamboo), *Rhaphiolepis indica* (Indian Hawthorne), and *Tulbaghia violacea* (Social Garlic).

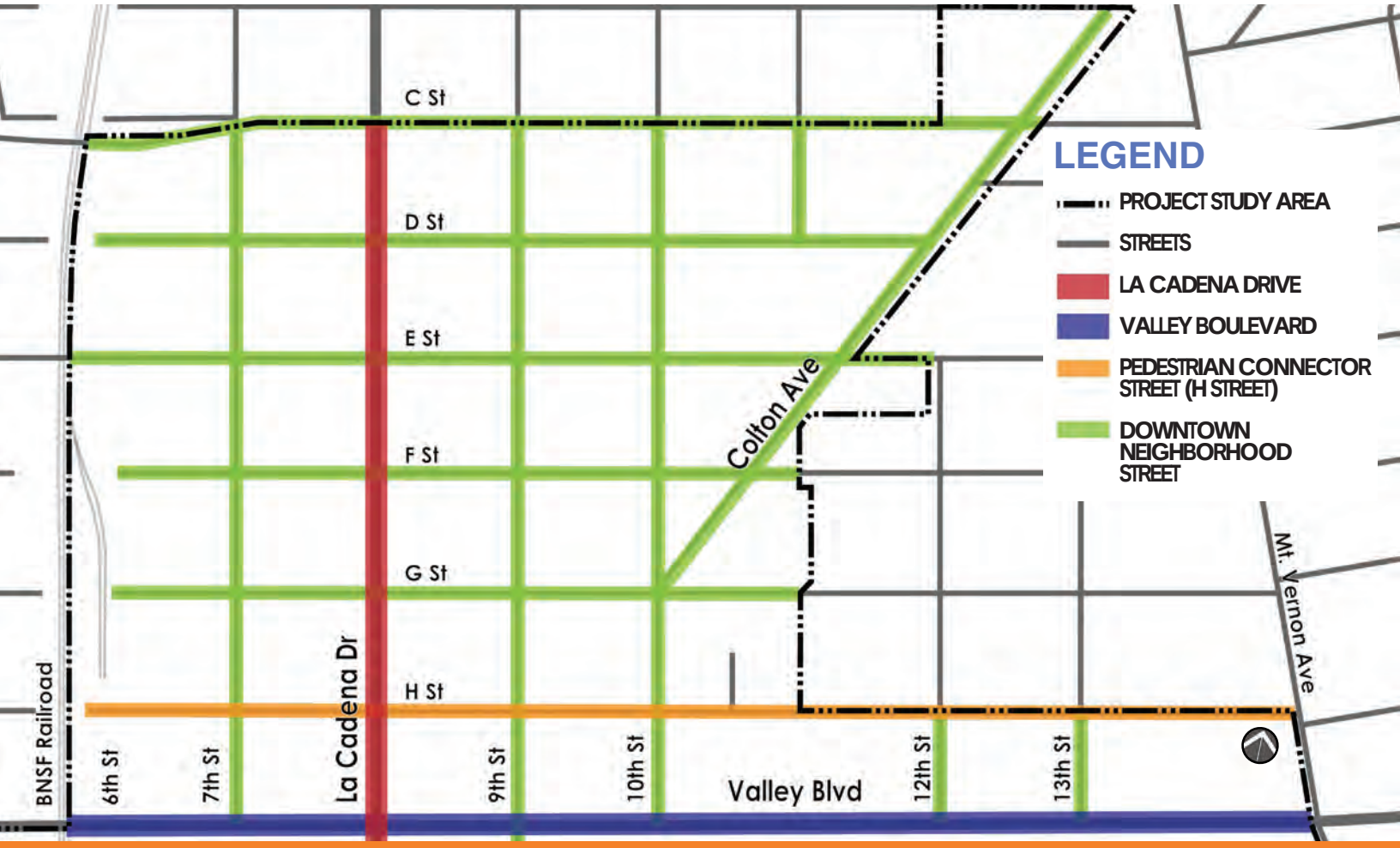


FIGURE 5.2 - LANDSCAPE PALETTE AREAS

EXISTING PERSPECTIVE

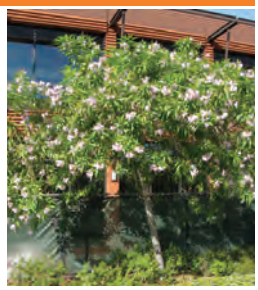
PROPOSED PERSPECTIVE

FIGURE 5.3 - VALLEY BOULEVARD LANDSCAPE SIMULATION

PRIMARY TREES

Cassia leptophylla
Golden Medallion Tree

Cercis canadensis
Eastern Redbud



x Chitalpa tashkentensis
Chitalpa

Jacaranda mimosifolia
Jacaranda

Koelruteria bipinnata
Chinese Flame Tree

Lagerstroemia indica
Crape Myrtle

Platanus racemosa
California Sycamore

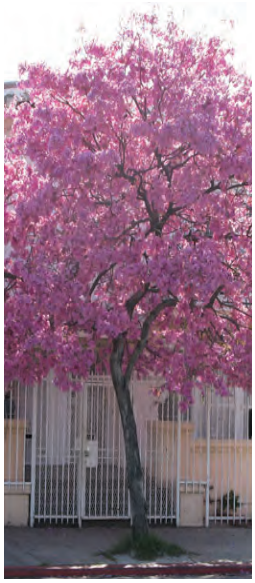
Magnolia grandiflora
Southern Magnolia

Pistacia chinensis
Chinese Pistache

Pyrus calleryana
Flowering Pear

Quercus agrifolia
Coast Live Oak

Ulmus parvifolia
Chinese Elm



Tabebuia impetiginosa
Pink Trumpet Tree

SECONDARY TREES

Chilopsis linearis
Dessert Willow

Cinnamomum camphora
Camphor Tree

Ginkgo biloba
Ginkgo

Hymenosporum flavum
Sweetshade

Liquidambar styraciflua
Sweetgum

Olea europaea
Fruitless Olive

Quercus ilex
Holly Oak

Quercus suber
Cork Oak

FIGURE 5.4 - TREE PALETTE

TABLE 5.1 - TREE PALETTE

Tree Species *Botanical Name* **Common Name**	SPECIFICATIONS													LOCATION			
	Height		Spread			Spacing			Median	Parkway	Accent	Gateway	Paseo	La Cadena Dr	Valley Blvd	Pedestrian Connector Street	Downtown Neighborhood Street
	<40'	>40'	<20'	20'-40'	>40'	20-30' O.C.	30-40' O.C.	40-60' O.C.									
Cassia leptophylla **Golden Medallion Tree**	●			●			●			●	●	●	●	Ⓟ			
Cercis canadensis **Eastern Redbud**	●			●			●		●		●	●	●		X	Ⓟ	
Chilopsis linearis **Desert Willow**	●		●			●			●		●		●				○
x Chitalpa tashkentensis **Chitalpa**	●			●		●			●		●		●			Ⓟ	Ⓟ
Cinnamomum camphora **Camphor Tree**		●			●			●	●	●				X			
Ginkgo biloba **Ginkgo**		●			●			●		●					X ○	○	○
Hymenosporum flavum **Sweetshade**	●		●			●				●	●		●			○	○
Jacaranda mimosifolia **Jacaranda**	●			●				●		●		●	●	X Ⓟ	X	X Ⓟ	X Ⓟ
Koelreuteria bipinnata **Chinese Flame Tree**	●			●			●			●				Ⓟ		Ⓟ	Ⓟ
Lagerstroemia indica **Crape Myrtle**	●		●			●			●	●	●	●	●	X	X Ⓟ	Ⓟ	X
Liquidambar styraciflua **Sweetgum**		●		●			●		●						○	X	X
Magnolia grandiflora **Southern Magnolia**		●			●			●		●		●	●	X	Ⓟ	X	X Ⓟ
Olea europaea **Fruitless Olive**	●			●				●	●	●	●		●				X
Pistacia chinensis **Chinese Pistache**	●			●				●		●			●		Ⓟ		
Platanus racemosa **California Sycamore**		●		●				●	●	●			●	Ⓟ		Ⓟ	X
Pyrus calleryana **Callery Pear**	●		●				●		●	●	●		●		○	Ⓟ	Ⓟ
Quercus agrifolia **Coast Live Oak**		●			●			●	●	●		●		Ⓟ			Ⓟ
Quercus ilex **Holly Oak**		●			●			●	●	●		●		X			○
Quercus suber **Cork Oak**		●			●			●	●	●		●		○			○
Tabebuia impetiginosa **Pink Trumpet Tree**	●			●			●		●	●	●	●	●	Ⓟ			
Ulmus parvifolia **Chinese Elm**		●			●			●	●	●		●			Ⓟ		

Legend: *X* = Existing Shrubs and Groundcover To Remain, Ⓟ = Primary Shrubs and Groundcover, ○ = Secondary Shrubs and Groundcover

TABLE 5.2 - SHRUB AND GROUNDCOVER PALETTE

Shrubs & Groundcover Species *Botanical Name* **Common Name**	SPECIFICATIONS													LOCATION			
	Height		Spread			Spacing			Median	Parkway	Accent	Gateway	Paseo	La Cadena Dr	Valley Blvd	Pedestrian Connector Street	Downtown Neighborhood Street
	<3'	>3'	<3'	3-5'	>5'	0-3' O.C.	3-5' O.C.	5-10' O.C.									
Agave spp. **Agave**	●	●	●	●	●	●	●		●		●	●		Ⓟ	x Ⓟ		
Aloe spp. **Aloe**	●	●	●	●	●	●	●		●		●	●		○		○	
Anigozanthos x 'Bush Ranger' **Big Red Kangaroo Paw**	●		●			●			●	●	●	●	●	Ⓟ	Ⓟ	Ⓟ	
Arctostaphylos 'Emerald Carpet' **Emerald Carpet Manzanita**	●			●			●		●	●			●	Ⓟ	Ⓟ	Ⓟ	Ⓟ
Arctostaphylos 'Pacific Mist' **Pacific Mist Manzanita**	●				●			●	●	●			●				○
Bougainvillea spp. **Bougainvillea**		●		●			●		●	●	●	●	●		x Ⓟ	x Ⓟ	x Ⓟ
Carissa macrocarpa **Natal Plum**	●			●			●		●	●			●		○		
Ceratostigma plumbaginoides **Dwarf Plumbago**	●		●			●			●	●			●	○		○	○
Cistus purpureus **Purple Rockrose**		●		●			●		●	●			●			○	
Cuphea hyssopifolia **Mexican Heather**	●		●			●			●	●		●	●	Ⓟ	Ⓟ	Ⓟ	
Dietes bicolor **Fortnight Lily**	●		●			●			●	●			●		x	x	x
Festuca idahoensis 'Siskiyou Blue' **Siskiyou Blue Fescue**	●		●			●			●	●	●		●	○		○	
Hemerocallis spp. **Day Lily**	●			●			●		●	●	●	●	●		x	x	x
Hesperaloe parviflora **Red Yucca**		●		●			●		●		●	●		x ○	○		
Lantana montevidensis **Lantana**	●			●			●		●	●	●	●	●	○		x	x
Lavandula spp. **Lavandar**	●		●			●			●	●	●	●	●	○		○	
Leucophyllum frutescens 'Compacta' **Compact Texas Ranger**		●		●			●		●	●		●	●				○
Mimulus 'Pumpkin' **Orange Monkey Flower**	●		●			●			●	●	●	●	●	○	○		
Muhlenbergia lindheimeri **Big Muhly**		●		●			●		●	●		●	●	○	○	○	
Muhlenbergia rigens **Deer Grass**		●		●			●		●	●		●	●	○	○	○	○
Phormium tenax **New Zealand Flax**		●		●			●		●	●		●		x			
Pittosporum tobira 'Turner's Variegated Dwarf' **Variegated Mock Orange**	●			●			●		●	●			●	x	x	x	x
Rosa x 'Noaschnee' **Flower Carpet White Groundcover Rose**	●		●			●			●	●	●	●	●	Ⓟ	Ⓟ	Ⓟ	
Rosmarinus officinalis **Rosemary**		●		●			●		●	●			●	○	○	○	○

Legend: x = Existing Shrubs and Groundcover To Remain, Ⓟ = Primary Shrubs and Groundcover, ○ = Secondary Shrubs and Groundcover

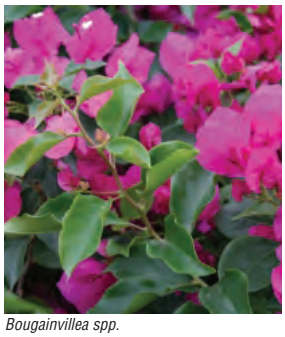
TABLE 5.2 - SHRUB AND GROUNDCOVER PALETTE

Shrubs & Groundcover Species *Botanical Name* **Common Name**	SPECIFICATIONS													LOCATION			
	Height		Spread			Spacing			Median	Parkway	Accent	Gateway	Paseo	La Cadena Dr	Valley Blvd	Pedestrian Connector Street	Downtown Neighborhood Street
	<3'	>3'	<3'	3-5'	>5'	0-3' O.C.	3-5' O.C.	5-10' O.C.									
Salvia clevelandii **Cleveland Sage**		●			●			●	●	●			●	○			○
Salvia mellifera **Black Sage**		●			●			●	●	●			●	○			○
Senecio serpens **Blue Chalksticks**	●		●			●			●	●	●	●	●	○		○	
Trichostema lanatum **Woolly Blue Curls**		●		●			●		●	●	●	●	●	Ⓟ	Ⓟ	Ⓟ	○
Verbena spp. **Verbena**	●			●			●		●	●	●	●	●	X	X	X	X
Yucca filamentosa **Adam's Needle**	●			●			●		●		●			○	○	○	
Zauschneria californica **California Fuschia**		●		●			●		●	●	●	●	●			○	○

Legend: *X* = Existing Shrubs and Groundcover To Remain, Ⓟ = Primary Shrubs and Groundcover, ○ = Secondary Shrubs and Groundcover

PRIMARY SHRUBS & GROUNDCOVER

Agave spp.
Agave


Bougainvillea spp.
Bougainvillea

Cuphea hyssopifolia
Mexican Heather

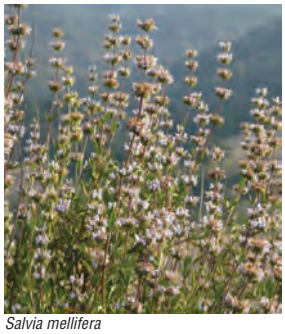
Rosa x 'Noaschnee'
Flower Carpet White Groundcover Rose

Trichostema lanatum
Woolly Blue Curls

SECONDARY SHRUBS & GROUNDCOVER

Arctostaphylos 'Emerald Carpet'
Manzanita

Muhlenbergia rigens
Deer Grass


Salvia mellifera
Black Sage

Senecio serpens
Blue Chalksticks

Yucca filamentosa
Adam's Needle

FIGURE 5.5 - SHRUB AND GROUNDCOVER PALETTE

5.3 PUBLIC SPACES

5.3.1 Public Space Hierarchy and Connectivity

Public spaces can take different forms that serve different functions; for example, parks are typically the largest public spaces, ranging in size from small pocket parks to much larger passive open space parks that can cover many acres. Plazas are also a unique type of public space that are typically a central meeting spot located generally in an urban setting. Paseos are yet another form of public space that are linear in nature. Paseos are pedestrian corridors that typically are located within a block and provide opportunities to connect streets, parking areas, plazas, parks, and other public spaces.

Policies

- Public and private development should look for opportunities to provide additional parks, plazas, paseos, and other public spaces to foster connectivity, community interaction and gathering spaces, and providing outdoor recreation and circulation facilities.

5.3.2 Tactical Urbanism

Tactical urbanism is a term used for often temporary and inexpensive community-based interim uses for public areas, private businesses, and community buildings. Examples include conversion of on-street parking to a parklet often used for outdoor dining seats, or a barklet, which some cities have implemented for use as a small dog park. With the popularity of pop-up events, many cities are implementing programs to benefit the community by allowing under-utilized properties to host temporary events, such as pop-up restaurants or retail fairs. This concept should be encouraged within the Downtown to promote activity and social engagement.

Policies

- Underutilized and/or blighted properties should be used for the City to pilot temporary projects such as pop-up events and non-profit and/or community advertising.
- Consider use of parking spaces for temporary and/or long-term use as a parklet.

Features such as Fleming Park, outside dining, and nicely landscaped walkways bring the community together, creating gathering spaces for events and beautifying the Downtown core.

5.3.3 Community Events

Community events are a time when friends can come together, families can enjoy their neighborhoods, and new connections can be made. By implementing the vision of the Design Manual, the stage can be set for new community events to be hosted Downtown, as well as expanding already occurring events, such as the summer concerts in Fleming Park.

Policies

- The City should coordinate with local non-profits, the Chamber of Commerce, and other organizations to add more community events Downtown, such as a farmer's market, car cruise, local food tasting, art walk, and other similar events.

Fleming Park provides a beautiful, central space for community events.

Farmer's markets are one type of community event to bring people together and celebrate local businesses.

5.4 GATEWAYS AND PUBLIC SIGNAGE

5.4.1 The Importance of Identity

Establishing the community character/theme, gateway locations, and incorporating wayfinding signage is important to Downtown Colton so that a connected and uniform identity can surface. This identity allows people to easily find their way around Downtown. Additionally, uniform signage can draw people into the Downtown and facilitates easy navigation to local businesses, parks, tourist-destinations, and other uses that may be secondary to their visit. This has the potential to have a positive economic benefit on the Downtown and businesses. **Figure 5.6 – Gateway Location Map** illustrates the recommended locations for the primary gateway and secondary gateways.

Easily-understandable signage can draw people into Downtown.

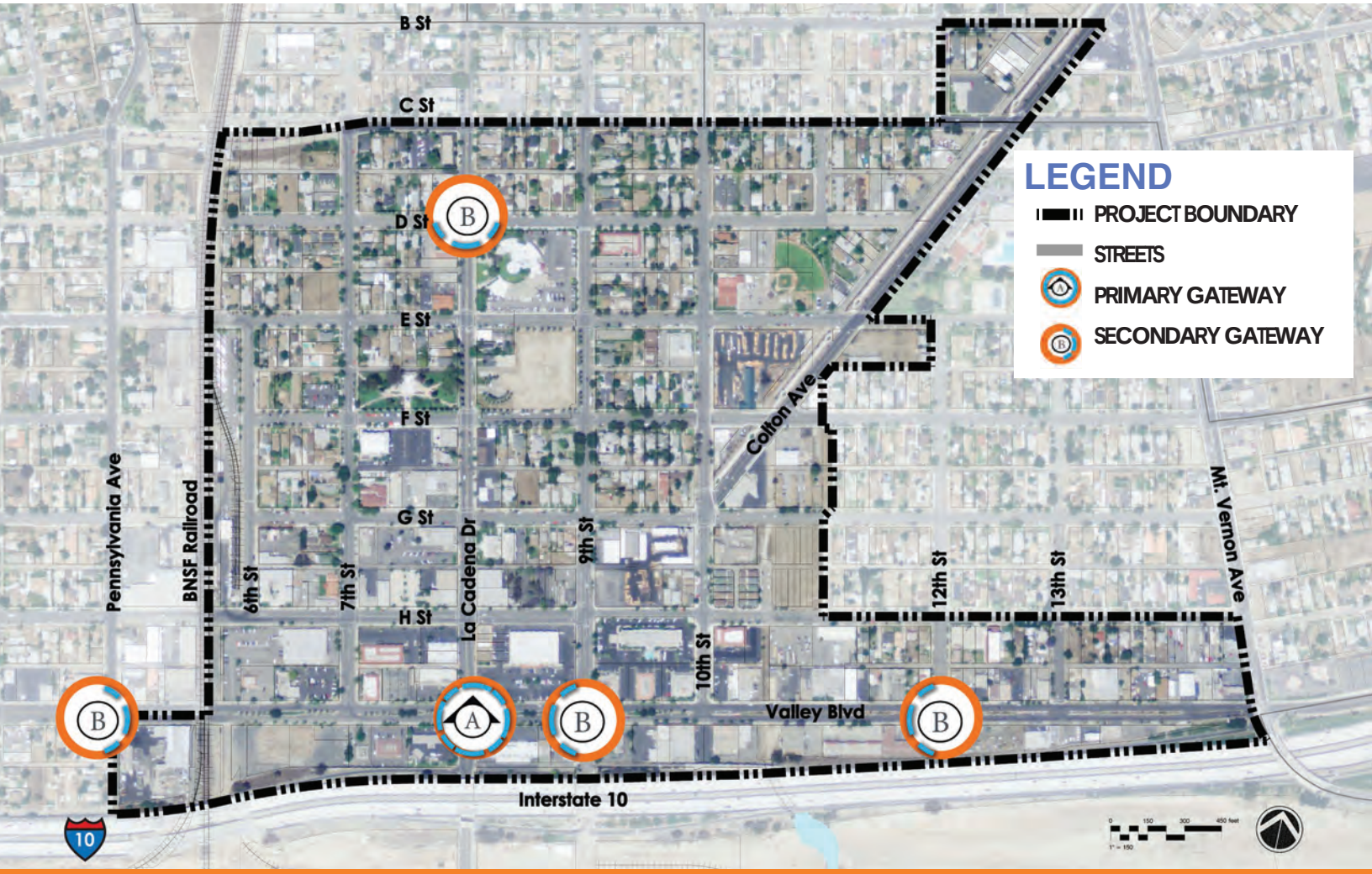


FIGURE 5.6 - GATEWAY LOCATION MAP

5.4.2 Proposed Gateways

Primary Gateway

A primary gateway will welcome residents and visitors alike, and should be designed in a way to be visible from the freeway and to clearly let drivers know that they are entering Downtown Colton.

Figure 5.7 – Conceptual Primary Gateway Sketch illustrates a conceptual design for the gateway, which is intended to be installed with enhanced paving, public art, historic lighting, and improved crosswalks located at La Cadena Drive on the north side of the Valley Boulevard intersection.

This intersection is the main entry point where visitors will drive into the Downtown area, after existing Interstate 10 at 9th Street and Valley Boulevard, or Rancho Avenue and Valley Boulevard, where residents will mainly head into the Downtown area from Valley Boulevard from the east and west, and from South Colton.

As this location is also the primary connection to south Colton from the Downtown. As such, the south facing side of the gateway provides an opportunity to welcome residents and visitors to south Colton. Many Colton residents feel that there has historically been a divide between south Colton and the rest of the city, and have expressed the desire to link south Colton and the Downtown. A gateway and wayfinding signs placed at key points provide an opportunity to bridge these areas.

FIGURE 5.7 - CONCEPTUAL PRIMARY GATEWAY SKETCH

The intersection of Valley Boulevard and 9th Street is a potential location for a secondary gateway.

Secondary Gateways

There are four secondary gateways, recommended to be located at the intersections of Valley Boulevard and the BNSF Railroad, La Cadena Drive and D Street, Valley Boulevard and 12th Street, and Valley Boulevard and 9th Street. These gateways are also of great importance to indicate when people are entering the Downtown Core. **Figure 5.8 – Conceptual Secondary Gateways Sketch** illustrates a conceptual design for the gateways reflecting monument signage consistent with the primary gateway design.

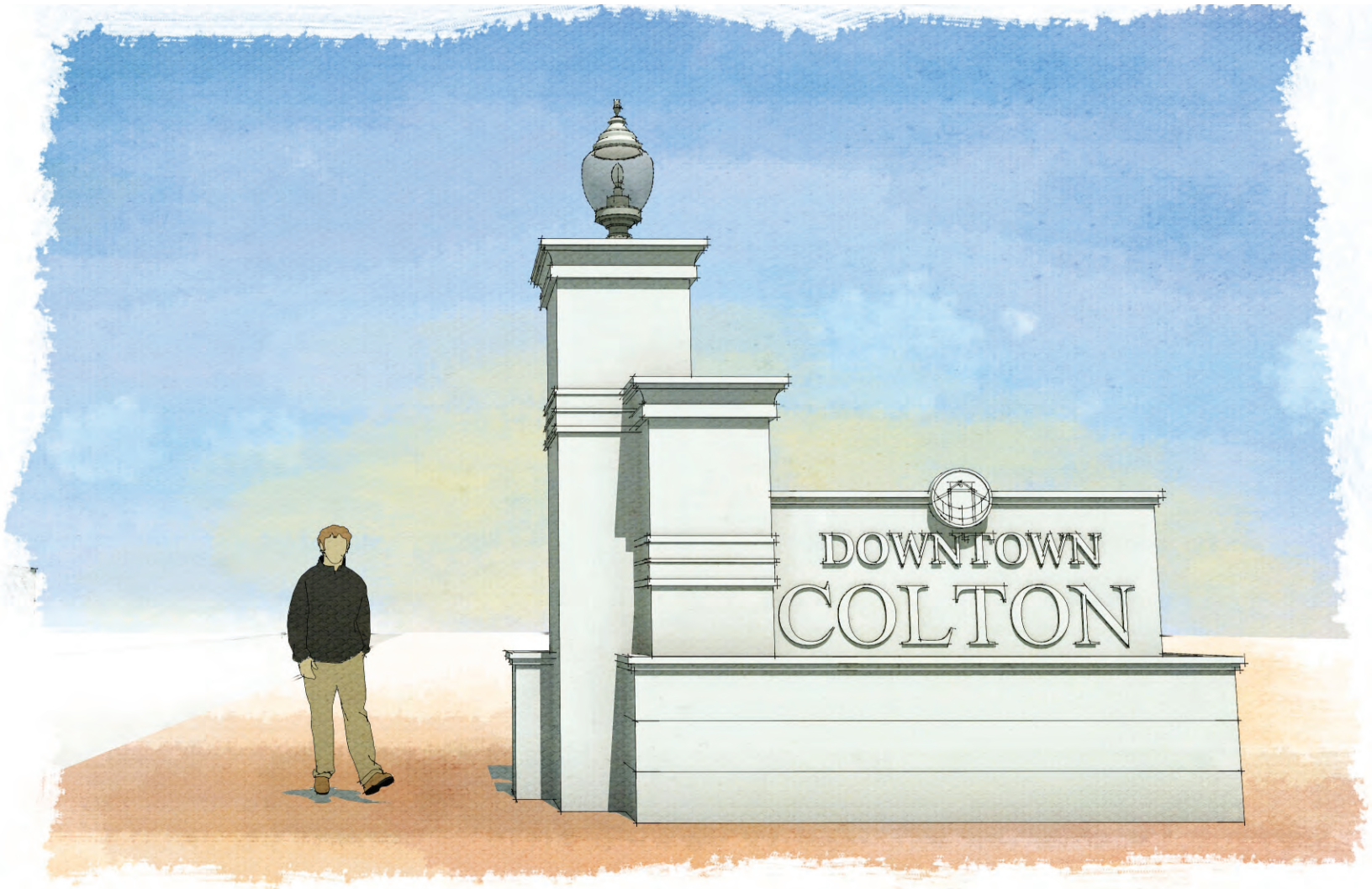


FIGURE 5.8 - CONCEPTUAL SECONDARY GATEWAY SKETCH

Wayfinding and Other Public Signage

A comprehensive signage program should be established for the Downtown incorporating the following items:

- Custom street signs to reinforce the Downtown theme and identity. Design should be consistent with other Downtown signs, such as those for Arrowhead Regional Medical Center and the Hub City Centre, and may have a unique color.
- Signs should have common symbols that are easy to understand, denoting key shopping areas, public parking, civic buildings, senior facilities, and tourist destinations.
- Directional signs should be oriented to drivers, with primary wayfinding signs being lit and landscaped at key locations.
- The City currently has a street banner program. Additional banners could be located along La Cadena Drive to advertise special events or reinforce the Downtown theme and identity.
- The City should coordinate with community organizations such as the Chamber of Commerce and Historical Society in developing points of interest and monumentation.

An example of monumentation that can be found at Dominguez Plaza, just north of Valley Boulevard on the east side of 9th Street.

Banners, wayfinding, and gateway signage add to Downtown identity.

Public art is an opportunity to portray Colton's unique heritage.

Railroad paraphernalia such as this caboose celebrates Colton's railroad heritage.

Public art can be two-dimensional, such as this mural on the side of a building abutting the railroad right-of-way in Redlands.

5.5 PUBLIC ART

Colton has developed around the transcontinental railroads that cross paths just outside of the Downtown Area. As such, the City still has remnants of its historic western and frontier roots. By investing in public art, Colton can show is pride in its cultural heritage, bring back its hometown connections with the railroad and packing industries, as well as its Earp family heritage. Public art is an investment in the cultural vitality and economic development of a community, and can be established as place makers, landmarks, and to foster culturally dynamic, economically vibrant communities. The City should consider establishing a public art program. Public art within the Downtown should adhere to the following guidelines:

- Art should be utilized to portray Colton's unique railroad, frontier, crossroads, and packing house heritage.
- Art should complement buildings and landscaping to present a unified design.
- Art should not create blind spots that could result in safety concerns.
- The ability to provide suitable maintenance of art over the long-term should be provided.
- Appropriate material should be selected for art that is to be located outdoors, to resist outdoor conditions such as sun exposure, wind, and rain.
- Art should complement its surroundings in scale and design, providing a visual and cultural benefit to the site and surrounding properties.
- Art should be located in areas of high pedestrian traffic, in community gathering places and where people can congregate, such as parks, plazas, paseos, arcades, and along roadways.
- Art can be either two-dimensional or three-dimensional, with two-dimensional art possibly located on walls, paved areas, staircases, and other underutilized flat surfaces.
- Temporary art installations may be appropriate for underutilized sites linked to seasonal events, or during construction or improvement activities.

6

implementation

COLTON DOWNTOWN DESIGN MANUAL

6. IMPLEMENTATION

6.1 INTRODUCTION

This chapter outlines the implementation program for the Design Manual and includes the following components:

- An overview of the ways the Downtown Design Manual and Development Code can facilitate economic investment in the Design Manual area;
- A review of existing economic conditions influencing current and future development potentials in Downtown Colton;
- A summary of the types of new development that are likely to be successful in the Downtown area;
- A discussion of priority development areas (key "opportunity sites") that should be targeted for catalyst development projects;
- Recommended high-priority action items for Design Manual implementation;
- A review of potential funding sources/mechanisms for implementation of key Design Manual initiatives; and
- An overview of the Community Revitalization Authority legislation (Senate Bill 2) recently enacted by the State of California. This legislation provides local jurisdictions with many of the development tools previously associated with redevelopment agencies, and may play an important role in implementation of the Design Manual.

Note that within this chapter there are numerous strategies and other entries that are universally applicable to many different communities. However, the ways in which they are ultimately adapted to Colton will be somewhat unique and will depend on unique specific conditions including available resources, the interrelationship of various programs, preferences of the applicable stakeholder groups, and other considerations.

Strategies in this chapter are intended to bolster the economic activity in Downtown Colton, to create a lively and appealing destination for the community to enjoy.

6.2. HOW THE DESIGN MANUAL/ DEVELOPMENT CODE CAN FACILITATE PRIVATE INVESTMENT

Effective implementation of a development plan typically involves both the public and private sectors. Whereas development of envisioned land uses is often "kick started" by various public sector initiatives, the ultimate goal of this type of planning effort is to attract desired private investment. Broadly speaking, there are two major ways that a municipality can facilitate private development:

A. By creating a "conducive development environment" that is consistent with prevailing market demand for various land uses. This may include the following types of actions or policies:
   - Zoning, design guidelines, etc. that are responsive to market needs at the individual-establishment level, while maintaining the overall character of the area that preserves and enhances its general marketability;
   - Communication about the concepts, intent, etc. of the Design Manual area to prospective investors/tenants;
   - Streamlined permitting and entitlement processes (i.e., minimizing the need for discretionary approval processes);
   - Area-wide "amenity" investments, including landscape and streetscape improvements;
   - Marketing programs to enhance the area's identity and recognition among consumers; and
   - Clearinghouse roles (e.g., coordination of funding resources and dissemination of information related to investment in the Design Manual area).

B. By providing focused development support to area businesses, property owners, and key development projects. This can involve the following types of initiatives:
   - Facilitating financing of area-wide and/or project specific infrastructure requirements;
   - Assembling land for key "opportunity sites"; and
   - Providing loans and/or grants for various business and property improvement purposes such as building facade renovations.

6.3 ECONOMIC CONDITIONS INFLUENCING DEVELOPMENT POTENTIALS IN DOWNTOWN COLTON

Effective implementation of the Design Manual needs to be based on a realistic understanding of the market conditions affecting the Design Manual area. A summary of the major favorable and challenging conditions affecting development potentials in Downtown Colton is provided below.

6.3.1 Advantageous Factors

Downtown Colton is advantaged by the following geographic and socioeconomic factors:

- Frontage along Interstate 10 (I-10)
- Historic character of Downtown
- Well-maintained residential neighborhoods within walking distance of Downtown
- Mix of housing types, including some newer relatively high density products
- Recent/current investment in Downtown, including several restaurants and a major renovation/rebranding of the former Hampton Inn
- Indications of interest from other targeted restaurant chains
- Civic Center and other community gathering places (e.g., Center Point Church) generate activity/visitation throughout the week
- Strong population growth is projected both for Colton and the surrounding region
- Available opportunity sites (although with some challenges, as noted below)
- Close proximity to other planned/potential investment areas in Colton, most notably the Hub City Centre to the west

6.3.2 Challenging Factors

Downtown Colton also faces several notable challenges:

- Available opportunity sites require clearing/assembly and tend to have narrow lot depths

- Although the project area has I-10 frontage, freeway visibility and access are not ideal due to the low elevation (relative to the freeway) of Valley Boulevard
- Existing development (within and adjacent to Downtown) includes unattractive land uses, most notably the older automobile/truck service facilities to the east and recycling facility located to the west
- Challenges to creating walkability (due to length of Valley Boulevard corridor)
- High retail vacancy rate
- Limited existing market for Class A office facilities
- Untested market for mixed-use development
- Demographics are unfavorable for attracting higher-end retail/restaurant uses (as discussed further below)

6.3.3 Potential Synergies with Adjacent Development Areas

The planned Hub City Centre – adjacent to Arrowhead Regional Medical Center (approximately 1.5 miles to the west of the Downtown) – is an especially significant development area for the City of Colton. The City anticipates that development in the area will begin within the next two years. The overall project area encompasses approximately 373 acres and will ultimately be developed with the following land uses:

- Up to 1.2 million square feet of retail space;
- 546,000 square feet of office space;
- 1.2 million square feet of business park space; and
- 275 dwelling units.

These totals include a recently-announced medical school planned for a site adjacent to the Arrowhead Regional Medical Center. The medical school is being developed by the California University of Science and Medicine (CUSM) and is scheduled to open in the fall of 2016. Other projects within the Hub City Centre include a medical office building, a non-profit employment training center, retail, and a hotel.

Although the Hub City Centre project will in some respects be competitive with the Downtown area (in the sense that some of the land uses targeted for Downtown will also be developed in Hub City Centre), on the whole, Hub City Centre will enhance the Downtown's long-term development potentials. This conclusion is premised on two points: 1) the scale of retail development planned for Hub City Centre includes regional-scale (e.g., big box) facilities that are not likely to be feasible or desirable in the Downtown, and 2) the Hub City Centre project will introduce types and scales of development (including regional-serving retail, Class A office, and mixed-use residential) not currently well represented in Colton. As such, the project stands to substantially "raise the bar" with respect to the types of land uses that the development community considers feasible in Colton. In these regards, the Hub City Centre can be viewed as complementary to, rather than competitive with, the Downtown planning efforts. The key will be to effectively link the two areas (in terms of marketing, way-finding, etc.) so that the Downtown can effectively capitalize on the potential synergies. These conditions suggest the following major conclusions about the types of opportunities that are likely to apply to existing or future development in the Design Manual area:

- Most future development in the Downtown area will be in the nature of infill development and/or redevelopment of previously developed sites. This type of development can often present economic feasibility challenges to private developers. The City's strategic roles should focus on mitigating these challenges to the extent practical, in order to facilitate private investment in the Design Manual area. Specific recommendations are outlined later in this chapter.
- Given that a substantially larger scale of development is planned to the west of Downtown, it will be critical for the Downtown to define a unique market niche that complements (rather than attempting to compete with) the larger project. The concept of a restaurant row would be an excellent starting point for expanding Downtown's visibility as a unique destination for local (and potentially regional) residents.
- Development of housing (either in mixed-use or stand-alone formats) can play in important role in increasing Downtown's overall vitality and would also increase resident-based demand for local retail and service businesses.
- The area would greatly benefit from an overall branding effort to achieve place recognition and effective leveraging of the area's locational strengths (as noted under "advantageous factors"). Part of the branding effort could focus on a wayfinding program that physically and thematically links downtown to the regional-scale development areas to the east and west (e.g., signage and gateways promoting the Downtown brand could encourage visitors to the larger development projects to include a stop in Downtown as part of their visit to Colton).

6.4 SUMMARY OF MARKET POTENTIALS FOR NEW DEVELOPMENT

As part of the background research for this Design Manual, The Natelson Dale Group, Inc. (TNDG) prepared a market study to identify long-range demand for various types of development in the Downtown area. TNDG's demand projections (through the year 2035) are briefly summarized in **Table 6.1 – Market Demand for Downtown Colton**.

Given the importance of storefront retail uses in creating the type of destination environment envisioned for the Downtown, TNDG's market study placed considerable emphasis on identify the specific types of retail businesses likely to be supportable. These are summarized in **Table 6.2 – Supportable Retail Space For Downtown Colton (in square feet)**.

TABLE 6.1 – MARKET DEMAND FOR DOWNTOWN COLTON

Land Use	Demand for New Development in Downtown Colton (through 2035)
Retail/restaurant space	206,000 square feet
Office space	140,000 square feet
Multi-family housing (20-30 units/acre)	200-300 units

TABLE 6.2 – SUPPORTABLE RETAIL SPACE FOR DOWNTOWN COLTON (IN SQUARE FEET)

Retail Category	Year				
	2018	2020	2025	2030	2035
GAFO*	65,722	72,587	86,504	101,131	116,368
Food and Beverage (grocery)	5,377	7,224	10,257	13,455	16,816
Food Services and Drinking (restaurants)	11,869	14,848	20,570	26,588	32,871
Hardware	7,476	8,776	11,273	13,899	16,641
Auto Parts	1,407	1,655	2,130	2,631	3,153
Services Space	17,873	20,503	25,556	30,871	36,419
Grand Total	***102,057***	***116,767***	***145,259***	***175,226***	***206,498***

*GAFO = General Merchandise, Apparel and Accessories, Furniture and Other Sales

6.5 PRIORITY DEVELOPMENT AREAS

In order to catalyze private development investment in the Downtown, the City's marketing efforts should initially focus on key development areas where the need for revitalization is most urgent and on other opportunity sites that can potentially accommodate sizable development projects. As described in Section 2.5 of the Design Manual, the priority development areas are as follows:

- The **"Downtown Core,"** focused on the commercial and mixed use areas along and abutting La Cadena Drive and Valley Boulevard. The most urgent areas within this core would include the dilapidated and mostly vacant buildings on the south side of Valley (east of La Cadena) and the mostly vacant commercial/office building on north side of Valley just west of La Cadena.
- Within the Downtown Core, a potential **"Restaurant Row"** area has been identified for Valley Boulevard, approximately between 7th Street and 10th Street. This row is visible from the I-10, making it a prime location to capture local and regional visitor traffic.
- Mixed-use commercial opportunity sites are identified that are currently developed with more intensive industrial-natured uses that are not draws for residents and visitors to come into the Downtown area. One site is a lumber yard, spanning two properties, the first bound by E, 10th, and F Streets and Colton Avenue and the second located at 370 N 9th Street. The other site is land east of Max J. Lofy Park on the block bound by D, 10th, and E Streets and Colton Avenue.

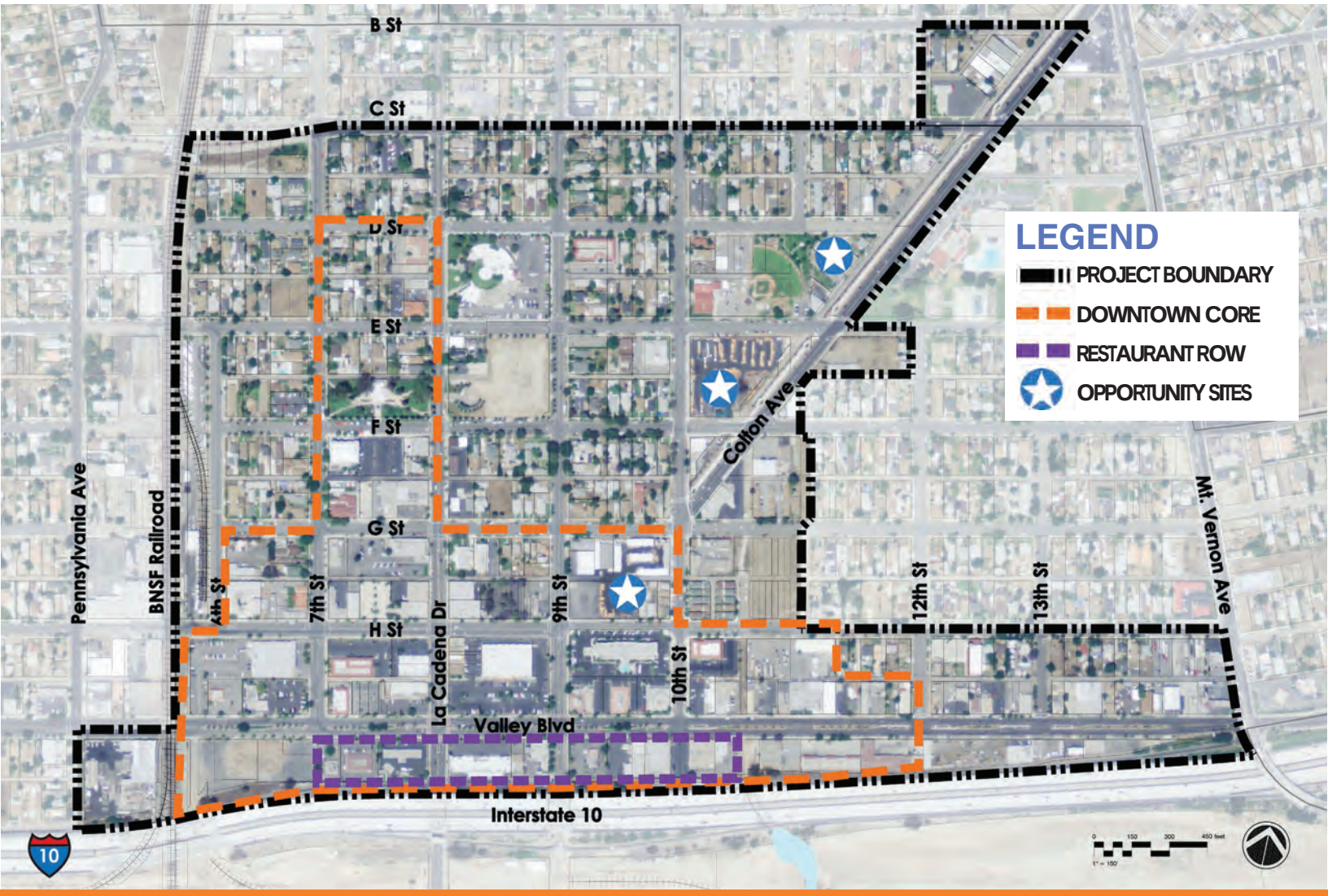


FIGURE 6.1 - PRIORITY DEVELOPMENT AREAS

6.6 HIGH-PRIORITY ACTION ITEMS

While the Design Manual provides a clear vision for Downtown and offers recommendations and guidelines for future public and private investment, several specific implementation items identified within this section can act as catalysts for change. The action items are organized in terms of seven major recommendations with related funding and implementation resources identified for each major action.

Recommendation 1

Proactively facilitate land assembly to encourage market-based reuse of vacant or under-utilized properties within the Downtown (especially focusing on the priority development areas / opportunities sites described previously).

Potential implementation tools/resources

- Community Revitalization Authority (described in detail later in this chapter) to facilitate the acquisition, clearing and reuse of key opportunity sites
- Public private partnerships to focus infrastructure investments where they will have the greatest impact in terms of improving the feasibility of private development/redevelopment projects (i.e., City can incentivize development by prioritizing infrastructure investments that will serve key development areas)

Recommendation 2

Conduct a follow-up study to identify and prepare cost estimates for future infrastructure needs in Downtown.

Potential implementation tools/resources

- Position project for infrastructure funding from the U.S. Economic Development Administration (via the Comprehensive Economic Development Strategy (CEDS) process managed by the Inland Valley Development Agency)
- Enhanced Infrastructure Financing District (EIFD, as described in detail later in this chapter)

Recommendation 3

Engage in a branding exercise specific to Downtown Colton, including both thematic components (messages/themes) and graphic components (media/ signage to support the themes). The branding process should focus on raising the regional profile of Downtown Colton and positioning it as a unique destination for shopping, dining and local services. It should also include a wayfinding/gateway component that leverages the regional traffic that will be attracted to the planned development projects west of Downtown.

Potential implementation tools/resources

- Position Downtown for a planning/marketing grant from U.S. Economic Development Administration (via the CEDS process managed by the Inland Valley Development Agency) to fund the branding effort
- Consider formation of a Property-Based Business Improvement District (PBID) and/or Business Improvement District (BID) to support branding/marketing
- Potential partnership with Chamber of Commerce for joint branding and business development

Recommendation 4

Expand special events programming to raise Downtown's profile as a destination (see Section 5.3.3 of the Design Manual).

Potential implementation tools/resources

- Economic Development Administration (EDA) planning/ marketing grant (can provide initial seed money for new special events)
- Consider formation of a PBID and/or BID to support branding/ marketing
- Potential partnership between the Chamber of Commerce and Community Services Department for joint branding and business development

Recommendation 5

Based on the developed "brand" for Downtown Colton (Recommendation 3), engage in a full-range of marketing activities, including the following options:

- Develop materials for and/or conduct workshops around the theme of, "why developing/locating in Downtown Colton is good business." Companion materials for living in the area could also be produced. Topics within these materials include: descriptions of how the area is value-planned, general and specific ways in which the City functions as a key partner in developing the area, benefits potentially available to developers, businesses, etc. from sources in addition to the City, and advantages to various uses from a market point of view.

- Produce a high-quality newsletter devoted to the area, issued on a regular schedule, that contains information of interest to property owners, businesses, and residents, and to outsiders, including people who are not familiar with the area and may have an interest in investing in it.
- Produce an annual report of development activity in the area, including development-related data such as absorption, occupancy, mix of business types, noteworthy development news, etc. The content and format of such a report can be modeled on those produced periodically by real estate brokerage firms. This kind of information could also serve as one focus of compiling monitoring/evaluation information.

Potential implementation tools/resources

- EDA planning/marketing grant (can provide initial seed money for new special events)
- Consider formation of a PBID and/or BID to support branding/ marketing
- Potential partnership with Chamber of Commerce for joint branding and business development

Recommendation 6

Implement tools/resources to encourage rehabilitation and creative reuse of older commercial properties. For appropriate properties, the City could have programs in place to encourage rehabilitation and creative use/reuse of commercial sites, such as dedicated grant/ loan programs using Community Development Block Grant (CDBG) or other funds. Within the study area, existing commercial uses are frequently found located in small individual properties and/or spaces that may be somewhat inefficient in terms of their relationship to the street and to parking, and their overall adaptability to various uses. However, these kinds of conditions also lend the area a character that is somewhat unique within the overall trade area. These spaces can be attractive to creative entrepreneurs in all fields of endeavor.

Potential implementation tools/resources

- CDBG funds
- Consider formation of a PBID and/or BID to support branding/ marketing

Recommendation 7

Foster an across-the-board “open for business” environment in the Downtown by maximizing available incentives and resources for new development and business investment. Potential components of this initiative could include:

- Utilize the updated Design Manual / Development Code to streamline development approvals in the Downtown to the maximum degree possible
- Consider alternative payment schedules/structures for City fees for new businesses in the Downtown
- Leverage City-owned utilities as an opportunity to incentivize new businesses in the Downtown (e.g., offer preferential rates during first two years of occupancy)
- Consider development agreements including incentives for developers to provide benefits to the community
- Continue to operate a one-stop permitting and business assistance center in the Downtown

Potential implementation tools/resources

- CDBG funds
- Small Business Development Center (SBDC)

6.7 POTENTIAL FUNDING SOURCES AND FINANCING MECHANISMS

A series of financing tools potentially available to the City, from federal, state, and organizational sources, and from mechanisms that the City could implement, are detailed in Appendix A, Financing, in this document. A few selected examples are discussed in this section.

Funding mechanisms generally have at least some strategic dimension. The sustainability orientation of the Design Manual and Development Code is compatible with federal programs that have been aligned toward this overall objective, including the Partnership for Sustainable Communities, a consortium of the U.S. Department of Transportation, the U.S. Department of Housing and Urban Development, and the U.S. Environmental Protection Agency.

6.7.1 Business Improvement Districts

The Business Improvement District (BID) mechanism can be used to help fund specific improvements in specific areas, and also strategically to foster the functional interrelationships of sub-areas addressed within the plan. For example, by making all or a group of the sub-areas that comprise the Downtown a single BID, property and business owners are more likely to identify common interests, solutions, etc. than if the common BID area did not exist.

The BID mechanism is also an example of how financing methods must be carefully coordinated with property and business owners in order for them to be understood and accepted. The more the occupants of the BID area see themselves as part of a unified, strategically planned and organized whole, the greater the likelihood that a funding mechanism with direct costs tied to them will be accepted.

6.7.2 Enhanced Infrastructure Financing Districts

Senate Bill No. 628, creating enhanced infrastructure financing districts (EIFDs) took effect on January 1, 2015. EIFDs are designed to fund infrastructure development and community revitalization, through issuing bonds, establishing a public financing authority, and adopting an infrastructure financing plan. EIFDs include a provision for using tax increment financing. A broad range of community development and revitalization projects can be funded through this mechanism.

Overview

Along with the EIFD, the bill allows a city/county to adopt an infrastructure financing plan and issue bonds upon approval of 55% of the voters. As excerpted from the Bill's text, the bond funds would be used to "finance public facilities or other specified projects of community-wide significance, including, but not limited to, brownfield restoration and other environmental mitigation; the development of projects on a former military base; the repayment of the transfer of funds to a military base reuse authority; the acquisition, construction, or rehabilitation of housing for persons of low and moderate income for rent or purchase; the acquisition, construction, or repair of industrial structures for private use; transit priority projects; and projects to implement a sustainable communities strategy."

Prior to the adoption of an EIFD and infrastructure financing plan, the bill requires the legislative body to establish a public financing authority, which would be comprised of members of the legislative body of the participating entities and of the public. In addition, the bill would require the adoption of a "resolution of intention" that, among others would include the following:

- District boundaries
- Description of the proposed public facilities/development that would be financed or assisted by the EIFD
- Need for the EIFD and goals to achieve

The infrastructure financing plan, along with agreement from affected taxing agencies, would provide the mechanism to fund infrastructure projects through tax increment financing. Specifically, the bill authorizes the creation of an EIFD for up to 45 years from the date on which the issuance of bonds is approved. In addition, the bill would authorize a city, county, or special district that contains territory within an EIFD to loan moneys for projects/activities that are listed in the infrastructure financing plan. Finally, the city/county, through its infrastructure financing plan, could choose to allocate any portion of its net available revenue to the EIFD.

What Is Allowed

As excerpted from the Bill's text, an EIFD can finance only public capital facilities or other specified projects of community-wide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, all of the following:

- Highways, interchanges, ramps and bridges, arterial streets, parking facilities, and transit facilities.
- Sewage treatment and water reclamation plants and interceptor pipes.
- Facilities for the collection and treatment of water for urban uses.
- Flood control levees and dams, retention basins, and drainage channels.

- Child care facilities.
- Libraries.
- Parks, recreational facilities, and open space.
- Facilities for the transfer and disposal of solid waste, including transfer stations and vehicles.
- Brownfield restoration and other environmental mitigation.
- The development of projects on a former military base.
- The repayment of the transfer of funds to a military base reuse authority pursuant to Section 67851 that occurred on or after the creation of the district.
- The acquisition, construction, or rehabilitation of housing for persons of low and moderate income, as defined in Section 50093 of the Health and Safety Code, for rent or purchase.
- Acquisition, construction, or repair of industrial structures for private use
- Transit priority projects, as defined in Section 21155 of the Public Resources Code, that are located within a transit priority project area.
- Projects that implement a sustainable communities strategy, when the State Air Resources Board, pursuant to Chapter 2.5 (commencing with Section 65080) of Division 2 of Title 7, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

What Is Not Allowed

- An EIFD can only be created by the City/County after the specified conditions related to the wind down of the former redevelopment agency (if one was created by the city/county) have been satisfied.
- Cannot divert property tax revenue from schools or from any non-consenting tax entity – any taxing entity contributing tax increment must consent and opt into the EIFD.
- A district may not finance routine maintenance, repair work, or the costs of an ongoing operation or providing services of any kind.

The differences between EIFDs and IFDs are outlined in **Table 6.3 – Differences Between EIFD and IFD**.

TABLE 6.3 – DIFFERENCES BETWEEN EIFD AND IFD

Category	EIFD*	IFD*
Created	Adopt infrastructure financing plan – city/county legislative body	2/3 vote of the electorate
Issue of bonds based on tax increment financing	55% vote of the electorate	2/3 vote of the electorate
Eligible projects	Broader range – e.g., transit, low-medium income housing, sustainable communities strategies, environmental remediation, etc., in addition traditional infrastructure projects	Public capital facilities (more limited)
Financing authority	Can dedicate more revenue sources to the funding of infrastructure – e.g., can devote portions of their periodic distributions from the Redevelopment Property Tax Trust Fund, funds received from the Mello-Roos Community Facilities Act of 1982 and funds from the Benefit Assessment Act of 1982, among others	More limited
Longevity	45 years from date bonds are issued or loans are approved	30 years from initial formation
Eminent Domain	Can exercise eminent domain powers under the Polanco Redevelopment Act associated with the cleanup of environmentally impacted properties	Not available

*EIFD = Enhanced Infrastructure Financing District, IFD = Infrastructure Financing District.
Source: Holland & Knight. http://www.hklaw.com/Publications/Enhanced-Infrastructure-Financing-Districts-SB-628-Beall-11-12-2014/ (accessed on 5/20/15).

6.8 OVERVIEW OF COMMUNITY REVITALIZATION AUTHORITY

Assembly Bill 2 (AB 2), which authorizes local agencies to form Community Revitalization Authorities (CRAs), was approved by the Governor on September 22, 2015. The existing bill is intended to allow local government agencies to address the effects of blight, in effect addressing the role that was previously fulfilled by redevelopment agencies in California.

6.8.1 Overview

As excerpted from the Bill's summary, "[t]his bill would authorize certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. The bill would provide for the financing of these activities by, among other things, the issuance of bonds serviced by tax increment revenues, and would require the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. The bill would also provide for periodic audits by the Controller. The bill would also require the Department of Housing and Community Development, advised by an advisory committee appointed by the Director of Housing and Community Development, to periodically review the calculation of surplus housing under these provisions. The bill would require certain funds allocated to the authority to be deposited into a separate Low and Moderate Income Housing Fund and used by the authority for the purposes of increasing, improving, and preserving the community's supply, as specified. The bill would, if an authority failed to expend or encumber surplus funds in the Low and Moderate Income Housing Fund, require those funds to be disbursed towards housing needs. The bill would require an authority to make relocation provisions for persons displaced by a plan and replace certain dwelling units that are destroyed or removed as part of a plan. The bill would authorize an authority to acquire interests in real property and exercise the power of eminent domain, as specified."

6.8.2 Criteria

One of the key general provisions is the criteria required to carry out a community revitalization plan within a community revitalization and investment area. As required by the Bill, the area is required to meet the following conditions:

- An annual median household income that is less than 80 percent of the statewide annual median income.
- Three of the following four conditions:
    - (A) Nonseasonal unemployment that is at least 3 percent higher than statewide median unemployment, as defined by the report on labor market information published by the Employment Development Department in January of the year in which the community revitalization plan is prepared.
    - (B) Crime rates that are 5 percent higher than the statewide median crime rate, as defined by the most recent annual report of the Criminal Justice Statistics Center within the Department of Justice, when data is available on the California Attorney General's Internet Web site.
    - (C) Deteriorated or inadequate infrastructure such as streets, sidewalks, water supply, sewer treatment or processing, and parks.
    - (D) Deteriorated commercial or residential structures.

Authorized Actions

As indicated in Bill, an authorized Authority can do the following :

- Provide funding to rehabilitate, repair, upgrade, or construct infrastructure.
- Provide for low- and moderate-income housing.
- Remedy or remove a release of hazardous substances pursuant to the Polanco Redevelopment Act.
- Provide for seismic retrofits of existing buildings in accordance with all applicable laws and regulations.
- Acquire and transfer real property. The authority shall retain controls and establish restrictions or covenants running with the land sold or leased for private use for such periods of time and under such conditions as are provided in the plan. The establishment of such controls is a public purpose under the provisions of this part.
- Issue bonds.
- Borrow money, receive grants, or accept financial or other assistance or investment from the state or the federal government or any other public agency or private lending institution for any project or within its area of operation, and may comply with any conditions of the loan or grant.

- Adopt a community revitalization and investment plan.
- Make loans or grants for owners or tenants to improve, rehabilitate, or retrofit buildings or structures within the Design Manual area.
- Construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial industrial, or other uses contemplated by the revitalization plan.
- Provide direct assistance to businesses within the Design Manual area in connection with new or existing facilities for industrial or manufacturing uses, except as specified in this division.

Key Differences with Community Redevelopment Agencies

Although Authorities created under this law will function in a similar role compared to redevelopment agencies, which were previously authorized under Community Redevelopment Law, some of the key differences include the following:

- Public Members. Along with the three members of a legislative body of the city, county, or joint city-county that created the authority, the authority is required to include two public members who live or work in the Design Manual area. Supporters contend that this requirement improves transparency.
- Low- and moderate-income housing. A minimum of 25% of the funds in a Design Manual area are required to be set aside for affordable housing, compared to 20% under the previous redevelopment system.
- Tax increment. Previous redevelopment law "shifted" property tax increment from special districts (such as schools, fire districts, etc.) in effected Design Manual areas. The existing Bill requires cities, counties, and special districts to agree to contribute a share of property tax increment to fund proposed improvements.
- Dissolution Mechanism. At 10-year intervals the public could stop the Authority's operations by filing a petition and putting the plan to a public vote.

6.9 IMPLEMENTATION ACTION PLAN

The vision and goals presented in the Design Manual are supported by actions outlined in **Table 6.4 – Implementation Action Plan Matrix**. The action plan provides a summary of the key Design Manual recommendations and is presented in table format.

The table is organized by topic listing regulatory and programmatic actions in the first section followed by improvements and studies in the second section. For each action item, the lead and support department at the City of Colton is listed under the responsibility heading followed by an indication of priority of the action and funding sources that would be most closely associated with the activity.

It is intended that this list of public actions is incorporated in the City's annual budget setting process and included in the Capital Improvement Plan for execution. It should be noted that all actions listed in the action plan below must be authorized and initiated by the City Council and/or Development Services Department by policy decision.

TABLE 6.4 – IMPLEMENTATION ACTION PLAN MATRIX

Action Item	Timing[1]	Responsibility[2]		Potential Funding Sources[3]
		Lead	Support	
Regulatory Actions				
Design Manual and Development Code: Adoption of the Design Manual, Development Code, and Mitigated Negative Declaration	1	DS	CN	Grants
Mapping Amendments: Amend Zoning and General Plan Land Use Maps to reflect changes associated with adoption of the Design Manual and associated updates to the Development Code.	1	DS	CN	Grants
South Colton: Amend Downtown Design Manual to incorporate south Colton or prepare a separate and comparable manual and code for south Colton. Adoption of the Design Manual lays a foundation upon which to add a chapter to extend the Design Manual boundary to south Colton or create a comparable separate document for south Colton in the future, to bring forth a vision, guidelines and implementation strategies. Many of the guidelines in the Design Manual could be applicable to south Colton; for example, guidelines outlined for Valley Boulevard could apply to South La Cadena Drive, and many residential guidelines could be implemented in the residential areas on both sides of La Cadena.	1	DS	CN	Grants
Business Improvement District: Evaluate formation of a BID through analysis and business engagement. Adopt if desired.	1	ED	CN	General Fund
Community Revitalization Authority (CRA): Evaluate formation of a CRA through analysis and community engagement. Adopt if desired.	1	ED	CN	General Fund
Enhanced Infrastructure Financing District (EIFD): Evaluate formation of an EIFD through analysis and community engagement. Adopt if desired.	1	PW	CN	General Fund/ Utility Funds[4]

TABLE 6.4 – IMPLEMENTATION ACTION PLAN MATRIX

Action Item	Timing[1]	Responsibility[2]		Potential Funding Sources[3]
		Lead	Support	
Utilities Incentive Program: Develop a program to offer utility incentives for development projects and businesses within the Downtown.	2	PW	DS/CN	General Fund/ Utility Funds[4]
Improvement Projects				
Downtown Colton Mixed-Use Development: Coordinate with developers and businesses to implement development projects.	5	DS	ED/CN	Private Funding
Valley Boulevard Corridor Development: Coordinate with developers and businesses to implement development projects.	5	DS	ED/CN	Private Funding
Restaurant Row Development: Coordinate with developers and businesses to implement development projects.	5	DS	ED/CN	Private Funding
Medium Residential Development: Identify a project appropriate for the opportunity site. Identify and coordinate with a developer to implement a development project.	5	DS	ED/CN	Private Funding
Class II Bike Lane on 7th Street between C Street and Valley Boulevard: Survey, design improvement plans, process entitlements, and construct facility.	2	PW	DS/CN	General Fund/ DA/DIF/EIFD/ATP
Class II Bike Lane on 9th Street between C and G Streets: Survey, design improvement plans, process entitlements, and construct facility.	2	PW	DS/CN	General Fund/ DA/DIF/EIFD/ATP
Class II Bike Lane on G Street Between 7th and 9th Streets, and 10th Street and eastward: Survey, design improvement plans, process entitlements, and construct facility.	2	PW	DS/CN	General Fund/ DA/DIF/EIFD/ATP
Class II Bike Lane on C Street between the BNSF Railroad and Colton Avenue: Survey, design improvement plans, process entitlements, and construct facility.	2	PW	DS/CN	General Fund/ DA/DIF/EIFD/ATP
Class III Bike Route on 9th Street between C and G Streets: Survey, design improvement plans, process entitlements, and construct facility.	1	PW	DS/CN	General Fund/ DA/DIF/EIFD/ATP
Pedestrian Corridors: Survey, design improvement plans, process entitlements, and construct facility.	2	PW	DS/CN	General Fund/ DA/DIF/EIFD/ATP
Diagonal Parking: Re-stripe parking spaces along recommended segments.	1	PW	DS	General Fund/ CIP/Private Funding
Omnitrans BRT Holt Line: Coordinate with Omnitrans to establish the BRT Holt Line.	1	DS	PW	Omnitrans/General Fund/ BID/EIFD/AHSC Grant
Cottage Lane Paseo: Survey, design improvement plans, process entitlements, and construct facility.	2	DS	PW	General Fund/BID
La Cadena/9th Mid-Block Paseo: Survey, design improvement plans, process entitlements, and construct facility.	2	DS	PW	General Fund/BID

TABLE 6.4 – IMPLEMENTATION ACTION PLAN MATRIX

Action Item	Timing[1]	Responsibility[2]		Potential Funding Sources[3]
		Lead	Support	
La Cadena Drive Streetscape Improvements: Install streetscape furnishings as described in the Design Manual; survey, design improvements such as bulbouts, crosswalks, widened sidewalks, process entitlements, and construct improvements.	2	PW	DS	Grants/BID/EIFD
Valley Boulevard Streetscape Improvements: Install streetscape furnishings as described in the Design Manual; survey, design improvements such as bulbouts, crosswalks, widened sidewalks, process entitlements, and construct improvements.	2	PW	DS	Grants/BID/EIFD
H Street Streetscape Improvements: Install streetscape furnishings as described in the Design Manual; survey, design improvements such as bulbouts, crosswalks, widened sidewalks, process entitlements, and construct improvements.	2	PW	DS	Grants/BID/EIFD
Residential Street Streetscape Improvements: Identify streets segments warranting improvement, survey, design improvements such as bulbouts, crosswalks, widened sidewalks, process entitlements, and construct improvements.	2	PW	DS	Grants/BID/EIFD
Primary Gateway: Prepare conceptual design for gateway, survey, design intersection improvements. Consider coordinating with CIP efforts for PWE-11 and -12 (La Cadena Underpass lighting/murals).	1	DS	PW	General Fund/BID/DIF
Secondary Gateway at Valley Boulevard/12th Street: Survey, design improvement plans, process entitlements, and construct gateway and associated improvements.	2	DS	PW	General Fund/BID/DIF
Secondary Gateway at Valley Boulevard/BNSF Railroad: Survey, design improvement plans, process entitlements, and construct gateway and associated improvements.	2	DS	PW	General Fund/BID/DIF
Secondary Gateway at La Cadena Drive/D Street: Survey, design improvement plans, process entitlements, and construct gateway and associated improvements.	2	DS	PW	General Fund/BID/DIF
Omnitrans Multi-Modal Transit Station: Coordinate with Omnitrans to plan and implement the proposed multi-modal transit station.	5	PW	DS/CN	Grants/FTIP/STIP/DA/ AHSC Grant
Pocket Parks/Plazas: Survey, design improvement plans, process entitlements, and construct parks/plazas and associated improvements. If included, coordinate with Public Art Program to plan and install public art.	2	PW	DS/CN	Grants/DA/DIF/BID
Facade Improvements: Develop and implement a Beautification and Maintenance Program to revitalize facades Downtown and ensure that they are up kept.	1	DS	ED	Grants/DA/DIF/BID

TABLE 6.4 – IMPLEMENTATION ACTION PLAN MATRIX

Action Item	Timing[1]	Responsibility[2]		Potential Funding Sources[3]
		Lead	Support	
Programs, Studies, and Incentives				
Land Use Assembly: Facilitate and encourage market-based reuse of vacant/or under-utilized properties.	2	ED	DS	Grant Fund/CRA
Infrastructure Study: Identify needs and costs to implement infrastructure to support Downtown.	2	PW	DS	General Fund/CRA/EIFD
Branding Package: Develop branding package including message/themes and graphics.	2	ED	DS	General Fund/BID/CRA
Special Events: Expand special events programming, such as farmers markets and car shows.	1	CS	ED	General Fund/BID/Private
Reuse of Older Properties: Develop tools and resources to rehabilitate/creatively reuse older commercial properties.	2	ED	DS	General Fund/CDBG/BID/CRA
Business Incentives: Develop a menu of business incentives such as streamline application review, waive/defer fees, leverage City-owned utilities.	1	DS	ED	General Fund/CDBG
Public Art Program: Develop and implement a public art program including guidelines for inclusion of public art in new development projects and art in new public improvement projects.	2	DS	CN	Grants/DA/DIF/BID
Sign and Wayfinding Program: Prepare a wayfinding directional sign program for Downtown and Interstate 10 areas also connecting Hub City Center and Colton Events Center.	1	DS	CN	Grants/BID
One-Stop Permitting Center: Continue to operate a one-stop permitting and business assistance center in the Downtown, and consider expansion of center services.	2	DS	CN/ED	General Fund/BID/PBID

1. Priority: 1 = Short Range (Year 1), 2 = Mid-Range (Years 2-5), 3 = Long-Range (5+ Years).
2. CN = Consultant, CS = Community Services, DS = Development Services, ED = Economic Development, PW = Public Works.
3. AHSC = Affordable Housing and Sustainable Communities, ATP = Active Transportation Planning Grant, BID/PBID = Business Improvement District/Property-Based BID (should the City/Chamber create a district), CDBG = Community Development Block Grant, CIP = Capital Improvement Program, CRA = Community Revitalization Authority, DA = Developer Agreement, DIF = Development Impact Fee, EIFD = Enhanced Infrastructure Financing District, FTIP = Federal Transportation Improvement Plan, SCS = Sustainable Communities Strategy, STIP = State Transportation Improvement Program.
4. City utility funds include, but are not limited to, those such as water, wastewater, and electric that support ongoing improvements to the City's public infrastructures.

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funding sources

COLTON DOWNTOWN DESIGN MANUAL

table of contents

A APPENDIX A: FUNDING SOURCES

A.1 National Programs A-1
A.2 State Programs A-7
A.3 Regional Programs A-13
A.4 Local Programs A-13
A.5 Acronyms A-16

ASH

A. FUNDING SOURCES

The following list of funding sources is intended as a general resource for economic development-related programs and activities. Some may or may not apply in the context of the Design Manual. Section A.7 provides a guide to acronyms used throughout this appendix.

A.1 NATIONAL PROGRAMS

A.1.1 National Programs: Federal Government

It should be noted that some federal programs are also available through state and regional organizations, sometimes as "pass-through" funding or simply as alternative channels. For example, the Southern California Association of Governments (SCAG) can support member communities with sustainability programs within the federal Partnership for Sustainable Communities.

U.S. Economic Development Administration (EDA)

Under the EDAP Federal Funding Opportunity (FFO) announcement, The U.S. Economic Development Administration (EDA) will make construction, non-construction, and revolving loan fund investments under the Public Works and Economic Adjustment Assistance Programs (EDAP). Grants made under these programs will leverage regional assets to support the implementation of regional economic development strategies designed to create jobs, leverage private capital, encourage economic development, and strengthen America's ability to compete in the global marketplace.

Funding Opportunity Number: EDAP2014

Funding Opportunity Title: FY 2014 EDAP

Opportunity Category: Discretionary Grant

Funding Instrument Type: Cooperative Agreement

Partnership for Sustainable Communities

In June 2009, the Partnership for Sustainable Communities was formed by the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA). The HUD-DOT-EPA Partnership for Sustainable Communities marks a fundamental shift in the way the federal government structures its transportation, housing, and environmental policies, programs and spending. Through the Partnership, the three agencies are collaborating to support communities that provide people with a variety of housing and transportation choices, attract economic opportunity, safeguard public health, and protect clean air and water.

U.S. Department of Transportation (DOT)

The DOT works to promote livable communities and enhance the economic and social well-being of all Americans by creating and maintaining a safe, reliable, integrated, and accessible transportation network. The majority of DOT funding is distributed annually through programs that are administered by States and Metropolitan Planning Organizations through formulas. While most have specific eligible activities identified in law, funds from some programs may be transferred by states to local governments, transit agencies, or other transportation organizations. Projects funded through DOT programs must be contained in an approved metropolitan transportation improvement program (TIP) and/or statewide transportation improvement program (STIP). In this way, decisions about transportation projects, project design, and selection are made locally and result from locally determined transportation and land-use plans.

Multimodal and Planning Programs

Transit Oriented Development (TOD) Planning Pilot: This program provides funding to advance planning efforts that support TOD associated with new fixed-guideway and core capacity improvement projects. This program authorizes the Federal Transit Administration (FTA) to make grants for comprehensive planning that seeks to: enhance economic development, ridership, and other goals established during the project development and engineering processes; facilitate multimodal connectivity and accessibility; increase access to transit hubs for pedestrian and bicycle traffic; enable mixed-use development; identify infrastructure needs associated with the eligible project; and include private-sector participation. Funds are awarded competitively, and state and local government agencies are eligible for funding.

Public Transportation Programs

Urbanized Areas Formula Grant Program: This program provides direct funding to communities with a population of 50,000 or more for public transportation planning and capital improvements. Eligible activities include: job access and reverse commute projects that provide transportation to jobs and employment opportunities for welfare recipients and low-income workers; and transit operating costs in certain areas.

Bus and Bus Facilities Formula Program: This program provides funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities, such as shelters

or transfer stations. Funds are allocated based on certain criteria such as population, bus vehicle revenue-miles, bus passenger-miles, and population density.

Fixed Guideway Capital Investment Grants ("New Starts" and "Small Starts"): These discretionary programs are the federal government's primary financial resource for supporting planning and construction of major transit capital projects. New Starts and Small Starts have helped make possible dozens of new or extended transit fixed guideway systems across the country – heavy rail, light rail, commuter rail, bus rapid transit, and ferries. New Starts projects are typically greater than $250 million in total project cost, requesting greater than $75 million in New Starts funding. The Small Starts program supports fixed guideway projects smaller than the New Starts cost thresholds. Participation in the New Starts and Small Starts programs requires completion of a legislatively directed process for planning and project development.

State of Good Repair Grants: This program is FTA's first dedicated funding to repair and upgrade rail and bus rapid transit systems. Eligible recipients include State and local government authorities in urbanized areas with fixed guideway public transportation facilities operating for at least seven years.

Enhanced Mobility of Seniors and Individuals with Disabilities: This program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Operating assistance is now available under this program. Funds are apportioned based on each state's share of population for these groups of people.

Flexible Programs for Roads, Streets, and Paths

Congestion Mitigation and Air Quality (CMAQ) Program: The CMAQ program supports transportation projects or programs that will improve air quality and relieve congestion in areas that do not meet National Ambient Air Quality Standards. CMAQ funds may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, and diesel engine retrofits. Other CMAQ projects include operating assistance for new transit services, travel demand management strategies, traffic flow improvement programs that reduce emissions, and bicycle/pedestrian facilities and programs.

Surface Transportation Program: This program provides flexible funding to states and metropolitan planning organizations for projects on any federal-aid highway. It can be used for a broad array of highway, transit, bicycling, and walking purposes.

Transportation Alternatives Program: This new program consolidates many previously eligible activities under separately funded programs, including Transportation Enhancements, Recreational Trails, Safe Routes to School, and several other discretionary programs. Funds may be used for projects or activities related to: construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation; conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users; and any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to address stormwater management.

Recreational Trails Program (RTP): This program provides formula funds to states to develop and maintain trails and trail-related facilities for all types of recreational uses, including hiking, bicycling, equestrian, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicles, four-wheel driving, or other off-road motorized vehicles.

Context Sensitive Solutions (CSS): While not a funding program, CSS is a collaborative, interdisciplinary approach that involves all stakeholders in developing a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources while maintaining safety and mobility. CSS considers the total context within which a transportation improvement project will exist. CSS principles include the employment of early, continuous, and meaningful involvement of the public and all stakeholders throughout the project development process. The project is designed and built with minimal disruption to the community.

U.S. Department of Housing and Urban Development (HUD)

HUD's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. HUD promotes sustainable communities by coordinating federal housing and transportation investments with local land use decisions in order to reduce transportation costs for families, improve housing affordability, save energy, and increase access to housing and employment opportunities.

Public Housing

HOPE VI Program: This program provides competitive funding for the eradication of severely distressed public housing developments. Funds can be used for demolition, major rehabilitation, and new

construction of public housing; acquisition of sites in other locations for private new construction; and supportive services for those relocated by the program. HOPE VI promotes the creation of mixed income communities that are dense, pedestrian friendly, and transit accessible. It also encourages high standards of green building for new construction projects through regulation and giving priority to proposals with green features.

Public Housing Program: This program provides funding to local housing agencies for operating expenses and repairs to public housing developments. Funds are allocated based on the continuing needs of the housing authorities, especially the number of units they own. Public housing agencies are encouraged to use environmentally responsible practices through regulations and policy guidance and through specific programs like Energy Performance Contracting (EPC). EPC provides funding to make public housing units more energy efficient through energy efficiency, water efficiency, or renewable energy improvements to units. Funding is provided through freezing utility subsidies to repay financing obtained to make the improvements. For every $1 spent on utility efficient improvements under this program, $2.44 in savings will be created.

Housing Choice and Project-based Vouchers Program: This program provide funding to local public housing agencies for rental subsidies for units that are chosen by the tenant in the private market (Housing Choice Vouchers) or for use in specific developments or units (Project Based Vouchers). Housing Choice Vouchers allow tenants more flexibility in deciding the location of their residence, giving them more of an opportunity to live closer to work, family, amenities, or services.

Community Planning and Development

Community Development Block Grants (CDBG): This program provides formula funding directly to larger cities and counties and through state governments for small units of local government. Funds can be used for most kinds of development as long as it meets one of the following national objectives. 1) Benefits low and moderate-income persons- 2) aids in the prevention or elimination of slum and blight; or 3) meets certain community development needs having a particular urgency. CDBG is a flexible program that provides resources to address a wide range of community and economic development needs, including decent housing, a suitable living environment, and expanded economic opportunity.

Disaster Recovery Assistance: In response to disasters, Congress appropriates additional funding for the CDBG and HOME programs as Disaster Recovery grants to rebuild the affected areas and provide crucial seed money to start the recovery process. Since CDBG Disaster Recovery assistance may fund a broad range of recovery activities, HUD can help communities and neighborhoods that otherwise might not recover due to limited resources. Disaster Recovery grants often supplement disaster programs of the Federal Emergency Management Agency, the Small Business Administration, and the U.S. Army Corps of Engineers. In addition, HOME Disaster Recovery grants can provide an important resource for providing affordable housing to disaster victims.

HOME Investment Partnership: This program provides formula funding directly to larger cities and counties, to consortia of local governments, and to state governments. The HOME program is designed to create affordable housing for low-income households and can take the form of direct assistance or loan guarantees. Funds can be used for most kinds of housing development, including acquisition and rehabilitation in the creation of low-income housing. Additionally HOME program funds can be used for homebuyer assistance and for Tenant-based Rental Assistance.

Housing Opportunities for Persons with AIDS: Provides formula funding and limited competitive grants to states, cities, and nonprofit organizations to develop housing and supportive services for people with AIDS.

Homeless Programs: Provide formula and competitive funding to state and local governments and nonprofit organizations that offer housing, homeless prevention programs, rental assistance, and other supportive services to families and individuals facing a housing crisis or homelessness.

Neighborhood Stabilization Program (NSP): This program provides some formula funding to states and local governments and some competitive grants to states, local governments, nonprofit entities, or a consortium of nonprofit entities/ Funds can be used to acquire and rehabilitate abandoned or foreclosed upon homes or residential properties in neighborhoods.

Section 108: Section 108 is the loan guarantee provision of the CDBG program that provides public entities with loan funds to carry out economic development, housing, and public facility projects. The public entity may carry out the project itself or designate another public or nonprofit entity to do so. Section 108 loans are usually used by CDBG entitlement communities, but non-entitlement communities may also apply if their state agrees to pledge the CDBG funds necessary to secure the loan.

Mortgage Insurance for Rental Housing: Several Federal Housing Administration (FHA) mortgage insurance programs can be used

to facilitate the new construction and substantial rehabilitation of multifamily rental projects. Some FHA programs can be used to refinance and acquire existing multifamily projects not requiring substantial rehabilitation.

Mortgage Insurance for Condominium Units: FHA also insures mortgages on condominium units in developments that are proposed or under construction, existing projects, or conversions. Generally, approval of the condominium project must be obtained from an authorized lender.

Housing Finance Agency Risk Sharing Program: Under this program, HUD provides credit enhancement on loans underwritten and closed by a state or local housing finance agency (HFA). Loans made pursuant to Section 542(c) are for affordable housing which includes new construction, substantial rehabilitation, elderly housing, and refinancing. Eligible owners and purchasers apply for the program through the appropriate HFA.

U.S. Environmental Protection Agency (EPA)

EPA's mission is to protect human health and the environment. Where and how we build communities has a major impact on the environment and on public health. By promoting more environmentally, economically, and socially sustainable communities, EPA can help protect our nation's air, water, land, and people. A clean, green, healthy community is a better place to buy a home and raise a family, it's an appealing place for businesses to locate, and it has the foundations it needs for prosperity. Many EPA programs are aimed at helping tribal, state, and local governments support activities that build more sustainable communities and protect human health and the environment.

Brownfields Remediation and Redevelopment: EPA has a variety of programs to help eligible entities assess, remediate, and restore brownfields sites to productive use and revitalize affected neighborhoods.

Assessment Grant Program: These grants provide funding to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Grants are for up to $200,000 to address sites contaminated by hazardous substances, and up to $200,000 to address sites contaminated by petroleum. Applicants can also apply as an Assessment Coalition (a group of three or more eligible entities) for up to $1 million.

Revolving Loan Fund (RLF) Grant Program: These grants of up to $1 million provide funding to capitalize a revolving loan fund. Revolving loan funds can be used to provide no-interest or low-interest loans and subgrants to eligible entities who own the site to carry out cleanup activities at brownfield sites. RLF grants require a 20 percent cost share.

Cleanup Grant Program: These grants provide funding for a recipient to carry out cleanup activities at brownfields sites that it owns. Sites may be contaminated by hazardous substances and/or petroleum. Grants are up to $200,000 per site and require a 20 percent cost share.

Brownfields Job Training Grant Program: These grants provide funding to eligible entities and nonprofit organizations to help communities take advantage of jobs created by the assessment and cleanup of brownfields. The Job Training Grant Program's goals are to prepare trainees for future employment in the environmental field and to facilitate cleanup of brownfield sites contaminated with hazardous substances. Grants are for up to $200,000.

Targeted Brownfields Assessments: These assessments are conducted by an EPA contractor, and services can include site assessments, cleanup options and cost estimates, and community outreach. Sites for this program are selected by EPA regional offices. Services can range from several thousand dollars to as much as $100,000.

Technical Assistance to Brownfields (TAB) Program: TAB services are provided to communities, regional entities, and nonprofits who need technical assistance dealing with brownfield sites. The program can also assist communities with applying for EPA brownfields grants or identifying other resources to address their brownfield sites.

Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Environmental Justice Small Grants Program: This program provides financial assistance to eligible organizations to build collaborative partnerships, to identify the local environmental and/or public health issues, and to envision solutions and empower the community through education, training, and outreach.

Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program: This program provides financial assistance to eligible organizations working on or planning to work on projects

to address local environmental and/or public health issues in their communities, using EPA's "Environmental Justice Collaborative Problem-Solving Model."

State Environmental Justice Cooperative Agreements Program: This program provides funding so that eligible entities may work collaboratively with affected communities to understand, promote, and integrate approaches to provide meaningful and measurable improvements to the public health and/or environment in the communities.

Environmental Justice Showcase Communities Project: This project provides EPA regional office funding to bring together governmental and non-governmental organizations to pool their resources and expertise on the best ways to achieve real results in communities. The successes and lessons learned in these demonstration projects will be used to help guide the design and implementation of future environmental justice projects and will help EPA increase its ability to address local environmental challenges in more effective, efficient, and sustainable ways.

Toxic Pollution Reduction

Community Action for a Renewed Environment (CARE): CARE is a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment. Through CARE, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize people's exposure to them. By providing financial and technical assistance, EPA helps CARE communities get on the path to a renewed environment.

Lead Grants: EPA awards grants aimed at reducing childhood lead poisoning in communities with older housing through the National community-based Lead Grant and the Targeted Lead Grant Programs. The projects supported by these grant funds are an important part of EPA's lead program to eliminate childhood lead poisoning as a major public health concern.

Energy Conservation and Renewable and Clean Energy

State and Local Climate and Energy Program: This program provides technical assistance, analytical tools, and outreach support to state, local, and tribal governments. Specific assistance includes identifying and documenting cost-effective policies and initiatives – measuring and evaluating the benefits of clean energy initiatives; offering tools, guidance, and outreach support; and fostering peer exchange opportunities. The program's web site provides state and local governments with information on energy efficiency and clean energy, including webcasts on a variety of topics.

National Clean Diesel Campaign (NCDC): NCDC offers a comprehensive program to help fleet owners clean up their diesel fleets. The campaign awards competitive grants through the Diesel Emissions Reduction Act to public agencies, eligible nonprofits, and private entities, such as school bus contractors, who partner with eligible entities. NCDC's rigorous verification program evaluates the performance and durability of retrofit technologies and provides a path to verification for emerging technologies. The campaign's innovative programs, such as Clean School USA, Clean Ports USA, and Clean Construction USA, provide sector-specific information, including case studies, technology options, and publications. ND's tools and resources include the web-based Diesel Emissions Quantifier to help evaluate the cost effectiveness of various retrofit options and the State and Local Toolkit to help design, fund, and evaluate emission-reduction programs/ In addition, ND supports regional private-public collaboratives whose members coordinate to implement a wide array of activities to reduce diesel emissions.

SmartWay Transport Partnership: Under SmartWay, EPA provides web-based analytical tools, technical assistance, innovative financing options, air quality planning guidance, product and vehicle verification and certification, and recognition incentives to help states and municipalities support cleaner goods movement in their communities. SmartWay partners learn how to shrink their carbon footprints and reduce emissions of air pollutants while saving fuel and expanding their businesses. SmartWay's innovative financial options can help trucking firms, municipal fleet managers, and owner-operators serving communities across the country overcome financial obstacles to cleaner, fuel-saving vehicle retrofits and upgrade. Cities can partner with EPA regional offices to recruit city-based freight shippers and carriers into the program, organize events or pilot tools/ resources for the local business community, use locomotive and truck idle reduction strategies to achieve clean air goals, and let businesses and consumers know about lower polluting, fuel-saving, SmartWay-designated passenger vehicles and commercial trucks.

Smart Growth

EPA's Smart Growth Program offers case studies, research, tools, and publications to help communities learn about and implement smart growth solutions to a wide range of development-related challenges, including transportation and parking, affordable housing, stormwater runoff, zoning codes, infill and redevelopment, and many other issues.

Smart Growth Implementation Assistance (SGIA) Program: Through the SGIA program, EPA solicits applications from state, local, regional, and tribal governments (and non-profits that have partnered with a governmental entity) that want to incorporate smart growth techniques

into their future development. Once selected, communities receive direct technical assistance from a team of national experts in one of two areas: policy analysis (e.g., zoning codes, school siting guidelines, and transportation policies) or public participatory processes (e.g., visioning, design workshops, alternatives analysis). EPA tailors the assistance to the community's unique situation and priorities and provides the contractor team. This is not a grant. Through a site visit and a report, the multidisciplinary teams help the community achieve its goal of encouraging growth that fosters economic progress and environmental protection. The SGIA Request for Applications is usually open in the first quarter of the year.

Smart Growth Funding Resources: The Smart Growth Program occasionally offers competitive grants. It has also compiled lists of federal, regional, and state resources for communities and non-governmental organizations that are seeking funding to address various aspects of smart growth.

Water Quality

In urban and suburban areas, much of the land surface is covered by buildings, pavement, and compacted landscapes that do not allow rain and snowmelt to soak into the ground, which greatly increases the volume and velocity of stormwater runoff. Upgrading water infrastructure and using green infrastructure techniques can help improve stormwater management to better protect our nation's drinking water and lakes, rivers, streams, and other water bodies.

State Revolving Loan Funds: The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Programs are federal/state partnerships designed to finance the cost of infrastructure needed to achieve compliance with the Clean Water Act. Through the SRFs, states maintain revolving loan funds to provide low-cost financing for a wide range of water quality infrastructure projects, such as traditional municipal wastewater treatment and collection systems, nonpoint source program implementation projects, wetlands restoration, groundwater protection, innovative stormwater runoff and estuary management projects, drinking water treatment and conveyance systems, and source water protection. Funds to establish or capitalize the SRF programs are provided through EPA grants to the states, along with state matching funds (equal to 20 percent of federal government grants).

Green Infrastructure: Green infrastructure is an approach to wet weather management that is cost effective, sustainable, and environmentally friendly. Green infrastructure management approaches and technologies infiltrate, evaporate, transpire, capture, and reuse stormwater to maintain or restore natural hydrology. Many of these approaches, including green roofs, rain gardens, green streets, and other innovative stormwater management techniques, can also make neighborhoods safer, healthier, and more attractive. EPA has compiled a list of funding resources to help communities fund green infrastructure projects.

Asset Management (AM): As communities undertake the task of renewing their water infrastructure systems, EPA can offer a suite of practices and approaches to ensure that water infrastructure both supports sustainable communities and can be supported by the communities it serves. One of the keys to sustainable infrastructure is the practice of AM, which provides a platform for making the best, most effective infrastructure investments. EPA offers AM training and a suite of tools to promote adoption and improvement of AM implementation. Multisector AM integrates investments in water, transportation, and housing infrastructure and is being promoted through a Memorandum of Understanding between EPA and DOT.

Nonpoint Source Management Grants: Under Section 319 of the Clean Water Act, states receive grant money to support a wide variety of activities to reduce nonpoint source pollution, including techniques related to agriculture, urban runoff, forestry, and the physical modification of water bodies. States directly implement projects as well as provide funds to organizations and local governments to carry out projects that reduce nonpoint source pollution through best management practices, outreach and education, and demonstration of new approaches to improve water quality. These grant monies may not be used to fund activities currently required in a stormwater permit issued under the authority of the Clean Water Act. Each state publishes an annual request for proposals.

A.1.2 National Programs: Other

The Advisory Council on Historic Preservation (ACHP)

Historic Preservation Tax Credits: The recipients of the credits are owners of commercial, industrial, agricultural, or rental residential properties. The Federal Government offers a variety of tax credits that assist preservation projects, notably a credit that is available only for rehabilitation of income-producing historic properties. Under this historic preservation tax credit, property owners who rehabilitate historic buildings for commercial, industrial, agricultural, or rental residential purposes can receive a tax credit equal to 20 percent of the rehabilitation costs. The National Park Service must certify that the rehabilitation work meets the Secretary of the Interior's Standards for Rehabilitation. Since the inception of the tax credit in 1976, it has generated over $40 billion in historic preservation activity.

Foundations

Funders' Network: Funders' Network's mission is, "to inspire, strengthen and expand funding and philanthropic leadership that yield environmentally sustainable, socially equitable and economically prosperous regions and communities."

A list of member organizations, most but not necessarily all funding organizations, is available at http://www.fundersnetwork.org/connect. This membership list should not be interpreted to imply the availability of grants. Grantseekers should carefully review the criteria and requirements of any foundation prospect before applying for a specific grant.

Enterprise Community Website

Enterprise is a national organization involved in affordable housing finance and community investment, with the mission of bringing housing and opportunities to low-income people.

Low-Income Housing Tax Credit (LIHTC): The LIHTC program was originally enacted as part of the Tax Reform Act of 1986, to generate private capital investment to support the development of new and rehabilitated affordable rental homes for low and very low-income families. The Housing Credit is administered mostly by the States, which allows them to adapt the program to their unique housing needs under broad Federal guidelines.

U.S. Treasury Department-certified Community Development Financial Institution (CDFI), the Enterprise Community Loan Fund: The program is one of the largest nonprofit loan funds in the country and is a member of the Opportunity Finance Network and a CDFI assessment and ratings system (CARS)-rated CDFI.

A.2 STATE PROGRAMS

A.2.1 Local Government Commission (LGC)

LGC is a nonprofit organization based in California "fostering innovation in environmental sustainability, economic prosperity and social equity. The LGC is helping to transform communities through inspiration, practical assistance and a network of visionary local elected officials and other community leaders." The LGC provides links to the following programs:

California Energy Commission (CEC)'s Efficiency Financing Program for Local Government, Hospitals, and Schools: This program provides financing for schools, hospitals and local governments through low-interest loans for feasibility studies and the installation of energy-efficiency measures. Approximately $40 million is available. Loans can finance up to 100 percent of the cost of energy efficiency projects for schools, hospitals, cities, counties, special districts, or public care institutions.

California Public Utilities Commission (CPUC)'s Savings by Design: This program encourages high-performance nonresidential building design and construction within the service territories of Pacific Gas and Electric (PG&E), San Diego Gas and Electric (SDG&E), Southern California Edison (SCE), or Southern California Gas. The program offers building owners and their design team a wide range of services including design assistance, owner incentives, and design team incentives. Owners and design team members are eligible to participate.

A.2.2 California State Treasurer

California Alternative Energy & Advanced Transportation Financing Authority (CAEATFA): CAEATFA was established to promote energy sources designed to reduce the degradation of the environment, and to promote the development and commercialization of advanced transportation technologies. CAEATFA is able to issue tax-exempt and taxable bonds for projects that qualify. CAEATFA offers financing at lower than conventional costs as the interest on the bonds is exempt from federal and state taxes. Applicants should consult with legal counsel and financial consultants to determine if the tax-exempt securities option is the best for the project.

California Industrial Development Financing Advisory Commission (CIDFAC): CIDFAC operates the State's industrial development bonds (IDBs) and empowerment zone bond financing programs. CIDFAC issues tax-exempt, IDBs intended for helping local communities grow their economies and provide good-paying jobs. Applicants for CIDFAC financing must meet certain eligibility, public benefit and other requirements. Additionally, they must provide certain documentation concerning the proposed IDB project and the project sponsor and user.

California Transportation Financing Authority (CTFA): CTFA issues, or approves the issuance of, revenue bonds to finance transportation projects. The CTFA will review proposed projects to ensure they are financially sound, and also has the ability to approve tolls as part of the financing plans to repay revenue bonds. Through the CTFA, local transportation agencies will have greater ability to sell revenue bonds, backed by non-general fund monies, in the municipal bond market. And the state will ensure that projects and financing are consistent with state transportation policy objectives.

A.2.3 California Statewide Communities Development Authority (CSCDA)

CSCDA was created in 1988, under California's Joint Exercise of Powers Act, to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects.

Although cities, counties and special districts are able to issue their own debt obligations or serve as a conduit issuer of private activity bonds that promote economic development and provide critical community services, many local agencies find stand-alone financings too costly or lack the necessary resources or experience to facilitate the bond issuance and perform post-issuance activities for the term of the bonds. In response, CSCDA was created by and for local governments in California, and is sponsored by the California State Association of Counties and the League of California Cities.

New Markets Tax Credit Program: Created by the U.S. Federal Government in 2000 as part of the Community Renewal Tax Relief Act, the New Markets Tax Credit (NMTC) program encourages investment in low-income communities. Through the NMTC Program, real estate projects or businesses in a low-income community are able to generate capital by providing investors – typically a bank or financial institution — a tax credit as an additional incentive for capital investment. The authority to determine how tax credits are allocated is granted to financial intermediaries called Community Development Entities (CDEs). CDEs have been certified by the Community Development Financial Institutions (CDFI) Fund of the U.S. Department of the Treasury after completing a rigorous application process and demonstrating their commitment and history of investing capital into low-income communities. CSCDA is a certified CDE. Certified CDEs compete annually to receive awards under the NMTC.

Programs for Public Agencies

California Lease Finance Program (CaLEASE): This program offers tax-exempt lease financing to public agencies for capital projects, and equipment without the traditional expense or complexity of other finance mechanisms.

Statewide Community Infrastructure Program (SCIP): SCIP allows participating local agencies to receive impact fees prior to development, while property owners repay the tax-exempt obligation over a thirty year bond term. SCIP may eliminate the need for local agencies to negotiate deferral fee agreements.

Delinquent Property Tax Funding Program: This program enables cities and districts that do not participate in a county Teeter plan to sell or assign their share of their county's delinquent 1% levy taxes to the CSCDA; and similarly enables Community Facilities and Special Assessment Districts to sell or assign their delinquencies to the CSCDA. Teeter plans provide alternative methods for allocating delinquent property tax revenues. This program could also be used by cities and districts that do participate in a Teeter plan, but have some non-Teetered special tax or fund delinquencies.

Energy Finance Programs

Sustainable Energy Bond Program: CSCDA and the Foundation for Renewable Energy and Environment are teaming together to provide public agencies and nonprofit organizations throughout California with access to tax exempt financing for critical sustainable energy investments.

California First – Property Assessed Clean Energy Program: CaliforniaFIRST is a multi-jurisdiction Property Assessed Clean Energy (PACE) program that provides the size and standardization to catalyze an active, secure energy retrofit marketplace. PACE is a financing tool that allows property owners to secure upfront funding for energy and water-saving improvements, which they repay through a voluntary contractual assessment lien on their property tax bill.

Programs for Private Firms

501(c)(3) Nonprofit: Qualified nonprofit organizations can access low-cost, tax-exempt bonds to finance or refinance the acquisition, construction, installation, expansion or rehabilitation of land, buildings, and equipment. A 501(c)(3) nonprofit organization can finance projects at a lower interest rate than conventional financing because the interest paid to bondholders is exempt from federal (and in some instances state) income taxes.

Housing Bonds: For-profit and nonprofit developers can access tax-exempt bonds for the financing of low-income multifamily and senior housing projects. The Bonds may be used to finance or refinance the acquisition and rehabilitation of an existing project or for the construction of a new project, provided the developer agrees to set aside all, or a portion, of the units in a project for individuals and families of very low, low or moderate income.

Industrial Development Bonds (IDBS)/Manufacturing: Eligible manufacturers can access cost-effective, tax-exempt bond proceeds to acquire, construct or rehabilitate manufacturing facilities that promote job creation and retention. Bond proceeds may also be used for the acquisition of new equipment.

Exempt Facilities/Solid Waste: This program offers companies seeking cost-effective, tax-exempt capital to finance the acquisition and rehabilitation, construction of, or the acquisition of new equipment for solid waste and exempt facilities.

A.2.4 California Energy Commission (CEC)

Energy Efficiency Financing: Projects with proven energy and/or demand cost savings are eligible. Energy efficiency projects must be technically and economically feasible. Examples of projects include; lighting system upgrades, pumps and motors, streetlights and light-emitting diode (LED) traffic signals, energy management systems and equipment controls, building insulation, energy generation including renewable and combined heat and power projects, heating, ventilation and air conditioning equipment, water and waste water treatment equipment, and load shifting projects, such as thermal energy storage.

A.2.5 California Municipal Utility Association (CMUA)

Financing Authority for Resource Efficiency in California (FARECal): Provides flexible, joint/pooled financing for energy efficiency, water conservation and water reclamation projects to municipalities and local districts with publicly owned utilities.

A.2.6 California Department of Housing and Community Development (HCD)

Note that some of these programs might also discussed under federal program information.

Golden State Acquisition Fund (GSAF) - Affordable Housing Innovation Program (AHIP): The program provides quick acquisition financing for the development or preservation of affordable housing. Loans for developers, provided through a nonprofit fund manager and terms may not exceed five years. Applicants must demonstrate local government support, the availability of leveraged funds, organizational stability and capacity, and a track record of developing affordable housing.

CalHome Program: The program enables low and very-low income households to become or remain homeowners. Grants are provided to local public agencies and nonprofit developers to assist individual households through deferred-payment loans. Direct, forgivable loans can be used to assist development projects involving multiple ownership units, including single-family subdivisions. Grants to local public agencies or nonprofit corporations can be used for first-time homebuyer down payment assistance, home rehabilitation, including manufactured homes not on permanent foundations, acquisition and rehabilitation, homebuyer counseling, self-help mortgage assistance programs, or technical assistance for self-help homeownership. All funds to individual homeowners will be in the form of loans: Loans for real property acquisition, site development, predevelopment, construction period expenses of homeownership development projects, or permanent financing for mutual housing and cooperative developments. Project loans to developers may be forgiven as developers make deferred payment loans to individual homeowners. Assistance to individual households will be in the form of deferred-payment loans, payable on sale or transfer of the homes, or when they cease to be owner-occupied, or at maturity.

Governor's Homeless Initiative: The Governor's Homeless Initiative is an interagency effort aimed at reducing homelessness. It includes the funding program described here, the creation of a State interagency coordinating council, and the purchase by California Housing Finance Agency (CalHFA) of $10 million in existing loans for supportive housing projects, freeing up funds for new loans. The funding program component of the Governor's Homeless Initiative assists with the development of permanent supportive housing for persons with severe mental illness who are chronically homeless. It is a joint project of the Department of Housing and Community Development (HCD), the CalHFA, and the Department of Mental Health (DMH). Loan terms are 55 years for the permanent MHP loans, up to three years for the CalHFA bridge loan, and up to 30 years for CalHFA permanent loans. Eligible uses include new construction, rehabilitation, or acquisition and rehabilitation of permanent rental housing, and the conversion of nonresidential structures to rental housing.

HOME Investment Partnerships Program (HOME): The program assists cities, counties and nonprofit community housing development organizations (CHDOs) to create and retain affordable housing. Grants are provided to cities and counties; low-interest loans to state-certified CHDOs operating in state-eligible jurisdictions. Most assistance is in the form of loans by city and county recipients to project developers, to be repaid to local HOME accounts for reuse. Eligible recipients include cities and counties that do not receive HOME funds directly from the federal Department of Housing and Urban Development (HUD), and current state-certified nonprofit Community Housing Development Organizations (CHDOs) proposing activities in eligible communities.

Housing-Related Parks Program: The goal of the program is to increase the overall supply of housing affordable to lower income households by providing financial incentives to cities and counties with documented housing starts for newly constructed units affordable to

very low or low-income households. Grants are provided for creation of new parks or rehabilitation or improvements to existing parks. Grant amounts are based on the numbers of bedrooms in newly constructed rental and ownership units restricted for very low and low-income households. A city, county, or city and county that receives funds may subcontract through a recreation and park district or nonprofit organization that has among its purposes the conservation of natural or cultural resources.

Infill Infrastructure Grant Program (IIG): The grant program assists in the new construction and rehabilitation of infrastructure that supports higher-density affordable and mixed-income housing in locations designated as infill. The minimum/maximum grant amounts for Qualifying Infill Projects: $500,000/$4 million ($250,000 minimum for Rural Areas). New construction, rehabilitation, and acquisition of infrastructure are required as a condition of or approved in connection with approval of Qualifying Infill Projects. Eligible applicants include non-profit and for profit developers and as a joint applicant with the developer, a locality or public housing authority.

Multifamily Housing Program (MHP): The program aims to assist the new construction, rehabilitation and preservation of permanent and transitional rental housing for lower income households. These loans are deferred payment loans with 55-year terms. The interest rate is three percent simple interest on unpaid principal balance. Eligible activities include new construction, rehabilitation, or acquisition and rehabilitation of permanent or transitional rental housing, and the conversion of nonresidential structures to rental housing. MHP funds will be provided for post-construction permanent financing only. Eligible costs include the cost of child care, after-school care and social service facilities integrally linked to the assisted housing units; real property acquisition; refinancing to retain affordable rents; necessary onsite and offsite improvements; reasonable fees and consulting costs; and capitalized reserves.

Predevelopment Loan Program (PDLP): The program provides predevelopment capital to finance the start of low income housing projects. These are short-term loans with three percent simple annual interest loans for up to two years. Maximum loan amount for purposes other than site option or site purchase is $100,000. Predevelopment costs can apply to projects to construct, rehabilitate, convert or preserve assisted housing, including manufactured housing and mobile home parks. Eligible costs include, but are not limited to, site control, site acquisition for future low-income housing development, engineering studies, architectural plans, application fees, legal services, permits, bonding and site preparation.

Transit Oriented Development (TOD) Housing Program: Under the program, low-interest loans are available as gap financing for rental housing developments that include affordable units, and as mortgage assistance for homeownership developments. In addition, grants are available to cities, counties, and transit agencies for infrastructure improvements necessary for the development of specified housing developments, or to facilitate connections between these developments and the transit station. Loans can be used for the development and construction of housing development projects within one-quarter mile of a transit station. Grants can be used for the provision of infrastructure necessary for the development of higher density uses within one-quarter mile of a transit station.

A.2.7 California Department of Transportation (CA DOT)

Note that some of these programs might also be discussed under federal program information.

Partnership Planning for Sustainable Transportation: The Partnership Planning for Sustainable Transportation grant program is funded by the Federal Highway Administration (State Planning and Research, Part I). The Federal Highway Administration has authorized Caltrans to distribute these grant funds. The objective of the Partnership Planning for Sustainable Transportation Program is to encourage or strengthen multi-agency and/or government-to-government partnerships. The projects must have a statewide and/or regional benefit and may include partnering with local agencies to develop plans that align with Senate Bill 375 Sustainable Communities Strategy (SCS) implementation. The anticipated benefits of the project must ultimately result in improvements to the statewide or regional transportation system.

Transit Planning: The Transit Planning Grant Program is funded by the Federal Transit Administration (Section 5304). The Federal Transit Administration has authorized Caltrans to distribute these grant funds. Funding distribution will depend on the quality and amount of applications for each Transit Planning program.

Transit Planning for Sustainable Communities: The objective of the Transit Planning for Sustainable Communities Grant Program is to address transit planning issues of statewide or regional significance. The proposed planning studies are intended to improve transit services and to facilitate congestion relief by offering a sustainable alternative to the single occupant vehicle.

Environmental Justice and Community-based Transportation Planning Grants Program

The Environmental Justice (EJ) and Community-Based Transportation Planning (CBTP) grant programs promote a balanced, comprehensive, and multi-modal transportation system. These are discretionary programs that provide key methods by which many California communities plan for closer connection between transportation and land use. Caltrans provides these planning grant funds to metropolitan planning organizations and regional transportation planning agencies, cities and counties, transit agencies, and Native American tribal governments. EJ and CBTP final products are expected to help leverage funds from other program sources that will forward future project activities. Completed EJ and CBTP products often contribute to positive local planning practice by influencing and integrating final products into the local and regional plans.

Environmental Justice (EJ): This program promotes the involvement of low-income and minority communities, and Native American tribal governments in the planning for transportation projects. EJ grants have a clear focus on transportation and community development issues to prevent or mitigate disproportionate, negative impacts while improving mobility, access, safety, and opportunities for affordable housing an economic development.

Community-Based Transportation Planning (CBTP): This program promotes transportation and land use planning projects that encourage community involvement and partnership. These grants include community and key stakeholder input, collaboration, and consensus building through an active public engagement process. CBTP grants support livable and sustainable community concepts with a transportation or mobility objective to promote community identity and quality of life. Each grant displays a transportation and/or land use benefit. CBTP grants are approached in many different ways with innovative ideas and opportunities for public participation.

California Pollution Control Financing Authority (CPCFA)

The California Pollution Control Financing Authority (CPCFA) provides financial assistance in a variety of forms, including tax exempt bonds for qualifying waste and recycling facilities, grants and loans to clean up contaminated lands, small business loan assistance and tax exempt bonds for certain industrial facilities.

Tax-Exempt Waste/Recycling Bonds: CPCFA provides tax-exempt bond financing for pollution control projects. Their Tax-Exempt Bond Financing Program gives California businesses help with acquisition or construction of qualified pollution control, waste disposal, or recycling facilities, and the acquisition and installation of new equipment. Typically, tax-exempt bond issues exceed $2.5 million.

Pollution Control Tax-Exempt Bond Financing Program: This program provides private activity tax-exempt bond financing to California businesses for the acquisition, construction, or installation of qualified pollution control, waste disposal, waste recovery facilities, and the acquisition and installation of new equipment. Financing is performed in conjunction with allocation from the California Debt Limit Allocation Committee (CDLAC). The allocation is required by federal tax law for private activity tax-exempt bonds to be issued. Tax-exempt bond financing provides qualified borrowers with lower interest costs than are available through conventional financing mechanisms.

The following types of projects are eligible for financing:

- Large Business: Provides financing to California business, irrespective of company size, for the acquisition, construction or installation or qualified pollution control, waste disposal, and resource recovery facilities
- Small Business: Provides financing to California businesses that meet the size standards set forth in Title 13 of the Code of Federal Regulations or are an eligible small business, which is defined as 500 employees or less, including affiliates, for the acquisition, construction or installation of qualified pollution control, waste disposal, and resource recovery facilities.

Small Business Assistance Fund (SBAF): CPCFA uses its SBAF to help pay for the costs of issuance of tax-exempt bonds issued on behalf of small businesses. The SBAF may be used to pay for costs such as letter of credit fees, transaction fees and other costs associated with the issuance of bonds. This assistance reduces the net cost of financing to the small business.

Brownfields Assessment and Redevelopment: CPCFA is administering a new $60 million program to provide grants or loans for the cleanup of contaminated property that results in housing. Loans and grants of between $50,000 and $5 million are available. The California Recycle Underutilized Sites Program (CALReUSE) also has loan money available for site assessments.

Small Business Loans: The California Capital Access Program (CalCAP) helps small-business borrowers obtain loans through participating financial institutions. CalCAP contributes to the loan loss reserves of a financial institution, thereby allowing the lender to provide loans to business which might otherwise not be able to obtain financing. While the requirements of the participating lenders can

vary, the maximum size of a CalCAP loan is $2.5 million. There is no minimum size and some lenders are providing loans as low as $500. Loans enrolled in the Air Resources Board (ARB) On-Road Heavy-Duty Vehicle Program can be used to finance heavy-duty trucks and buses and retrofits. CalCAP together with the California Air Resources Board may provide up to 100% coverage on certain loan defaults. Eligible businesses in the Proposition 1B Loan Assistance Program are those that have received an invitation letter from the Air Resources Board stating that the equipment owner is eligible to receive grant money to purchase a newer, compliant vehicle.

Industrial Development Bonds: CPCFA provides tax-exempt Industrial Development Bonds for qualified manufacturing and processing companies. CPCFA Industrial Development Bonds that meet statutory and regulatory requirements can be used for a variety of pollution control, solid waste and recycling facilities. Generally, Industrial Development Bonds are issued for projects costing at least $1 million up to a maximum of $10 million. More information on these types of bonds can be found at the California Industrial Development Financing Advisory Commission.

California Department of Resources Recycling and Recovery (CalRecycle): The California Department of Resources Recycling and Recovery (CalRecycle) offers funding opportunities authorized by legislation to assist public and private entities in the safe and effective management of the waste stream. To access detailed information about grant, payment, and loan programs currently offered by CalRecycle, use the list below. Applicants can apply online for many of CalRecycle's grant programs by using the Grants Management System Web (GMSWeb). These grants generally target specific elements of the waste stream, such as beverage containers. Payment programs include:

- Used Oil Payment Program (OPP)
- Beverage Container City/County Payment Program

Loan programs include:

- Recycling Market Development Zone (RMDZ) Loans
  Provides direct loans to businesses that use postconsumer or secondary waste materials to manufacture new products, or that undertake projects to reduce the waste resulting from the manufacture of a product.
- Proposed Greenhouse Gas Reduction Revolving Loans
  Provides loans to promote in-state development of infrastructure to process California-generated organics and other recyclable materials into new value-added products.

A.2.8 I-Bank Programs

Infrastructure State Revolving Fund Program (ISRF): The ISRF Program provides low-cost financing to public agencies for a wide variety of infrastructure projects. ISRF Program funding is available in amounts ranging from $50,000 to $25,000,000, with terms of up to 30 years. Interest rates are fixed for the term of the financing. Eligible project categories include city streets, county highways, state highways, drainage, water supply and flood control, educational facilities, environmental mitigation measures, parks and recreational facilities, port facilities, public transit, sewage collection and treatment, solid waste collection and disposal, water treatment and distribution, defense conversion, public safety facilities, and power and communications facilities.

501(c)(3) Revenue Bond Program: The 501(c)(3) Revenue Bond Program provides tax-exempt financing to eligible nonprofit public benefit corporations for the acquisition and/or improvement of facilities and capital assets. Typical borrowers include cultural, charitable and recreational organizations, research institutes and other types of organizations that provide public benefits.

Industrial Development Revenue Bond (IDB) Program: The IBD Program provides tax-exempt financing up to $10 million for qualified manufacturing and processing companies for the construction or acquisition of facilities and equipment. IDBs allow private companies to borrow at low interest rates normally reserved for state and local governmental entities.

Exempt Facility Revenue Bond Program: The Exempt Facility Revenue Bond Program provides tax-exempt financing for projects that are government-owned or consist of private improvements within publicly-owned facilities, such as private airline improvements at publicly-owned airports.

Small Business Loan Guarantee Program: Provides repayment guarantees to lenders of loans to small businesses having difficulty securing financing on their own. The guarantees are issued by non-profit Financial Development Corporations (FDCs). The FDCs partner with community banks to help small business owners finance their plans including expanding operations, purchasing new equipment and infusing businesses with working capital. Guarantees may also be issued on loans for start-up costs.

A.3 REGIONAL PROGRAMS

A.3.1 Southern California Association of Governments (SCAG)

As a member of the Southern California Association of Governments (SCAG), the City has access to SCAG's assistance in locating and securing grant funding from federal and state agencies. For example, SCAG's programs include the CA Smart Growth Infrastructure Funding & Financing, which according to SCAG is "designed to assist cities to identify funding and financing opportunities and potential partnerships for public infrastructure improvements for transit-oriented development and other smart growth projects. The [program] site defines available funding sources and financing tools, each linked to one or more case studies of recent smart growth improvement projects in California and across the country."

A.4 LOCAL PROGRAMS

A.4.1 Special and "Add-On" Taxes

The use of special and "add-on" taxes by cities and counties in California is restricted by Proposition 218 (passed by California voters in 1996) and its predecessors, Proposition 13 (1978) and Proposition 62 (1982). Based on these Propositions, the California State Constitution provides clear standards for locally-imposed general and special taxes. In particular, the required voter approval thresholds for different types of local taxes are as follows:

- General tax – majority
- Special tax – 2/3 supermajority
- Parcel tax – 2/3 supermajority
- General obligation bond – 2/3 supermajority

Note that any "special tax" requires the approval of two-thirds of voters. A special tax is defined as any tax earmarked for a specific purpose. The State Legislature is currently considering several potential ballot measures which would allow California voters to reduce the voter approval threshold for special taxes from the current two-thirds to a less-restrictive 55%. This change would significantly enhance the likelihood of gaining voter approval of special taxes (since recent elections have shown that unsuccessful special tax initiatives often narrowly fail to gain the needed 2/3 vote). Some of the ballot measures under consideration would make this change only for specific categories of special taxes (e.g., taxes focused on transportation improvements), but the broadest measure under consideration (Senate Constitutional Amendment [SCA] 11) would change the required threshold for all special tax initiatives. It is presently not possible to predict the timing and outcome of any of these potential ballot measures.

Business Improvement Districts (BID)

In California, there are two separate laws that authorize the formation of a Business Improvement District:

- The Parking and Business Improvement Area Law of 1989 (Streets & Highways Code §36500 et seq.).
- Property and Business Improvement District Law of 1994 (Streets & Highways Code §36600 et seq.)

Both laws enable a city, county, or joint powers authority (made up of cities and/or counties only) to establish a BID and levy annual assessments on businesses within its boundaries. Improvements which may be financed include parking facilities, parks, fountains, benches, trash receptacles, street lighting, and decorations. Services that may be financed include promotion of public events, furnishing music in public places and promotion of tourism. In addition, the 1994 Act also allows financing of streets, rehabilitation or removal of existing structures, and security facilities and equipment. The 1989 Act allows financing of marketing and economic development, and various supplemental municipal services such as security and sanitation. Neither law allows bonds to be issued by the BIDs.

Special Benefit Assessments

Below is a list of California's more commonly used benefit assessment laws:

- Benefit Assessment Act of 1982 (Government Code §54703 et seq.). This act lets cities, counties, and special districts finance a variety of improvements.
- Community Rehabilitation District Law of 1985 (Government Code §53370 et seq.). Cities and counties can fund the renovation and repair (but not the maintenance) of an existing structure.
- Fire Suppression assessments (Government Code §50078 et seq.). Cities, counties, and special districts can charge assessments to purchase and maintain fire-fighting equipment and to pay related salaries.
- Geologic Hazard Abatement District assessments (Public

Resources Code §26500 et seq.). Cities and counties can assess property to prevent, mitigate, and abate geologic hazards such as landslides and bluff failures by acquiring property, preparing reports, and performing structural repairs.

- Habitat Maintenance Districts (Government Code §50060 et seq.). Cities and counties can levy assessments for long-term natural habitat maintenance in accordance with plans approved by the State Department of Fish and Game.
- Improvement Act of 1911 (Streets and Highways Code §5000 et seq.). The 1911 Act allows local officials to fund transportation systems, street paving, grading, sidewalks, parks, recreation areas, sewers, drainage systems, fire protection, flood control systems, water systems, and "other necessary improvements."
- Improvement Bond Act of 1915 (Streets and Highways Code §8500 et seq.). The 1915 Act does not authorize assessments. Instead, it lets cities, counties, and "public" districts that use other assessment acts to issue assessment bonds and bond anticipation notes.
- Landscaping and Lighting Act of 1972. The Landscaping and Lighting Act of 1972 created a flexible tool used by local government agencies to pay for landscaping, lighting and other improvements and services in public areas. As a form of benefit assessment, it is based on the concept of assessing only those properties that benefit from improvements financed, either directly, or indirectly through increased property values. Because it is considered a benefit assessment, a 1972 Act assessment is not subject to Proposition 13 limitations.
- Multifamily Improvement District Law (Streets and Highways Code §36700 et seq.). Multifamily Improvement Districts can finance specific activities and improvements like landscape maintenance and the construction of sidewalks.
- Municipal Improvement Act of 1913 (Streets and Highways Code §10000 et seq.). The 1913 Act lets cities, counties, and special districts levy benefit assessments for everything included in the 1911 Act, plus water works, power facilities, and public transit facilities.
- Municipal Lighting Maintenance District Act of 1927 (Streets and Highways Code §18600 et seq.). This act allows cities and counties to levy assessments to maintain and operate (but not install) street lights.
- Open Space Maintenance Act (Government Code §50575 et seq.). Cities and counties can assess land to maintain, improve, and protect open spaces by removing fire hazards, planting trees and shrubs, and acquiring fire prevention equipment.
- Park and Playground Act of 1909 (Government Code §38000 et seq.). This act lets cities pay for public parks, urban open space land, playgrounds, and library facilities.
- Parking and Business Improvement Area Law of 1989 (Streets and Highways Code §36500 et seq.). This act lets cities and counties fund parking facilities, public decorations, and the promotion of public events and business activities.
- Parking District Law of 1951 (Streets and Highways Code §35100 et seq.). This act lets cities install and maintain parking meters, purchase land, and issue bonds.
- Pedestrian Mall Law of 1960 (Streets and Highways Code §11000 et seq.). This act lets cities and counties establish pedestrian malls.
- Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et seq.). Allows cities and counties to assess businesses and property owners to promote tourism, build parking lots and fountains, provide security, and finance other facilities and services.
- Street Lighting Act of 1919 (Streets and Highways Code §18000 et seq.). This act allows cities to assess for the operation and maintenance of streetlights.
- Street Lighting Act of 1931 (Streets and Highways Code §18300 et seq.). This act lets cities levy assessments to maintain and operate (but not install) street lights.
- Tree Planting Act of 1931 (Streets and Highways Code §22000 et seq.). This act lets cities levy frontage-based assessments to plant and maintain trees along city streets.
- Vehicle Parking District Law of 1943 (Streets and Highways Code §31500 et seq.). This act lets cities and counties purchase land for parking structures, construct and maintain parking lots, and pay for related planning.

A.4.2 Other City Funding Mechanisms

City General Fund: The City's General Fund is primarily used to support ongoing City operations and services, including general government operations, public safety and community services. It is not uncommon for cities that are seeking to improve their community to commit a certain amount of the General Fund to the effort over a period of years, especially when improvements and ongoing projects or programs can be shown to have general community-wide benefits.

General Obligation Bonds (G.O. Bonds): G.O. Bonds may be used to acquire, construct, and improve public capital facilities and real property; however, they may not be used to finance equipment purchases, or pay for operations and maintenance. G.O. Bonds must be approved by two-thirds of the voters throughout the issuer's jurisdiction in advance of their issuance and typically require the issuing jurisdiction to levy a property tax on all taxable properties dedicated to repaying the debt.

Parking Fees: The use of parking fees to finance the construction and maintenance of parking facilities has been used successfully in revitalization efforts. Parking revenues can also be used to fund or subsidize physical improvements and services, including security, enhanced landscaping and lighting, valet parking programs, shuttle services, and bike facilities. However, over reliance on this source of revenue has also led to serious financial stress on parking facilities where is the paid use does not match projections.

A.4.3 Other City Options for Development Support

Local incentives: Incentives can be thought of as "reverse financing," in the sense that providing a savings to a prospective investor allows them to come into an area that they would otherwise not be able to afford. The use of the incentive is of course based on the proposition that the recipient creates benefits to an area or a community that exceed the incentive's cost.

One category of local incentives that has received considerable attention in Southern California is Regulatory Relief, which typically includes one or more of the following elements:

- Expediting the permitting process for conditional use permits and building permits.
- Reducing the land-use categories for which conditional use permits are required.
- Reviewing impact fees for amounts, development nexus, and allocations among land uses.

Some cities have gone as far as setting up dedicated pages on the city's website, and encouraging business owners and community members to call a "hotline" phone number to contribute additional ideas on streamlining local regulations.

Donors: Project donations can occur through a variety of channels, including grants from private foundations (see Foundations portion of this funding section), corporate donations or sponsorships, and contributions from individuals or businesses. Some of the proposed Plan improvements may lend themselves to a public campaign for donor gifts. Donor programs have been used very successfully in many cities to provide funds for streetscape and community design elements for items such as benches, trash receptacles, street trees, street tree grates, public art elements, and information kiosks. Donors could be acknowledged with appropriate plaques of other elements.

A.6 ACRONYMS

ACHP	Advisory Council on Historic Preservation
AHSC	Affordable Housing and Sustainable Communities
AHIP	Affordable Housing Innovation Program
AM	asset management
ARB	Air Resources Board
ATP	Active Transportation Planning Grant
BID	business improvement district
CAEATFA	California Alternative Energy & Advanced Transportation Financing Authority
CalCAP	California Capital Access Program
CaLEASE	California Lease Finance Program
CALHFA	California Housing Finance Agency
CalRecycle	California Department of Resources Recycling and Recovery
CALReUSE	California Recycle Underutilized Sites Program
CARE	Community Action for a Renewed Environment
CARS	CDFI assessment and ratings system
CBTP	Community-Based Transportation Planning
CDBG	Community Development Block Grants
CDE	Community Development Entity
CDFI	community development financial institution
CDLAC	California Debt Limit Allocation Committee
CEC	California Energy Commission
CHDO	community housing development organizations
CIDFAC	California Industrial Development Financing Advisory Commission
CIP	Capital Improvements Program
CMAQ	Congestion Mitigation and Air Quality Program
CMUA	California Municipal Utilities Association
CPUC	California Public Utilities Commission
CSCDA	California Statewide Communities Development Authority
CSS	context sensitive solutions
CTFA	California Transportation Financing Authority
CWSRF	Clean Water State Revolving Fund
DMH	Department of Mental Health
DOT	U. S. Department of Transportation
DWSRF	Drinking Water State Revolving Fund
EDA	U. S. Economic Development Administration
EDAP	Economic Development Assistance Program
EJ	Environmental Justice
EPA	U. S. Environmental Protection Agency
EPC	energy performance contracting
FARECal	Financing Authority for Resource Efficiency in California
FDC	Financial Development Corporation
FFO	federal funding opportunity
FHA	Federal Housing Administration
FTA	Federal Transit Administration
GMSWeb	Grants Management System Web
GSAF	Golden State Acquisition Fund
HCD	Department of Housing and Community Development
HFA	housing finance agency
HUD	U. S. Department of Housing and Urban Development
IDB	industrial development bonds
IIG	Infill Infrastructure Grant Program
ISRF	Infrastructure State Revolving Fund
LED	light-emitting diode
LIHTC	low-income housing tax credit
MHP	Multifamily Housing Program
NCDC	National Clean Diesel Campaign
NMTC	New Markets Tax Credit Program
NSP	Neighborhood Stabilization Program
OPP	oil payment program
PACE	Property Assessed Clean Energy Program
PDLP	Predevelopment Loan Program
PG&E	Pacific Gas and Electric
RMDZ	recycling market development zone
RTP	Recreational Trails Program
SBAF	Small Business Assistance Fund
SCAG	Southern California Association of Governments
SCE	Southern California Edison
SCIP	Statewide Community Infrastructure Program
SCS	Sustainable Communities Strategy
SDG&E	San Diego Gas and Electric
SGIA	Smart Growth Implementation Assistance Program
SRF	state revolving fund
STIP	statewide transportation improvement program
TAB	Technical Assistance to Brownfields Program
TIP	transportation improvement program
TOD	transit oriented development

RESOLUTION NO. R-20-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COLTON AMEND SECTION 18.58.060 (CONDITIONAL USE PERMITS) AND SECTION 18.06.060 (USES PERMITTED IN EACH ZONE) OF TITLE 18 OF THE COLTON MUNICIPAL CODE (FILE INDEX NO. DAP-001-325).

WHEREAS, the Planning Commission of the City of Colton ("Planning Commission") held a public hearing on June 28, 2016, after giving published notice of a Zoning Text Amendment to amend Section 18.58.060 and Section 18.06.060 of Title 18 of the Colton Municipal Code (the "Municipal Code"). Following the conclusion of said hearing, the Planning Commission adopted Resolution No. R-20-16, recommending approval to the City Council; and

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

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

SECTION 1. The Planning Commission hereby adopts the recitals and findings with respect to the Ordinance ("Zoning Text Amendment") as set forth in the attached Exhibit "A" as if fully set forth herein.

SECTION 2. The Planning Commission hereby recommends that the City Council of the City of Colton ("City Council") adopt the Zoning Text Amendment, in substantially the form attached hereto as Exhibit "A," which is incorporated by reference.

SECTION 3. The Planning Commission finds that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Thus, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

PASSED, APPROVED AND ADOPTED this 28h day of June, 2016.

_____
Richard Prieto
Planning Commission Chairperson

ATTEST:

_____
Planning Commission Secretary
Mark R. Tomich, AICP

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF COLTON)

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Colton at a meeting held on June 28, 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Planning Commission Secretary
Mark R. Tomich, AICP

EXHIBIT "A"

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING SECTION 18.58.060 (CONDITIONAL USE PERMITS) AND SECTION 18.06.060 (USES PERMITTED IN EACH ZONE) OF TITLE 18 OF THE COLTON MUNICIPAL CODE (FILE INDEX NO. DAP-001-325).

WHEREAS, on June 28, 2016, the Planning Commission of the City of Colton ("Planning Commission") conducted a duly noticed public hearing and recommended the City Council of the City of Colton ("City Council") amend Section 18.58.060 and Section 18.06.060 of Title 18 of the Colton Municipal Code (the "Municipal Code"). Following the conclusion of said hearing, the Planning Commission adopted their Resolution No. R-20-16, recommending approval to the City Council ("Zoning Text Amendment"); and

WHEREAS, the City Council has determined that the Zoning Text Amendment is consistent with the City of Colton General Plan ("General Plan") as indicated below; and

WHEREAS, the City Council has determined that the proposed Zoning Text Amendment is in the best interests of the City, and that it would be in the public interest to approve the Zone Text Amendment; and

WHEREAS, the Zoning Text Amendment was reviewed, studied and found exempt from the California Environmental Quality Act ("CEQA") as more fully described below; and

WHEREAS, on _____, the City Council held a duly noticed public hearing at which persons wishing to testify in connection with the Zoning Text Amendment were heard and the Zoning Text Amendment was comprehensively reviewed.

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals and findings set forth above and in the agenda report prepared in connection with this Ordinance.

SECTION 2. General Plan Consistency. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report and the findings made in this Ordinance, the City Council hereby finds and determines that the proposed Ordinance is consistent with the goals and policies of the City of Colton General Plan and is reasonably related to the public welfare of the citizens of the City and surrounding regions. Specifically, the provisions of this Ordinance to establish a new discretionary permit category, Minor Conditional Use Permit ("Minor CUP"), furthers the City's goals and policies as set forth in the City of Colton General Plan, specifically:

Land Use Element: Establish a "Minor CUP" discretionary permit category that is consistent with the Land Use Diversity and Compatibility, Residential Neighborhood Preservation and Protection, Commercial Districts and Industrial Districts policies of the City of Colton Land Use Element, specifically:

- **Policy LU-1.1: "*Ensure that all new development conforms to all appreciable provisions of the General Plan and Zoning Code.*"** The Ordinance will provide for a discretionary permitting category that allows for Planning Commission review and approval of proposed

uses, including adoption of findings that confirm consistency with the General Plan and Zoning Code. .

- **Policy LU-1.6:** ***"Ensure that new development projects are compatible with permitted, well-maintained uses and buildings in the surrounding neighborhood or district."*** The Ordinance will provide for a discretionary permitting category that allows for Planning Commission review of proposed uses for compatibility with existing neighborhoods and districts.
- **Policy LU-6.4:** ***"Promote the use of buildings, setbacks, walls, landscaping, and other design features to buffer and reduce conflicts between adjacent properties."*** The Ordinance will provide for a discretionary permitting category that allows for Planning Commission review of proposed uses to ensure design features are incorporated which minimize conflicts between adjacent properties.
- **Policy LU-9-1:** ***"Encourage and facilitate an appropriate mix of goods and services offered in community and neighborhood centers."*** The Ordinance will provide for Planning Commission review of discretionary land uses in commercial zones to ensure that they provide the desired mix of goods and services.
- **Policy LU-11.3:** ***"Increase and diversify local employment opportunities, and retain and accommodate industrial development that is compatible with City objectives for safety, environmental and visual quality, and employment and revenue generation."*** The Ordinance will provide for Planning Commission review of discretionary land uses in industrial zones to ensure that the proposed uses will increase and diversify local employment opportunities, and are compatible with City objectives for safety, environmental and visual quality, and employment and revenue generation.

SECTION 3. Section 18.06.060 of Chapter 18.06 of Title 18 of the Colton Municipal Code, pertaining to the Uses Permitted in Each Zone, is hereby amended to read as follows:

18.06.060 – Uses Permitted in Each Zone.

A. Allowed Uses. Generally, a land use is either allowed by right, allowed through issuance of a conditional use permit, or not permitted. In addition to the requirements for planning permits or entitlements listed herein, other permits and entitlements may be required prior to establishment of the use (e.g., Building Permit or permits required by other agencies). The requirements for planning permits or entitlements identified in Tables: 18.06.060-E, 18.06.060-F and 18.06.060-G below include:

1. Permitted (P). A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this Title (e.g., development standards) as well state and federal law.

2. Conditionally Permitted (C). A land use shown with a "C" **or "MC"** indicates that the land use is permitted in the designated zoning district upon issuance of a Conditional Use Permit **or Minor Conditional Use Permit, respectively,** from the designated approving authority, subject to compliance with all applicable provisions of this Zoning Code (e.g., development standards) as well as state and federal law.

3. Not Permitted (N). A land use shown with an "N" is not allowed in the applicable zoning district.

4. Adult Use Development Permit (A). A land use shown with an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an Adult Use Development Permit from the Planning Commission subject to compliance with all provisions of Chapter 18.49 of this Zoning Code.

B. Uses Not Listed. Land uses that are not listed in Table 18.06.060-1 below or in the zoning district tables are not allowed, except as otherwise provided for in this Title.

C. Illegal Uses. No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the City.

D. Special Use Regulations. Additional use regulations for specific land uses, such as Residential or Group Care Facility, are listed in Chapter 18.48 (Special Provisions).

E. Residential Districts Table	V-L	R1	R2	R3/R4
Animal Boarding	P	N	N	N
Assisted Living Facilities	N	N	N	P
Boarding, lodging, or rooming houses, pursuant to Chapter 18.48 of this Title.	C	C	C	C
Cemeteries	C	N	N	N
Day Care Center Child or Adult	**M**C	MC	**M**C	N
Dwelling—Compact Lots Subdivision, pursuant to Section 18.48.190 of Title 18.	N	N	C	P
Dwelling—Single-Family	P	P	P	P
Dwelling—Two-Family	N	N	P	P
Dwelling—Multiple-Family	N	N	P	P
Dwelling—Second Unit	P	P	P	N
Dwellings—Cluster Development	C	C	P	P
Dwelling—Group	N	N	N	P
Educational Institution	N	C	C	C
Family Day Care Home—Small	P	P	P	P
Family Day Care Home—Large	**M**C	**M**C	**M**C	C
Home Occupation pursuant to Chapter 18.48 of this Title.	P	P	P	P
Manufactured Home, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Mobilehome Park, pursuant to Chapter 18.48 of this Title.	N	N	C	C
Office Ancillary to Multi-Family/Model Home	P	P	P	P
Plant Nursery (grown in containers only)	P	P	P	P
Religious Assembly	C	C	C	C
Residential or Group Care Facility—Small (serving 6 or fewer persons)	P	P	P	P

Residential or Group Care Facility—Large (serving 7 or more persons)	C	C	C	C
Utility Distribution Facilities	P	P	P	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.				

F. Commercial Districts Table	C-1	C-2	MU-D	MU-N
Administrative/Professional Services	P	P	P	P
Adult Businesses	N	N	N	N
Alcoholic Beverage Sales—On- or Off-Site, pursuant to Chapter 18.48 of this Title.	**M**C	**M**C	**M**C	**M**C
Amusement Arcade, pursuant to Chapter 18.48 of this Title.	N	P	C	C
Animal Boarding	N	C	N	N
Animal Grooming	N	P	P	P
Animal Health Care	N	**M**C	P	P
Antique Shops	P	P	P	N
Assembly Uses	C	C	C	N
Automobile Parking	N	**M**C	**M**C	**M**C
Automobile Repair	N	C	N	N
Automobile Sales/Rentals	N	C	N	N
Automobile Servicing	N	C	N	N
Bar	N	C	C	N
Business Support Services	P	P	P	P
Cemeteries	N	N	N	N
Communication Services	N	P	P	P
Community Recreation	P	P	P	P
Construction Sales/Service	N	P	N	N
Composting	N	N	N	N
Convenience Sales and Service	P	P	P	P
Cultural Institutions	P	P	P	P
Dance, Martial Arts or Yoga Studio	P	P	P	P
Day Care Center Child or Adult	**M**C	**M**C	**M**C	**M**C
Dwelling—Compact Lots Subdivision, pursuant to Section 18.48.190 of Title 18.	N	N	P	P
Dwelling—Single Family	N	N	P	P
Dwelling—Multiple-Family	N	N	P	P

Dwelling—Second Units	N	N	P	P
Dwelling—Live/Work	P	P	P	P
Eating/Drinking Establishments	P	P	P	P
Eating/Drinking Establishments—Drive-Thru	C	C	C	C
Educational Institutions and Vocational Schools	C	P	C	C
Entertainment Facilities	C	P	P	P
Family Day Care Home, Large	**M**C	**M**C	**M**C	**M**C
Family Day Care Home, Small	P	N	P	P
Farmers Market, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Financial Institutions	N	P	P	P
Florist	P	P	P	P
Fortunetelling, pursuant to Chapter 18.48 of this Title.	N	**M**C	N	N
Funeral Services	N	P	N	N
Health and Fitness Club	N	P	P	P
Home Occupations, pursuant to Chapter 18.44 of this Title.	P	P	P	P
Hospitals	N	P	N	N
Hotels and Motels	N	C	C	N
Instructional Services	C	P	P	N
Laundry services—Heavy	N	P	N	N
Laundry services—Light	P	P	P	P
Library Services	**M**C	P	P	P
Manufacturing—Custom, pursuant to Chapter 18.48 of this Title.	N	P	N	N
Medical/Dental/Optical Services	P	P	P	P
Movie Theaters	N	P	P	N
Nightclub	N	C	C	N
Personal Services	P	P	P	P
Plant Nursery (grown in containers only)	P	P	P	P
Postal Services	P	P	P	P
Recreational Facilities	N	P	P	P
Recycling Facilities—Small Collection	P	P	P	P
Recycling Facilities—Large Collection	N	C	N	N
Recycling Facilities—Reverse Vending Machines	P	P	P	P
Recycling Processing Facility—Light	N	N	N	N
Recycling Processing Facility—Heavy	N	N	N	N
Repair Services	N	P	P	P
Resale/Secondhand Stores	**M**C	**M**C	**M**C	**M**C

Research Services	N	P	N	N
Retail Sales—Indoors	P	P	P	P
Retails Sales—Outdoors	N	C	C	C
Single-Room Occupancy Facility	N	C	C	N
Swap Meets (Indoor and Outdoor), pursuant to Chapter 18.48 of this Title.	N	C	N	N
Therapeutic Services, pursuant to Chapter 18.48 of this Title.	P	P	P	P
Transportation Facilities—Public.	C	P	P	P
Transportation Facilities—Private.	N	C	N	N
Utility Distribution Facilities	P	P	N	N
Utility Operations Facilities	N	**M**C	**M**C	N
Warehousing (accessory use only, maximum 15% of floor area)	N	P	N	N
Wholesaling	N	P	N	N
24-hour Retail or Restaurant Operations, pursuant to Chapter 18.48 of this Title.	C	C	C	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.				

G. Industrial Districts Table	I-P	M-1	M-2
Administrative/Professional Services	P	P	P
Adult Businesses. (See Chapter 18.49, Adult Use Regulations.)	N	A	A
Alcoholic Beverage Sales—On- or Off-Site Sale	**M**C	**M**C	**M**C
Amusement Arcade, pursuant to Chapter 18.48 of this Title.	P	P	P
Animal Boarding	N	N	P
Animal Grooming	P	P	P
Animal Health Care	P	P	P
Assembly Uses	C	C	P
Automobile Parking	**M**C	**M**C	P
Automobile Repair	C	C	P
Automobile Sales/Rentals	C	C	P
Automobile Servicing	C	C	P
Business Support Services	P	P	P
Cemeteries	N	C	P
Communication Services	P	P	P
Community Recreation	P	P	P

Construction Sales/Service	P	P	P
Composting, Mulching and Related Green Waste	N	C	C
Convenience Sales and Service	P	P	P
Contractors' Storage Yard/Corporation Yards	N	C	C
Cultural Institutions	P	P	P
Dance, Martial Arts or Yoga Studio	P	P	N
Day Care Center Child or Adult	**M**C	N	N
Dwelling—Caretaker	P	P	P
Dwelling—Live/Work	P	P	N
Eating/Drinking Establishments	P	P	P
Eating/Drinking Establishments—Drive Thru	P	P	C
Educational Institutions and Vocational Schools	P	P	P
Emergency Shelter	N	P	N
Entertainment Facilities	P	P	N
Farmers Market, pursuant to Chapter 18.48 of this Title.	P	P	P
Financial Institutions	P	P	P
Funeral Services	P	P	P
Health and Fitness Club	P	P	N
Hospitals	P	P	P
Hotels and Motels	C	N	N
Instructional Services	P	P	P
Laundry services—Heavy	P	P	P
Laundry services—Light	P	P	P
Library Services	P	P	P
Lodge or Private Club	C	C	C
Manufacturing—Custom	P	P	P
Manufacturing—Light	P	P	P
Manufacturing—Heavy	N	N	P
Medical/Dental/Optical Services	P	P	P
Miniwarehouse	C	C	P
Personal Services	P	P	P
Plant Nurseries (grown in containers)	P	P	P
Plant Nurseries (grown in soil)	C	C	C
Postal Services	P	P	P
Public Maintenance Services	P	P	P
Recreational Facilities	P	P	P

Recreational Vehicle Parks	C	N	N
Recycling Facilities—Small Collection	P	P	P
Recycling Facilities—Large Collection	C	C	C
Recycling Facilities—Reverse Vending Machines	P	P	P
Recycling Processing Facility—Light	N	C	C
Recycling Processing Facility—Heavy	N	N	C
Repair Services	P	P	P
Research Services	P	P	P
Retail Sales—Indoor	P	P	P
Retail Sales—Outdoor	C	C	C
Salvage Operations	N	N	C
Swap Meets (Indoor and Outdoor), pursuant to Chapter 18.48 of this Title.	C	C	C
Transportation Facilities—Public	P	P	P
Transportation Facilities—Private	C	P	P
Truck and Trailer Storage	N	N	C
Utility Distribution Facilities	P	P	P
Utility Operations Facilities	N	N	P
Warehousing	P	P	P
Wholesaling	P	P	P
24-hour Retail or Restaurant Operations, pursuant to Chapter 18.48 of this Title.	C	C	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.			

H. Open Space Districts Table	O-S Recreation	O-S Resources
Basins for Groundwater Recharge	N	P
Cemeteries	N	C
Equestrian Uses	**M**C	**M**C
Flood Control Facilities	N	P
Flood Plains	N	P
Habitat Conservation Areas	N	P
Nature Preserves	N	P
Passive Recreation Areas (public and private)	P	**M**C
Permanent Open Space	N	P
Private Parks	C	N

Private Recreational	C	N
Public Parks	P	N
Recreational Activity Fields, including but not limited to private or public golf courses	P	C
Trails (public and private)	P	C
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.		

I. Public/Institutional District Table	Public/Institutional Zone
Affordable Housing owned by City Housing Authority or other public entity	P
Cemeteries	P
Civic Center and City Hall	P
Community Recreation	P
Fire Stations	P
Flood Control Facilities	P
Flood Plains	P
Hospitals	P
Library Services	P
Parks	P
Postal Services	P
Public Maintenance Services	P
Public Safety Facilities (Police and Fire Stations)	P
Public Schools	P
Public Transportation Facilities	P
Recreation Activity Fields (public only), including golf courses	P
Recreation Uses (public only)	P
Trails	P
Utility Operations and/or Distribution Facilities	P
All facilities, including buildings and grounds, owned by the City, County, State of California, the United States government, a school district, library district, water district, sanitary district, or other type of public service district	P
Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted use	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.	

J. Railroad/Utility Corridor Table	Railroad/Utility Corridor Zone
Community Gardens within Utility Corridor	P
Flood Plains	P
Public Transportation Facilities	P
Railroads	P
Trails	P
Utility Operations and/or Distribution Facility	P
Incidental and accessory equipment and uses located on the same site with and necessary for the operation of a permitted use	P
Other such uses that the Director or designee may find to be similar with those uses previously listed, pursuant to Section 18.060.060 K.	

K. Similar Uses Permitted. When a use is not specifically listed in this Zoning Code, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this Zoning Code, and anticipating that new uses will evolve over time, this Section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Code and the Standard Industrial Classification Manual for determining similarity. The Director may administer a fee via the Code Interpretation Letter in accordance with the most current adopted fee schedule.

1. In determining "similarity," the Director shall consider all of the following:
   a. The proposed use meets the intent of, and is consistent with the goals, objectives and policies of the General Plan; and
   b. The proposed use meets the stated purpose and general intent of the district in which the use is proposed to be located; and
   c. The proposed use will not adversely impact the public health, safety and general welfare of the City's residents; and
   d. The proposed use shares characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use district in which it is to be located.
2. Appeal. Any determination of similarity shall be final ten days after the date the Director's decision letter is issued, unless an appeal to the Planning Commission is filed and fees paid pursuant to adopted fee schedule.

SECTION 4. Section 18.58.060 of Chapter 18.58 of Title 18 of the Colton Municipal Code, pertaining to the Conditional Use Permits, is hereby amended to read as follows:

18.58.060 - Conditional Use Permits **and Minor Conditional Use Permits**.

A. The purpose of a Conditional Use Permit **or Minor Conditional Use Permit** is to allow certain Uses that contribute to the orderly growth and Development of the City to be properly integrated into the overall community pattern and zone where located.

B. **A Minor Conditional Use Permit application may be filed for uses that are of less complexity and require less staff time to process than uses which require a Conditional Use Permit. Uses subject to a Minor Conditional Use Permit are listed in Section 18.06.060 – Uses Permitted in each Zone.**

B. In considering a Conditional Use Permit **or Minor Conditional Use Permit**, the Commission Shall affix those conditions which it determines will tend to safeguard the public health, safety and general welfare in the zone.

C. Applications for Conditional Use Permits **or Minor Conditional Use Permits** Shall be made to the Commission, in writing, and Shall contain such information as May be specified by the Director.

D. A Uniform Fee, set by Council Resolution, Shall be paid to the City upon the filing of each Application.

E. The Commission Shall hold one Public Hearing upon the Matters referred to in the Application. Additional hearings May be held, at the discretion of the Commission. The Commission Shall investigate the facts bearing on each case to provide information necessary to assure action consistent with the intent and purpose of this title.

F. Notice of the time and place of the hearing Shall be given by Notice through the United States mail, with postage prepaid, to all Persons shown on the last equalized assessment roll of the County, as owning Property, and tenants of each Property, within a distance of six hundred sixty feet from the external boundaries of the Property described in the Application.

G. In addition, further Notice May be given by publication in a newspaper of general circulation in the City, or in such other manner as May be deemed necessary or desirable.

H. Before approving a Conditional Use Permit **or Minor Conditional Use Permit**, the Commission Shall make certain findings that the circumstances prescribed below do apply:

1. That the proposed Use is in accord with the General Plan, the objectives of this title, and the purposes of the zone in which the site is located;
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.

I. The Commission Shall make its findings and render its Decision granting or denying the Conditional Use Permit **or Minor Conditional Use Permit** in writing forty Days after the date of the first hearing, unless continued for further investigation, study or hearing.

J. A revision or modification to an Approved Conditional Use Permit **or Minor Conditional Use Permit** such as, but not limited to, change in conditions, expansions, intensification, location, hours of operation or change of ownership May be requested by an Applicant. The Applicant Shall supply necessary information as determined by the City, to indicate reasons for the requested change.

K. The Planning Commission May periodically review any Conditional Use Permit **or Minor Conditional Use Permit** to ensure that it is being operated in a manner consistent with conditions of Approval or in a manner which is not detrimental to the public health, safety or welfare, or Materially injurious to Properties in the vicinity. If, after review, the Commission deems that there is sufficient evidence to warrant a full examination, then a Public Hearing date Shall be set.

SECTION 5. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decisions shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 6. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Thus, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 9. Certification/Publication. The City Clerk shall certify to the passage of the Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation published and circulated in the City of Colton.

SECTION 10. This Ordinance shall become effective thirty (30) days after its adoption in accordance with the provisions of California law.

PASSED, APPROVED AND ADOPTED on this ___ day of _____, 2016.

_____
RICHARD A. DELAROSA
Mayor

ATTEST:

_____
CAROLINA A. PADILLA
City Clerk

Planning Commission Staff Report

City of Colton
Development Services Department

MEETING DATE: **June 28, 2016**

FILE INDEX NUMBER: **DAP-001-325**

REQUEST: **Zoning Text Amendment** (ordinance) to modify various provisions of Title 18 of the Colton Municipal Code related to Section 18.58.060 (Conditional Use Permits) and 18.06.060 (Uses Permitted in Each Zone) to establish a new permit category: Minor Conditional Use Permit

APPLICANT: City-initiated

BACKGROUND

On April 19, 2016, during deliberations on the Development Services User Fee Update, the City Council deferred approval of a new fee for "Minor Conditional Use Permit" and directed staff to return concurrently with both the proposed fee and the Zoning text amendment to establish the new permit category. The attached Zoning text amendment has been prepared to create the new permit category and is being presented to the Planning Commission for consideration and recommendation to the City Council.

DISCUSSION

The City Council's stated intent to provide for a two-tiered Conditional Use Permit (CUP) process is to allow for a CUP category which for which applicants would be charged a reduced fee. The City's current CUP fee is $3,000. The City charges an additional $250 for public noticing.

Staff examined CUP processes, including fees and code requirements, of ten cities in the Colton/Inland Empire region and determined that most cities have two-tiered (or multi-tiered) CUP categories, at variable fee levels. Minor CUPs are typically required for uses which require less staff time to process than uses which require a "regular" CUP; uses such as day care homes and alcoholic beverage permits. Many cities also provide for a separate hearing body, such as a Zoning Administrator or Design Review Committee, to hold the public hearing and take action on Minor CUP applications.

Following the analysis of other cities codes and practices, and options for streamlining CUP processes for the City of Colton, staff is recommending Zoning text changes to create a "Minor CUP" category and apply it to conditional uses which are typically of a routine nature and less complex than uses which will result in new development, or uses which may involve controversial uses. As identified on the "uses permitted in each zone" matrix, staff is recommending that the Minor CUP category be applied to day care centers/homes, alcoholic beverage sales, automobile parking, fortunetelling, library services, resale/secondhand stores, utility facilities, equestrian uses and passive recreation uses (see Attachment 1, Exhibit A).

Staff does not propose that the hearing body be changed for Minor CUPs in order to further streamline the approval process. The City does not currently have a Zoning Administrator, and the City Council had previously reduced the authority of the Design Review Committee.

A separate fee is under development for the Minor CUP and will be taken before the City Council concurrent with this proposed Zoning text amendment.

ENVIRONMENTAL DETERMINATION

This project is exempt from CEQA because it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Therefore, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the draft ordinance by adopting Resolution No. R-20-16:

ATTACHMENTS

1. Draft Planning Commission Resolution No. R-20-16 with Exhibit A

Planning Commission Staff Report

City of Colton
Development Services Department

DATE:	**JUNE 28, 2016**
TO:	**PLANNING COMMISSION**
FROM:	**MARK TOMICH, DEVELOPMENT SERVICES DIRECTOR**
SUBJECT:	Final Progress Report on the status made to correct and legalize the existing un-permitted uses related to Colton Iron and Metal (DAP-000-881 & DAP-001-023) within the M-2 – Heavy Industrial Zone located at 790 E. M Street (APN: 0163-141-18)

BACKGROUND:

On February 26, 2013, the Planning Commission approved the following permits for the SA Recycling, LLC (dba Colton Iron and Metal) scrap metal dismantling and recycling facility located at 790 E. M Street:

(1) Architectural & Site Plan Review (DAP-001-023) to legalize existing unpermitted structures and approve proposed new modifications to an existing 3.63-acre site; and
(2) Modification to a Conditional Use Permit (DAP-000-881) to legalize an existing expansion of a recycling business; and
(3) Major Variance (DAP-000-648) for (i) landscape areas less than the minimum 15-precent required of the developed lot area; (ii) wall height higher than the maximum 8 feet allowed within the front and street side yards; and (iii) less than the required number of parking spaces for a Storage Yard in the Heavy Industrial zone.

A Mitigated Negative Declaration was also adopted for this application pursuant to the California Environmental Quality Act (CEQA). The mitigation measures were made part of each of the adopted Planning Commission resolutions for the Architectural and Site Plan Review (Resolution No. R-12-12) and Conditional Use Permit (Resolution No. R-13-12).

On March 22, 2016, the Planning Commission requested that a final status report be provided in June 2016. The attached report addresses the applicant's progress on satisfying the conditions of approval applied to the project. Staff finds that the applicant is in compliance with all conditions of approval.

1. Attachment: Final Progress Report from SA Recycling

STATUS REPORT DATE: **06/16/16**

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
1.	Conditions of Approval for the proposed project are for the legalization of the existing unpermitted structures and approve proposed new modifications to an existing site located on the 3.63-acre northern portion of an otherwise vacant 35-acre site zoned M-2, Heavy Industrial and designated in the General Plan as Heavy Industrial.	As detailed within Planning Commission Staff Report Dated Feb. 26, 2012. File Index Number DAP-000-648/DAP-001-023 (Ref: DAP-000-546/881. Approval Conditioned Within Resolution No. R-12-12, R-13-12, & R-14-12	Informational
2.	The applicant shall comply with the concurrent approval of a Major Variance to reduce the required number of parking spaces for the site and reduce the percentage of landscaping required on a site within the M-2 zone.	Resolution No. R-14-12 Approves Major Variance to Permit (1) Landscape Less than 15%, (2) Construction of Over Height Wall along "M" Street, (3) Less than the Required Number of Parking Spaces, & (4) Adopt a Mitigated Negative Declaration	Informational
3.	The applicant shall comply with the concurrent approval of the Architectural and Site Plan Review for the operation of a scrap metal recycling facility as a conditionally permitted use in the M-2 zone at the site located at 790 East M Street on 3.63 acres of a 35-acre site.	Detailed within Planning Commission Staff Report Dated Feb. 26, 2012. File Index Number DAP-000-648/DAP-001-023 (Ref: DAP-000-546/881. Approval Conditions Within No. R-12-12, R-13-12, & R-14-12	Informational
4.	Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to 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.	Request for Modifications/Deviations from approved Plans and/or Conditions will be submitted to Development Services Director for Review prior to implementation. For Deviations determined by Director to be Significant in Nature Review and Approval by Planning Commission is required	Informational
5.	Prior to issuance of building permits, the applicant shall submit, to the Development Services Director, a sample board providing samples (or otherwise showing the color and material (texture) of items shown on the elevations and /or other plans, keyed (1,2,3, etc) to those plans.	Wall Detail Submit 1/30/14. Approved 2/3/14.	In Compliance
6.	Prior to the issuance of a building permits, and/or grading permit, the applicant and/or owner shall obtain approval of the following: a) A sign program (if more than one sign is proposed). b) A corrected set of site plans showing a consistent legend, delineated areas for the various uses (e.g. stockpiles, storage, driveways, parking), and coordination between the numbers on the	No Additional Signage Proposed Plan Corrections Submit 1/30/14. Approved 2/3/14	 In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	site plans and the legend, meeting approval of the Development Services Department.		
7	A landscape and irrigation plan prepared by a licensed landscape architect, approved by the Development Services Department, demonstrating compliance with CMC 18.26.130. The landscape plan will include a map showing the limits of soil contamination on-site and the relationship between this area and the required front yard setback and associated landscaping. The landscape plan shall consider any limitations on landscaping so as not to conflict with the Department of Toxic Substances Control (DTSC) approval of the Land Use Covenant (LUC) between SA Recycling and DTSC, and provide hardscape or other softscape features to be considered in place of landscaping, as may be required by DTSC.	DTSC Concept review Sept. 13. DTSC Comments received 2/18/14…Civil Engineer Review received 3/21/14. Drainage system Design 4/10. Re-submittal to DTSC for Review and Approval 4/17. Submitted to City for Review and Approval of DAP-001-156 on 5/05/14 Planning Commission Approval Aug. 26th.2014	In Compliance
8.	Improvements made to bring the facility into conformance with City Codes and Conditions of Approval shall be inspected annually during the first three (3) years to ensure that the facility remains in compliance with all conditions of approval and City Code requirements. This includes an inspection of the facility to ensure that the existing cap is maintained in good condition and that any cracks or other sign of wear are corrected within 30 days.	Note: inspections for Three (3) Years	Informational In Compliance
9.	CIM shall return to the Planning Commission as a non-public hearing item (Commission Consideration) for a progress report in six (6) months on the progress made to correct and legalize the existing un-permitted uses.	Notified 9/17/13 of 9/24/13 report date… Notified 9/19/13 of Postpone to 10/22/13 due to City workload… Notified 01/02/14 of Report Date of 01/14/14	In Compliance
10.	The site operation shall be subject to the following: i. The permitted hours of operations shall be 7:00 am through 4:00 pm, Monday through Friday and 7:00 am to 12:00 pm on Saturday; no Sunday operation is permitted. Employees shall be exempt from the permitted hours of operation and any other similar services to the site.	Site hours of Operation are: 7 am – 4 pm Mon. – Fri. 7 am – 12 pm Sat.	Informational In Compliance
	ii. Access to the site shall remain open during business hours.	Open During Business Hours (Entrance & Exist Gates)	Informational In Compliance
	iii. All activities shall be operated so as to not emit matter causing unpleasant odors which are perceptible by the average person at or	Acknowledged	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	beyond any lot line of the lot containing the activities.		
	iv. The maximum sound level radiated by the use of the facility, when measured at the boundary line of the property on which the sound is generated, shall not be obnoxious by reason of its intensity, pitch or dynamic characteristics as determined by the City, and shall not exceed 65 dBA. v. No operation/equipment is permitted to emit excessive smoke, fumes, or dust or which exceed the requirements, or levels, as specified by the South Coast Air Quality Management District (SCAQMD).	Acknowledged Acknowledged	Informational In Compliance Informational In Compliance
	vi. The site shall be developed and maintained consistent with the approved plans and the conditions of approvals.	Acknowledged	Informational In Compliance
	vii. 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.	Acknowledged	Informational In Compliance
	viii. The site shall provide a minimum of 22 parking spaces if the approval of a Variance is exercised.	On Site Parking Provided	Informational In Compliance
	No parking is allowed outside the perimeter of the property (on-street or on adjacent lots); all employee and visitor parking must occur within the facility.	Acknowledged	Informational In Compliance
11.	Prior to the installation or modification of any signs, the Applicant shall obtain separate approval of a sign permit from the Development Services Department	No Added Signage proposed. Existing Sign placement (New Wall) Only sign Activity	Informational In Compliance
12.	The site shall be developed and maintained consistent with the approved plans and the conditions of approval.	Acknowledged	Informational In Compliance
13.	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.	Plans and other requested material have been submitted for review throughout process	Informational In Compliance
14.	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.	Reproductions COMPLETE 6/12/13 Attached to Plan Set Submittals throughout process	In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
15.	The Applicant agrees to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection project.	Acknowledged	Informational In Compliance
16.	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.	Acknowledged	Informational In Compliance
17.	The Applicant and/or Property Owner shall, at all times, maintain the property so as not to constitute a nuisance in the community.	Acknowledged	Informational In Compliance
18.	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.	No Appeals were filed within the defined timeframe	Informational
19.	This land use entitlement shall become null and void if not exercised within one (1) year of this approval.	Approved Land Use consists of "RECYCLING". That use existing previously and use has continued uninterrupted	In Compliance
20.	Comply with the requirements of the City of Colton **Building Division**, including the following: a. The applicant shall comply with the latest edition of the California Building Code Regulation and shall obtain a building permit prior to start of construction.	All permit submittals were submitted to City of Colton Building Division for review, approval, and Permit issuance	Informational In Compliance
	b. All unpermitted construction activity previously identified shall be abated (i.e. retaining walls for retention basins and scale pit, unpermitted accessory structures patio type structure at rear of main building, detached lean to type structure in rear corner of lot, seismic anchorage of all equipment).	SEE LAST PAGES FOR UNPERMITTED DETAIL	In Compliance
	c. Applicant shall obtain permit for or remove unpermitted structures.	Unpermitted Structures removed	Informational In Compliance
	d. 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) 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	Site Development reflected within the Approved Site Plans on file with the City of Colton. These approved plans identify entrances, paths of travel, ETC…	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	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.		
	e. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.	Acknowledged	Informational In Compliance
	f. 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.	Acknowledged	Informational In Compliance
	g. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.	Acknowledged	Informational In Compliance
21	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.	Acknowledged	Informational In Compliance
	b. Access roadways shall be provided in accordance with the City's Municipal Code.	Acknowledged	Informational In Compliance
	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 1,500 g.p.m.	Water supply system was installed. Plans submitted to Fire and Public Works for Plan Check 4/24/14. Fire Approval 4/28/14. PW. Approval 7/15/14.	In Compliance
	d. On-site fire hydrants shall be required for this project, and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.	On-Site Fire Hydrant has been installed. Submitted to Fire 4/24/14. Fire Approval 4/28/14.	In Compliance
	e. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and	Obtained verbal comment from Fire Marshall 3/17/14 "condition does not apply". Condition was Noted as	No Action Required

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	prior to installation.	Applying directly to New Warehouse Installation that was dropped from this project scope	
	f. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial).	Acknowledged	Informational
	g. 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.	Knox box has been installed and fire department has been provided with the key	In Compliance
	h. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.	Knox box has been installed and fire department has been provided with the key	In Compliance
	i. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.	Signs Maintained on site meeting the requirements of our Hazardous Waste Permit Standards	In Compliance
	j. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.	Fire Permit # 515 issued 3/18/14.	In Compliance
	k. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.	Fire extinguishers on site and maintained. Shown on Plots.	In Compliance
	l. 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).	Acknowledged	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	m. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.	Fire and security monitoring Bay Guard System	In Compliance
	n. Deferred plan submittals and separate permits are required on the following: a. automatic fire suppression/sprinkler systems b. fire alarms c. onsite fire mains and fire hydrants	Separate Permit Submittals Noted. See Section 21. c., d., & e.	See section 21. c., d., & e In Compliance
	o. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.	Contingency plan submitted and on file SBC Fire. Annual update… Plan submitted to City 2/13/14	In Compliance
	The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)	Acknowledged	Informational In Compliance
22.	Comply with the requirements of the City of Colton Police Department, including the following: a. Landscaping: Based on the limits of the landscape plan due to soil contamination, the 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 or buried underground to prevent theft or vandalism.	Acknowledged	Informational In Compliance
	b. 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	Acknowledged	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within twenty-four (24) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.		
	c. Loitering: Loitering is prohibited on or about the subject property or any areas under the control of the property owner and any tenant on the subject property.	Acknowledged	Informational In Compliance
	d. Storage: Storage shall be screened from view of all public streets and shall not interfere with required employee and customer parking areas. Parking and trash areas shall not be used for storage of hazardous materials, including but not limited to tires or waste oil. Permittee shall promptly abate hazardous materials.	Storage screened from public streets. Parking and trash areas shall not be used for storage of hazardous materials.	Informational In Compliance
	e. Exterior Lighting: All lightning will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate illumination to all parking spaces, stalls, walkways, corridors, and stairways, insuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.) Lighting level will be a minimum of 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.	Pertaining to New and/or replacement lighting. Acknowledged that existing lighting is required to be maintained in good working order	Informational In Compliance
	f. Surveillance Monitoring: Should permittee install a video surveillance monitoring system in the, 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.	Site has existing camera system with 30 day retain ability…	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	g. 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.	Site acknowledges right of access to City of Colton employees or agents in the process of carrying out their duties.	Informational In Compliance
	h. Security Guards: Permittee and/or licensee will ensure that any watchman, security guard, or security patrol, or other person employed for the protection of persons or property will be a bonafide trained and uniformed security guard, certified by the California Department of Consumer Affairs Bureau of Security and Investigative Services (BSIS) operating under the direction of a bonafide State of California licensed Private Patrol Operator, and permitted as required by Colton Municipal Code.	Site does not use security guard	Informational
	i. Noise from any air compressor, air tools, equipment or any other sources of noise emanating from the business property line will not exceed 65 decibels as measured using a city owned sound level meter at any property line. To mitigate sound trespass into adjacent businesses or residential properties: air compressor will be installed in an enclosure and/or installed within the interior of business. Noise emanating from the business shall not interfere with the peaceful enjoyment of surrounding business or neighborhood persons, religious assembly uses, and residential properties.	Air Compressor is installed within the interior of the Site	Informational In Compliance
	The applicant shall provide the Police Department with after-hours contact information to be kept on file in Police dispatch.	Contact information on file	Informational In Compliance
23.	Comply with the requirements of the City of Colton Public Works/Utility Services Department, including the following:		
Public Works			
24.	Fees: Pay Impact Fees, Plan Check Fees and Permit Fees for the review of the site grading and drainage plan. Submit a detailed cost estimate to	All required fees have been paid during the project process. No balance remaining	

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	determine the plan checking fee. a. Pay Traffic Impact Fees and Park Development Fees (for the new warehouse, scale house and other enclosed areas for which floor area is calculated), Submit a detail plan showing the approved Land Use and the square footage of each structure.		Informational In Compliance
	b. Pay plan check fee for the plan checking of street improvement plans. Submit a detailed cost estimate to determine the plan checking fee.	Plan Check Fees Paid 7/17/14	Informational In Compliance
25.	Improvements: a. Construct Standard Commercial P.C.C. Driveway Approaches per City Standards.	Included within street improvement package	In Compliance
	b. 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.	Landscaping with automatic sprinkler system installed	In Compliance
	c. Rehabilitate ½ width of existing damaged street paving along property frontage of "M" Street.	½ width Street Improvements Completed	In Compliance
26.	Additional Requirements: a. The Owner and Contractor are responsible for complying with National Pollutant Discharge Elimination System Ordinance, during and after construction.	Acknowledged	Informational In Compliance
	b. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drain facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project.	Standard Practice for the Units to be Cleaned at least once a year Prior to the beginning of Rain Season	Informational In Compliance
	c. All paved outdoor areas must be designed to reduce/limit the potential for runoff to contact pollutants.	Site is Sloped to the South West Corner Storm Water Collection System	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	d. No final inspection will be performed until all Engineering Department requirements pertaining thereto are in compliance.	Acknowledged. Requirements of each separate permit were met prior to final inspection	Informational In Compliance
	e. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included: *"No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time*."	WDID # 8 36MR000003 Order # R8-2012-0012	In Compliance
	f. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Engineering Department.	Submitted 2/13/14	In Compliance
	g. The City Engineer may require other information deemed necessary.	Acknowledged. All additional information requests have been provided	Informational In Compliance
	h. All Construction shall conform to the "standard" specifications for public works construction (latest edition), and the standard drawings of the City of Colton-Public Services/Engineering Department.	Acknowledged	Informational In Compliance
	i. If Utilities are installed that would require trenching within existing street pavement, resurfacing or slurry seal of the affected area may be required, as determined by the City Engineer.	Acknowledged	Informational In Compliance
	j. The Applicant shall submit to Engineering Department a Landscape Plan prepared by a Licensed Landscape Architect or Landscape Engineer for review and approval.	Landscaping plans submitted and approved.	Informational In Compliance
	k. Traffic Impact, Park Development and Infrastructure fees shall be submitted to Engineering Department prior to issuance of Permit.	All fees were paid as required during Plan Check and	Informational

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
		Permit issuance project phases	In Compliance
	Owner/Contractor shall comply with these requirements and City Engineer's directions during the course of construction.	Acknowledged	Informational In Compliance
Electrical Department			
27.	a. The project developer/applicant shall comply with all customer service policies of the City of Colton Electric Utility Department. The developer shall provide the Electric Utility with all information necessary to determine the project's electric service requirements; and if necessary and at their own expense, install all conduit and vault systems associated with underground primary/service line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all charges associated with the Electric Utility's cost to construct underground and overhead line extensions and street-lighting.	Site electrical distribution single line requested by Electrical Department. Submitted 7/11/14. New electrical service Install as part of Project	Informational In Compliance
Mitigation Monitoring and Reporting Program: In addition to the Conditions of Approval set forth above, Mitigation Measures from the Mitigation Monitoring and Reporting Program are also adopted as Conditions of Approval.			
a.	(I-1) All lighting associated with the project will be directed towards the ground (shielded from the sky) so that no light or glare falls off the project site. If necessary, existing lighting installed as part of facilities that will be legalized as part of the CUP modifications will be modified to comply with this measure. A lighting plan will be submitted to the City for review and approval to verify that the light system will not adversely impact offsite property.	Pertaining to new and/or replacement lighting. Acknowledged that existing lighting is required to be maintained in good working order	Informational In Compliance
b.	(III-1) The project proponent will hand water the site four times daily during soil excavation. (Watering by water truck is not an acceptable alternative.)	Hand watering accomplished during Soils Remediation process and is a standard practice during excavation	Informational In Compliance
c.	(III-2) The project proponent will water exposed surfaces four times daily during soil importing and fine grading activities.	Hand watering accomplished during soils remediation process and is a standard practice during excavation	Informational In Compliance
d.	(III-3) Suspend all grading and excavation operations when wind	Acknowledged	Informational

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	speeds exceed 25 mph.		In Compliance
e.	(III-4) Replace ground cover or pave disturbed areas immediately after construction is completed in the affected area.	Temp. asphalt cap 2/26/14 to cover area of soils remediation installed day after backfill was completed	Informational In Compliance
f.	(III-5) Hydro-seed or otherwise stabilize any cleared area which is to remain inactive for more than 10 days after clearing is completed.	Entire site concrete…	Informational In Compliance
g.	(III-6) Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard.	Acknowledged	Informational In Compliance
h.	(III-7) Sweep or wash any site access points daily of any visible dirt deposition on any public roadway.	Acknowledged	Informational In Compliance
i.	(III-8) Reduce traffic speeds in unpaved areas to less than 15 mph.	Entire site concrete	No action required
j.	(III-9) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.	Acknowledged	Informational In Compliance
k.	(III-10) Require the use of diesel particulate filters, diesel oxidation catalysts, and aqueous diesel fuel on construction vehicles.	Entire fleet certified as compliant California Environmental Protection Agency Air Resource Board	Informational In Compliance
l.	(III-11) All equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.	Equipment tuned and maintained per manufacturer's specifications	Informational In Compliance
m.	(III-12) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.	Acknowledged	Informational In Compliance
n.	(III-13) Require 90-day low NOx tune-ups for off road equipment.	Done on hours of operation (250 hrs.) Cycle instead of 90 day period.	Informational In Compliance
o.	(III-14) Use Tier 3 or Tier 4-rated engines during site grading for all equipment exceeding 100 horsepower if available.	Acknowledged	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
p.	(III-15) During construction, trucks and vehicles in loading and unloading queues shall be kept with their engines off when not in use, to reduce vehicle emissions.	Acknowledged	Informational In Compliance
q.	(III-16) Encourage car pooling for construction workers.	Acknowledged	Informational In Compliance
r.	(III-17) Park construction vehicles off traveled roadways.	Construction vehicles were parked within the boundary of the site. NOT within traveled roadways	In Compliance
s.	(III-18) Encourage receipt of materials during non-peak traffic hours.	Operation is open to public. Ship out activities are scheduled in order to avoid Congestion	In Compliance
t.	(III-19) Encourage trucks and vehicles in loading and unloading queues to turn off their engines when not in use. Encouragement should include signs posted in the vehicle waiting queues requesting that drivers turn off their engines while waiting to reduce emissions. Project proponent operated vehicles and employee vehicles shall be turned off when not in use and idling shall be kept to a minimum.	Presently this is encouraged. All site equipment has stickers on them reminding to turn off engine when not in use.	Informational In Compliance
u.	(III-20) If round-trip truck trips bringing materials to the facility exceed 500 per day, CIM shall be required to terminate receipt of material on any given day. A log of operations shall be retained and a summary provided to the City on a monthly basis.	Acknowledged	Informational In Compliance
v.	(VI-1) Appropriate sampling of soil excavation and/or filling shall be required of the developer prior to disposal of excavated soil or import of soil to confirm that soil is free of contamination. If soil is contaminated, it must be properly disposed of rather than relocated and must comply with applicable Land Disposal Restrictions.	Detailed within site soils Work plan approved by DTSC 2/5/14 "Site Excavation Work Plan" prepared for Colton Iron and Metal 790 East M St. Prepared by Iris Environmental.	Informational In Compliance
w.	(VI-2) The structural design and construction of new structures and structures that will be retroactively approved will, at a minimum, must be in accordance with the requirements of the most recent Uniform Building Code (UBC) and California Building Code (CBC) including the latest supplements for Groundshaking Zone 4.	New structures and structures seeking retroactive approval were submitted to Building Department for Plan Check and Permit	Informational In Compliance
x.	(VI-3) Construction shall be designed or shown to have been designed in accordance with the following performance standard for Risk	Construction submittals were submitted	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	Class IV as identified below: i. Risk Class IV, Ordinary Risk Tolerance: The vast majority of structures in urban areas; most commercial and industrial buildings, small hotels and apartment buildings, and single family residences. ii. Acceptable Damage: An "ordinary" degree of risk should be acceptable. The criteria envisioned by the Structural Engineers Association of California provide the best definition of the "ordinary" level of acceptable risk. These criteria require that buildings be able to: iii. Resist minor earthquakes without damage. iv. Resist moderate earthquakes without structural damage, but with some non-structural damage; or v. Resist major earthquakes, of the intensity or severity of the strongest experienced in California, without collapse, but with some structural, as well as non-structural damage.		
y.	(VII-1) The project proponent must obtain approval from Department of Toxic Substances Control (DTSC) for any additional investigation and remediation activities to be conducted at the site. Written approval from DTSC will be provided to the City prior to commencement of additional investigation and remediation activities.	DTSC approval obtained 2/5/14… Submitted to City 2/6/14	Informational In Compliance
z.	(VII-2) The Phase II report prepared by SA Recycling indicates that lead impacts were detected to a depth of seven feet below ground surface (bgs) at the site; however, the maximum proposed depth for excavation is seven feet bgs. The Applicant shall provide the City with a report or letter that verifies the site has been remediated in accordance with DTSC requirements prior to utilizing the contaminated area on the project site.	Soils excavated 2/19/14. Characterized and disposed. Temp. asphalt cap installed 2/26/14. Permanent concrete Cap installed during block wall construction	Informational In Compliance
aa.	(VII-3) Waste generated during the soil excavation must be properly classified prior to shipment.	As Detailed within site soils work plan 2/5/14. Waste soils classified 2/19/14	Informational In Compliance
bb.	(VII-4) If a hazardous or toxic substance is accidentally released during construction, the operator or its contractor shall properly clean-up (remediate) and remove any contaminated soil or other material from spill site; restore the affected area to background conditions or to regulatory threshold levels for the contaminant(s) accidentally released; and deliver the contaminated material to an appropriately licensed treatment, recycling, or landfill facility in accordance with the regulations	Storm Water Pollution Prevention Plan Submitted 2/6/14	Informational In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	for the type of contaminant accidentally released and collected for management. This measure shall be incorporated into the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project.		
cc.	(VII-5) The facility operator shall prepare or revise the existing Business Plan/Spill Prevention Control Countermeasures Plan to include remediation of any accidental spills of hazardous or toxic substances released during operations at the site. The City shall be notified within 24 hours of any accidental spill of a reportable quantity of waste. Remediation of any accidental releases of hazardous or toxic materials during operations shall meet the following performance standard: the operator or its contractor shall properly clean-up (remediate) and remove any contaminated soil or other material from spill site; restore the affected area to background conditions or to regulatory threshold levels for the contaminant(s) accidentally released; and deliver the contaminated material to an appropriately licensed treatment, recycling, or landfill facility in accordance with the regulations for the type of contaminant accidentally released and collected for management.	Plans Submitted to City 2/6/14	In Compliance
dd.	VIII-1) The construction contractor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices that will be implemented to prevent construction pollutants from contacting stormwater with the intent of keeping all products of erosion from moving offsite. The SWPPP shall be developed with the goal of achieving a reduction in pollutants both during and following construction to control urban runoff to the maximum extent practicable based on available, feasible best management practices. The SWPPP and the monitoring program for the construction projects shall be consistent with the requirements of the latest version of the State's General Construction Activity Storm Water Permit and NPDES Permit No. CAS618036, Order No. R8-2002-0012. The following items or equivalent measures should be included in the SWPPP: i. The length of trenches for footings which can be left open at any given time should be limited to that needed to reasonably perform construction activities. This will serve to reduce the amount of backfill stored onsite at any given time. ii. Backfill material should not be stored in areas which are subject to the erosive flows of water. iii. Measures such as the use of straw bales, sandbags, silt fencing or	SWPPP and NPDES Permit in place. Additional permit requirement should only be required if area of Construction was 5 acres or more…. Construction BMP's for on site work included within the Storm Water Pollution Prevention Plan Submitted to City 2/6/14	In Compliance In Compliance

#	Condition of Approval – Resolution No. R-12-12	Notation	Status
	detention basins shall be used to capture and hold eroded material for future cleanup. iv. Rainfall will be prevented from entering material and waste storage areas and pollution-laden surfaces. v. Construction-related contaminants will be prevented from leaving the site and polluting waterways. vi. A spill prevention control and remediation plan to control release of hazardous substances.		
ee.	(XI-1) Trucks carrying sorted materials from the site shall be encouraged to access Interstate 10 by traveling along S. Mount Vernon Avenue.	Acknowledged	Informational
ff.	(XI-2) The City shall respond to any construction or operation-related noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceed City standards, CIM will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc.) to reduce noise levels to the greatest extent feasible. Any monitoring would be carried out by a qualified acoustical firm under contract to and funded by CIM and responsible to the City.	Acknowledged	Informational
gg.	(XI-3) Project construction activities, shall be limited to the period of 7:00 a.m. to 6:00 p.m., Monday through Saturday. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public.	Project construction activities were between 7 am and 6 pm Mon-Sat.	In Compliance
hh.	(XI-4) The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities	Acknowledged	Informational In Compliance

#	UNPERMITTED STRUCTURE LIST	STATUS	
	602 sq. ft. canopy adjacent to warehouse (2 Canopies on Site)	Permit # B00-031-629 Final 3.03.16	In Compliance
	Electrical Junction box	Entire Electrical Service Replaced Transformer and Distribution Panel Permit # B00-030-871 Final 4/06/16	In Compliance
	700 sq. ft. office inside warehouse	Permit # B00-031-948 Final 4/21/16	In Compliance
	Storm Water Collection/Treatment System	PW Proj # 1296-1 Final 2/10/14	In Compliance
	4000 gallon above ground diesel tank	New 2000 gallon diesel tank installed Permit # B00-031-792 Final 4/21/16	In Compliance
	HMS Loader	Permit # B00-031-635 Final 3/03/16	In Compliance
	60 foot truck scales	Permit # B00-030-982 Final 3/03/16	In Compliance
	265 sq. ft. scale house	Permit # B00-030-982 Final 3/03/16	In Compliance
	Nonferrous Scales	Portable Scales No Permitting Requirement 2/13/14	In Compliance
	20 LF 8 foot steel wall	Un-permitted Wall Removed 3/27/16	In Compliance
	213 LF 13’9” tall set walls for storage	Un-permitted Wall Removed 3/27/16	In Compliance
	Detached Lean to type structure (40’ X 40’)	Building Replaced Permit # B00-031-636 Final 4/12/16	In Compliance
	Detached Structure South Side of Warehouse (added to list 2/13/14) 44’ x 14’	Permit # B00-031-630 Final 4/21/16	In Compliance

Staff Report

CITY OF COLTON
Development Services Department

DATE:	June 28, 2016
TO:	Planning Commission
FROM:	Mark Tomich, AICP, Development Services Director
PREPARED BY:	Mario Suarez, AICP, Senior Planner
SUBJECT:	45-DAY STATUS REPORT-1235 S. LINCOLN STREET PALLET USE

BACKGROUND and STATUS REVIEW

On April 12, 2016 the Planning Commission, by vote of 6 ayes to 1 no, adopted Resolution Nos. R-19-15 and R-20-15, approving the Modification of a Conditional Use Permit for pallet use and a Variance of development standards for property located at 1235 S. Lincoln Street, subject to findings and amended conditions of approval. The applicant and property owner (Rebbur, LLC – David Starr as managing partner) filed an appeal on April 21, 2016 pertaining to the requirement to construct a block wall around the perimeter of the pallet use area.

On May 17, 2016, the City Council heard the appeal and voted unanimously to uphold the Planning Commission's Decision and adopted City Council Resolution Nos. R-35-16 and R-36-16. (Attachment 1 and 2)

On May 26, 2016, OG Pallets submitted a Business Occupancy Permit (BOP) application to operate a Pallet Use. (Attachment 3) The BOP includes a 30 day period to complete inspections and comply with entitlement conditions of approval in order to operate and obtain a business license as a final step toward compliance. There are, of course, continuous operating conditions of approval that must be met at all times after the BOP is issued and a business license is obtained, such as compliance with the Site Management Plan approved by the Fire Department.

As of this date no inspections have been conducted on the BOP application. On June 22, 2016, staff spoke with the new pallet operators and re-explained the BOP inspection requirements and completion of conditions of approval prior to start of business. A second copy of the BOP instructions and copy of the Conditions of Approval were provided to the owners of OG Pallets.

On June 21, 2016, The City received a status report from the property owner. (Attachment 4) As of this date the following has been completed:

- Clarification of requirements and discussion of issues property owner is addressing with Railroad.
- BOP application was submitted on May 27, 2016.

- Applicant is working on submission of various plans and permits for walls, landscaping, and trash enclosure area.

Attachment 5 includes some recent pictures, taken June 22, 2016 of the front of the property. The pictures do show pallets being “set-up” while other areas of the property are also being prepared for future occupancy. The applicants are presently operating a business in Fontana. The second set of pictures were taken on May 17, 2016 as a matter of record only.

This report is a record of items that have been completed to date as required by Condition #18 of Resolution No. R-35-16. The 45-day period date falls on Saturday, July 2, 2016 so this report is timely with regard to compliance with the condition of approval.

ATTACHMENTS

Attachment 1 – Resolution No. R-35-16
Attachment 2 – Resolution No. R-36-16
Attachment 3 - BOP-117-854
Attachment 4 - Letter from David Starr representing Rebbur, LLC
Attachment 5 – Pictures of site

Attachment 1
Resolution No. R-35-16

RESOLUTION NO. R-35-16

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

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

WHEREAS, on May 17, 2016, the City Council of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

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

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

BE IT NOW THEREFORE RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

SECTION 3. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the City Council hereby denies the Appeal and upholding the Planning Commission's decision to approve the Modify Conditional Use Permit (DAP-000-641), subject to the attached conditions of approval (Exhibit "A").

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

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SECTION 6. <u>EFFECTIVE DATE</u>. The Mayor shall sign this Resolution and the City Clerk shall attest hereto, and this Resolution shall take effect and be in force on the date of its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2016.

Richard A. DeLaRosa
Mayor

ATTEST:

Carolina R. Padilla
City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-309 (Appeal of File Index No. DAP-001-187).

HOLD HARMLESS

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

PLANNING DIVISION (909) 370-5079

2. This approval is for modification of conditional use permit (File Index No. DAP-000-641), as conditioned and modified herein, for the operation of a pallet manufacturing, distribution and pallet storage use as shown on plans stamped January 28, 2016 by the Development Services Department, except as modified herein.

3. These conditions shall replace conditions of approval contained in File Index No. DAP-000-641 for conditional use permit approved on January 26, 2007 for a pallet manufacturing, distribution and pallet storage use located at 1235 S. Lincoln Street.

4. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets

5. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to scheduling for Planning Commission meeting.

6. Any proposed signs shall conform to the Sign Code.

7. The Applicant for the pallet manufacturing, distribution and pallet storage use shall provide an entry gate constructed of wrought iron and shall include screening mesh to match the color of the gate materials. In addition, an eight foot high concrete block wall with decorative cap along the entire frontage and surrounding the perimeter of the site, subject to review and approval by the Development Services Director.

8. All pallets stored outdoors shall not exceed the maximum height of sixteen feet (16') and shall be limited to areas designed within the approved site plan. The designated areas shall also be striped to identify the storage areas and fire/circulation areas from being occupied. An explanation of allowing a maximum of 16 feet high pallet storage areas shall be included in the

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

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

10. As per Development Code Section 18.38.070 C. the height of screening for all storage areas or industrial operations shall be eight (8') feet for all zones, that the applicant shall install a minimum eight (8') feet high block wall along the rear and side yard areas of the perimeter of the site, subject to review and approval by the Development Services Department.

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

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

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

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

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

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

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

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

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

20. There shall be a review of conditions of approval and a Special Inspection within 90 days following this approval by the Building, Planning and Fire Department.

CODE ENFORCEMENT

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.

    c. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which they have control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours upon notification with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.

    d. The applicant shall grant "right of access" by the city or agent to remove graffiti.

    e. Exterior Lighting: All lightning will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting level will be a minimum foot candles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be properly shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, property management will have the lighting repaired within 72 hours.

f. Storage: Parking and trash areas will not be used for storage of hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles. Property manager or tenant shall promptly abate hazardous materials or inoperable vehicles. General exterior storage areas will be screened from public view.

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

h. Signage: Applicant will fully comply with Colton Municipal Code18.50 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.

i. 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.

j. 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.

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.

l. 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.

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

BUILDING

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

ELECTRIC DEPARTMENT

24. General Conditions and Requirements:

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

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

25. Conditions and requirements specific to the project:

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

FIRE DEPARTMENT

Site Plan

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

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

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

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

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

Site Management Plan

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

Other Fire Conditions

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

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

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

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

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

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

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

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

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

PUBLIC WORKS

41. **IMPROVEMENTS – 1231 through 1235 Lincoln Street**
    a) All parkway and unpaved areas within the public right-of-way fronting the project shall be landscaped and maintained, and an automatic sprinkler system installed.

    b) Install street trees (based on 1 parkway tree per 50 feet of property frontage) and provide landscaping in public right of way.

    c) Dedicate sufficient Right of Way to provide for (30') half width along Lincoln Street.

42. **ADDITIONAL PUBLIC WORKS REQUIREMENTS**
    a) The Owner and Contractor are responsible for complying with National Pollutant Discharge Elimination System Ordinance, during and after construction.

    b) All storm waters originating from the development should be draining to the street. No contaminated water shall be allowed to discharge on sidewalks, gutters, storm drains, parkways and driveways.

    c) The City Engineer may require other information deemed necessary.

    d) Place City Standards grading and drainage notes, includes NPDES requirements on grading plan.

    e) If Utilities are installed that would require trenching within existing street pavement, resurfacing or slurry seal of the affected area may be required, as determined by the City Engineer.

    f) The property is located on a Zone AE that is a special Flood Hazard Area subject to inundation by the 1% annual chance flood event. The applicant shall comply with all (FEMA) Federal Emergency Management Agency requirements.

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

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

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

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF COLTON)

CERTIFICATION

I, CAROLINA R. PADILLA, City Clerk of the City of Colton, California, do hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-35-16**, duly adopted by the City Council of said City, and approved by the Mayor of said City, at its Regular Meeting of said City Council held on the **17th day of May, 2016**, and that it was adopted by the following vote, to wit:

AYES:	COUNCILMEMBER	Toro, Jorrin, Navarro, González, Bennett, Suchil and Mayor DeLaRosa
NOES:	COUNCILMEMBER	None
ABSTAIN:	COUNCILMEMBER	None
ABSENT:	COUNCILMEMBER	None

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

_____
CAROLINA R. PADILLA
City Clerk
City of Colton

(SEAL)

Attachment 2
Resolution No. R-36-16

RESOLUTION NO. R-36-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON DENYING APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE A VARIANCE TO ALLOW 59 PARKING SPACES INSTEAD OF 95; AND VARIANCE TO ALLOW .005% LANDSCAPING INSTEAD OF 15% LANDSCAPING, SUBJECT TO FINDINGS FOR EACH VARIANCE AND CONDITIONS OF APPROVAL LOCATED AT 1235 S. LINCOLN STREET, WITHIN THE M-1/SDA (LIGHT INDUSTRIAL / SENSITIVE DEVELOPMENT AREA) ZONE. (FILE INDEX NO.: DAP-001-187).

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

WHEREAS, on May 17, 2016, the City Council of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the application were heard and the Application was fully examined; and

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

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

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

1. ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district and neighborhood in which the property is located*** *in that:*
   A. The Variance to allow 59 parking spaces instead of 95 parking spaces warrant reduction because the property's irregular lot shape and function do not lend itself to providing the required 95 parking spaces for the proposed pallet manufacturing and storage use.
   B. The Variance to allow .005% landscape coverage instead of 15% is warranted because the site's irregular shape and function. The majority of the site is being used for pallet manufacturing and storage and areas such as parking, office location and five foot planter along the entire frontage of the leased site are being landscaped of the project site which fulfills the intent of the landscape requirement.
   C. The Variance to allow six foot chain link fence along the rear and side yards instead of eight feet was denied because Planning Commission and City Council concerns that a

future pallet fire may spread to adjacent properties. If the property is properly screened and protected by an eight foot high block wall, the risk of fire spreading may be minimized.

2. ***That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant in that:***
   A. The Variance to allow a reduction in the parking requirement will not cause overflow parking demand into the street and 59 parking spaces are adequate to provide for a site with 25 employees. The majority of the site is used for the storage and manufacturing of pallets on a lot that is irregular in shape.
   B. The Variance to allow .005% landscape coverage instead of 15% as required by the Zoning Code is warranted because of the irregular shape, location and size of the property. Furthermore, the function of the site is primarily for the use of a pallet manufacturing and storage use and is surrounded by industrial properties. The applicant is providing adequate landscaping along the front of the property, in parking areas and around the existing office area fulfilling the intent of the landscape coverage requirement.
   C. The Variance to allow six foot chain link fence along the rear and side yards instead of eight (8) feet was denied because Planning Commission and City Council concerns of future fire of a pallet use would be reduced in affecting other properties if the property was screened by an eight foot high block wall along the side and rear lots of the pallet use including development of the front eight foot block wall with 8 foot wrought iron gate screening.

3. ***That the granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located in that:***
   A. The Variance to allow a reduction in the parking will not be detrimental to the public welfare or injurious to property and improvements in the M-1 Zone and neighborhood in which the property is located because the pallet storage and manufacturing use employs a maximum of 25 employees and on occasion a guest visits the site. The 59 parking spaces is a sufficient number of spaces for the use.
   B. The Variance for the reduction in landscape coverage will not be detrimental to the public welfare or injurious to property and improvements in the M-1 Zone and neighborhood in which the property is located because the applicant is providing adequate landscaping along the street frontage; parking area and office location.
   C. The Variance to allow six foot chain link fence along the rear and side yards instead of eight feet was denied because Planning Commission and City Council concerns of future fire of a pallet use would be reduced in affecting other properties if the property was screened by an eight foot high block wall along the side and rear lots of the pallet use including development of the front eight foot block wall with 8 foot wrought iron gate screening.

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

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

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

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

SECTION 3. Based upon the findings set forth above, the City Council hereby upholds the Planning Commission decision to deny the Variance for the wall height and approves a **Variance** to allow 59 parking spaces instead of 95; and **Variance** to allow 0.05% landscaping instead of 15% landscaping, subject to findings for each Variance and conditions of approval located at 1235 S. Lincoln Street, designated M-1/SDA (Light Industrial / Sensitive Development Area) Zone., subject to the Conditions of Approval set forth in attached Exhibit "A" of Resolution No. R-36-16.

SECTION 4. This land use entitlement shall become null and void if not exercised within one year of this approval and the Applicant has not been granted an extension of time by the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code.

SECTION 5. EFFECTIVE DATE. The Mayor shall sign this Resolution and the City Clerk shall attest hereto, and this Resolution shall take effect and be in force on the date of its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2016.

Richard A. DeLaRosa
Mayor

ATTEST:

Carolina R. Padilla
City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE FOLLOWING CONDITIONS OF APPROVAL FOR PLANNING CASE # DAP-001-309 (Appeal of File Index No. DAP-001-187).

HOLD HARMLESS

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

PLANNING DIVISION (909) 370-5079

2. This approval is for a **Variance** to allow 59 parking spaces instead of 95; and **Variance** to allow .005% landscaping instead of 15% landscaping on an approximately 3.12 acres lease area of an overall site that measures 6.7 acres consisting of six parcels zoned M-1/SDA, Light Industrial/Sensitive Development Area, as shown on the plans dated 09/10/15, by the Development Services Department.

2. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Commission to make a determination.

3. Prior to implementation of this approval, plans shall be submitted to the Development Services Department for review and building permits and/or other appropriate permits shall be obtained.

4. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of these conditions of approval on one of its sheets.

5. All conditions of approval of Planning Commission Resolution No. R-35-16 shall be met, except as modified herein.

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF COLTON)

CERTIFICATION

I, CAROLINA R. PADILLA, City Clerk of the City of Colton, California, do hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-36-16**, duly adopted by the City Council of said City, and approved by the Mayor of said City, at its Regular Meeting of said City Council held on the **17th day of May, 2016**, and that it was adopted by the following vote, to wit:

AYES:	COUNCILMEMBER	Toro, Jorrin, Navarro, González, Bennett, Suchil and Mayor DeLaRosa
NOES:	COUNCILMEMBER	None
ABSTAIN:	COUNCILMEMBER	None
ABSENT:	COUNCILMEMBER	None

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

_____
CAROLINA R. PADILLA
City Clerk
City of Colton

(SEAL)

Attachment 3
BOP-117-854

PERMIT NO.	BOP-117-854
Permit Type:	Business Occupancy

PROJECT	TRACT NO.	LOT NO.	APPLICATION DATE	ISSUED DATE	ISSUED BY	PERMIT STATUS
Council District 6			5/26/2016		MS	Open

PROJECT ADDRESS
1231 S Lincoln St

ASSESSORS PARCEL NO. **0163-311-35-0000**
GEO CODE

OWNER
Rebbur Llc

MAILING ADDRESS
12341 Newport Ave D-100
Santa Ana, CA 92705-____

PHONE NO. (714) 834-0454 **FAX NO.**

APPLICANT
O G Pallets
Owner

MAILING ADDRESS
PO BOX 1956
Rialto, CA 92377

PHONE NO. (951) 202-6857 **FAX NO.**

CONTRACTOR/PROFESSIONAL

MAILING ADDRESS

PHONE NO. **FAX NO.**
EMAIL ADDRESS:

License No. Type: Expires:

TENANT
O G Pallets

MAILING ADDRESS

PHONE NO. **FAX NO.**

DESCRIPTION
BOP to allow a pallet manufacturing and storage use per R-35-16 and R36-16

VALUATIONS

OCCUPANCY **TOTAL VALUATION** **$0.00**

Construction Type	UOM	# of Units	Value	Construction Type	UOM	# of Units	Value

FEE DETAIL

QTY	UOM	DESC	AMT DUE	AMT PAID	QTY	UOM	DESC	AMT DUE	AMT PAID
1	Flat	B Occup	$250.00	$250.00					
Totals for: 3140			**$250.00**	**$250.00**					

Total Fees: **$250.00** **Total Amount Paid:** **$250.00** **Balance Due:** **$0.00**

RECEIPTS DETAIL

Receipt #	Trans. Date	Name	Payment Type	Payment Type #	Amount
31897	5/26/2016	Creg Yocum	CC: Visa	5787	$250.00

Applicant's Signature: Date: 5-26-16

Business Occupancy Permit (BOP) Application Form

DO NOT WRITE HERE - FOR OFFICE USE ONLY
Accepted by Staff: MS Date: 5-26-16
APN: 6 Zone: M-1 CMC:
Alteration/Intensification/Conversion: ☐ Yes ☐ No
Zoning Clearance: ☑ Yes ☐ No
By Staff: MS Date: 5-26-16 BOP#: 117-
Notes:

OG Pallets
Business Name

Check one: ☑ **Primary Business**
☐ **Non-Business Land Use** ☐ **Property Management**

Property Address: 1231 S. Lincoln Street Colton, CA 92324 **Unit No.** _____

Olegario Garcia
Business Operator/Applicant name

Valley Pallet Inc.
Existing (Previous) Business/Use at Site

Wooden Pallet Manufacturing & Repair
Brief Description of Proposed Business/Use (to appear on business license certificate)

Detailed Description of Proposed Business/Use, including the product types, processes, activities, including any accessory (secondary) to the main use (attach a letter as an operation statement if necessary):

Facility will be used for the manufacturing and refurbishing of wooden pallets. Pallets will be stored outdoors for inventory. Machinery will be used to reclaim lumber parts. Pallets wil be loaded onto delivery trucks when customer place order.

The following are attached:
- ☑ **Plot Plan/Sketch.** REQUIRED OF ALL APPLICATIONS
- ☑ Floor plan/ Interior layout
- ☐ Tenant list/parking review based on uses
- ☐ Operation statement. Description of business signed by operator.
- ☐ Photographs.
- ☐ Other _____

Property Owner's Certification (Business Owner signs on Page 2)

By signing below, I hereby certify that I am the record owner(s) of the property stated above or an authorized representative to act on behalf of the property owner, and further authorize the submittal of this application.

Managing Member — Signature
5/26/16 — Date

David Starr — Print Name
Managing Member — Title (if company)
(714) 834-0[illegible] — Phone Number

Rebbar, LLC — Company Name
( ) — FAX Number

12341 Newport D-100 — Mailing Address
Santa Ana, CA — City, State
92705 — Zip Code
David@starrandwatters.com — E-mail Address

City of Colton Development Services Department, 659 N. La Cadena Drive (at the Civic Center Annex across from City Hall), Colton, CA 92324, (909) 370-5079; Open: 8:00 a.m. to 4:00 p.m., Monday through Thursday

Business Occupancy Permit (BOP) Application Form

1231 S. Lincoln Street Colton, CA 92324
Property Address

OG Pallets
Business Name

No. of employees: 12 **Tenant Area (sq ft) :** 14,800 **Hours of operation:** 7:30 am - 3:30 pm

Check off the following uses/activities that may occur as part of the proposed business/use?

- ☐ **Alcohol, including beer & wine**
- ☐ **Assembly hall, Banquet room**
- ☐ **Food preparation or handling**
- ☐ **Entertainment activities**
- ☐ **Massage**
- ☑ **Fleet or delivery vehicle(s)**
- ☐ **Training/school activities**
- ☑ **Outdoor storage or physical changes**
- ☐ **Any activities outdoors**

HAZARDOUS WASTE QUESTIONNAIRE

A building permit or final business occupancy permit will not be issued unless the requirements of the Department of Environmental Health Services (DEHS) and the Air Quality Agency have been satisfied or are in the process of being satisfied. All applicants of non-residential building permits and/or business occupancy permits shall be required to complete this form as part of the application requirements (tenant improvements included.)

____ YES ✓NO Will the applicant or future occupant of this facility, during any time of operation, handle, store, use, generate or manufacture a hazardous material or hazardous waste in any quantity above ground or underground?
If "yes," contact: SAN BERNARDINO COUNTY
DEPT. OF ENVIRONMENTAL HEALTH SERVICES (DEHS)
385 N. ARROWHEAD - 2nd FLOOR, PUBLIC COUNTER
SAN BERNARDINO, CA 92415-0160
(909) 884-4056

____YES ✓ NO If "yes" to the above, is the facility property line within 1,000 feet of a "school/proposed school" property line? (Note: "school" may include licensed day care centers).

If "yes" to any of the above, obtain proper permits from the South Coast Air Quality Management District or Local Air Quality Agency, if required. If air permits are required, provide a written statement from Air Quality Agency.

A final Business Occupancy Permit will include DEHS sign-off when applicable.

Business Owner's Certification

I hereby certify that I am the prospective business owner (applicant) for this application and that the preceding statements are true.

Olegario Garcia
Signature

5-25-16
Date

Olegario Garcia — Print Contact Name
Owner — Title (if company)

(951) 202-6857
Phone Number

OG Pallets
Company Name

( )
FAX Number

PO Box 1956
Mailing Address

Rialto, CA — City, State
92377 — Zip Code

olegario.olegario@att.net
E-mail Address

City of Colton Development Services Department, 659 N. La Cadena Drive (at the Civic Center Annex across from City Hall), Colton, CA 92324, (909) 370-5079; Open: 8:00 a.m. to 4:00 p.m., Monday through Thursday

Business Occupancy Permit (BOP) Application Form

Environmental Compliance Division
Pretreatment Program Plan Submittal Survey Form

Business Name: OG Pallets Telephone: (951) 202-6757
Address: 1231 S. Lincoln Street Colton, CA 92324
Business Owners Name: Olegario Garcia
Property Owners Name: Rebbur, LLC Telephone: _____
Submitted by: _____

DESCIPTION OF INDUSTRIAL PROCESS ACTIVITIES

Provide a brief description of industrial process, manufacturing or activities performed on the business site:
Facility will be used for the manufacturing and refurbishing of wooden pallets. Pallets will be stored outdoors for inventory. Machinery will be used to reclaim lumber parts. Pallets wil be loaded onto delivery trucks when customer place order.

Building is: ☐ New ☑ Existing

If existing, is there a current Wastewater Discharge permit held with the City of Colton?

☐ Yes ☐ No ☐ Unknown If yes, provide Permit No.: _____

Check the appropriate answer:

Yes	No	
	✓	Will Water be discharged to the sewer from sources other than restrooms, hand sinks, air- handling equipment or condensate sinks?
	✓	Are floor drains installed in any production or material storage areas?
	✓	Are floor drains installed in any production or material storage areas?
	✓	Are, or will, any solvents or hazardous materials be used or stored at the property?
	✓	Is there any treatment planned for wastewater, prior to discharge to the sewer?
	✓	Will this facility operate one or more of the following processes? If yes, please indicate each that is appropriate:

☐ Auto/Truck Service or Repair	☐ Photo/X-Ray Processor	☐ Car/Truck Wash
☐ Printing Operations	☐ Food Service/Kitchen	☐ Material/Equipment Washing
☐ Industrial/Commercial Laundry	☐ Wastewater Treatment	☐ Process Wastewater

If the answer to any of the above questions is Yes, you must submit plumbing (riser) plans for review by the Environmental Compliance Division of the City of Colton, prior to obtaining Building Permit. Requirements may include a Wastewater Treatment Permit, pretreatment facilities, or monitoring provisions. Initial release will be given once these items have been addressed in the plans. Please be advised, that plans must also be reviewed and approved by the Water and Wastewater Divisions, prior to obtaining a building permit.

Signature required by person submitting survey,

I, the undersigned, state that the above answers are true and correct to the best of my knowledge.

Signed: Olegario Garcia Date: 5-25-16
Title: Owner

To schedule a Pretreatment Program Plan Review, or if you have any questions, please call Gary Ethridge at (909) 370-6128. Plans may be submitted in person, or mailed: Water and Waste Water Dept., City of Colton – "Pretreatment Program," 160 S. 10th St., Colton, CA 92324

OG Pallets

PO Box 1956 Rialto, CA 92377
Ph. (909) 746-7410 Fax (909) 275-3172

May 24, 2016

City of Colton

Fire Department

3003 East "E" Street

Colton, CA 92324

Subject: Site Management Plan

Site Location: 1235 S. Lincoln Street, Colton CA 92324

OG Pallets will maintain all wood pallets storage operations in accordance with the City's Municipal Code Section 15:16 with adopts and amends the 2012 Edition of the International Fire Code and the 2013 Edition of the California Fire Code.

1. Maintain all pallet storage limits as per fire code, by establishing detailed inventory controls for inbound and outbound pallet shipments assuring that inventory's do not exceed site limits of 16 feet.
2. Mark and maintain all pallet stack boundary lines on the site as set forth in the site plan.
3. Provide and maintain fire department access roads as required, with regularly scheduled site inspections.
4. Maintain site housekeeping utilizing "Best Practices" as established by Corporate Office in conjunction with NWPCA, OSHA, and Western World Insurance Co.
5. Establish monthly site inspections by company management. Maintain file of inspections and establish a detailed written action plan, anytime the site is found out of compliance.

Olegario Garcia

OG Pallets

OG Pallets
PO Box 1956 Rialto, CA 92377
Ph. (909) 746-7410 Fax (909) 275-3172

May 25, 2016

City of Colton

659 N. La Cadena Drive

Colton, CA 92324

Subject: Operation Statement

Site: 1235 S. Lincoln Street Colton, CA 92324

OG Pallets has been in been in business since October 2008. We currently have 12 employees and our hours of operation are M-F 7:30 am - 3:30 pm and Sat. 7:30 am - 12:30 pm. We supply to warehouses located in the Inland Empire and have estimate 7 truck deliveries per day. We receive our raw materials from our customers that have broken pallets on site and we issue credit or purchase them. Facility will be used for the manufacturing and refurbishing of wooden pallets. Pallets will be stored for inventory. Pallet dismantler will be used to reclaim lumber parts from broken pallets. The machinery will be used under the enclosed canopy. Pallets will be loaded onto delivery trucks when customer place order.

Olegario Garcia

Olegario Garcia

OG Pallets

Attachment 4
Letter from David Starr representing Rebbur, LLC

REBBUR, LLC
12341 Newport Avenue, D-100
Santa Ana, California 92705
(714) 834-0454

June 21, 2016

Mario Suarez
Mark Tomich
City of Colton Development Services Dept.
659 N. La Cadena Drive
Colton, CA 92324

Mario and Mark,

The Colton City Council required on May 17, 2016 that Rebbur, LLC provide a status of compliance within 45 days from the date of approval. Below please find our status report;

1. We have contacted a couple of civil engineers and requested proposals and have received one, (see attached).
2. We have contacted several licensed masonry contractors, met with two. We received one bid so far, (see attached).
3. We have contracted Union Pacific Railroad and asked/demanded that they continue a wall they recently built extending to the south end of our property.
4. We have worked with City of Colton Planning Department regarding several issues on the north side of the pallet yard regarding drainage, ingress and egress between the pallet use and U.S. Rubber.
5. I have requested a meeting with Mario and Mark regarding issue above, trash enclosure and other matters.

I have been at the property many times in the last six weeks working to get this project underway.

Very truly yours,

David Starr, Managing Member

W. J. McKeever Inc.
Civil Engineering

June 20, 2016

Reburr, LLC
Mr. David Starr

Re: 1235 Lincoln Street, Colton, CA

Dear Mr. Starr:

The following is our proposal to prepare and process plans for a decorative block wall on the East side and a portion of the South side of the property at 1235 Lincoln Street, Colton, California.

Scope of Work:

1. Perform Field Topographic Survey of area involved in wall construction.
2. Design and draft plans for wall and 2 metal gates.
3. Process plans through City of Colton plan check.

Professional Fees:

Item No. 1 - Flat Fee =	$ 3,830.00
Item No. 2 - Flat Fee =	$ 2,364.00
Item No. 3 - Flat Fee =	$ 1,070.00
Total	$ 7,264.00

* Note: Without a Soils Report, we will use Code Default Values to do the structural calculations, if acceptable to the City. These values will result in a slightly more robust design.

If you have any questions regarding this proposal, please call me.

Yours truly,

William J. McKeever

Approved by:

Reburr, LLC Date

900 E. Washington Street - Suite 208 - Colton, California 92324
Ph. (909) 825-8048 - Fax (909) 825-8639 - E-Mail Address office@wjmckeeverinc.com

General Conditions of Proposal

The items listed below are part of this proposal unless stated otherwise.

1. Flat Fee prices are to be held for one (1) year from the date of execution of the contract. After one (1) year the fees for the remaining work to be done will be adjusted at the same percentage as our hourly rate increases that are in effect at the time.

2. Hourly rates will be adjusted on July 1st of every year.

3. The proposal, as submitted, is good for 6 months from the date shown on the proposal. If the proposal is not accepted within 6 months the fees will be reviewed and adjusted if necessary.

4. "Processing" of maps and plans as described in the proposal consists of work directly related to gaining approval of plans, prepared by this office, from the appropriate government agencies and utilities. "Processing" does not include work such as:

    a. Preparation and processing of packages for permit applications.
    b. Plan check processing of other consultants plans.
    c. Processing of clearances for final map recordation not directly related to approval of plans prepared by this office.
    d. Obtaining clearances for construction permits not directly related to our plans.

5. Scope of work includes providing AutoCad backgrounds for utility plans.

6. Developer is to pay all plan check and processing fees. Developer is to pay fees for all outside studies and reports required by governing agency.

7. Waiver of Subrogation Endorsements will be charged to client at the rate of $120.00 per Certificate.

TIME AND MATERIAL RATES EFFECTIVE THROUGH JULY 1, 2016:

Office		Field	
Principal Engineer (Testimony)	$220/Hr.	2 Man Survey Crew	$231/Hr.
Principal Engineer	$154/Hr.	2 Man Crew Travel Time	$108/Hr.
Principal Planner	$136/Hr.	3 Man Survey Crew	$300/Hr.
Senior Project Director	$139/Hr.	3 Man Crew Travel Time	$151/Hr.
Licensed Land Surveyor	$127/Hr.	Office Support	$120/Hr.
Survey Supervisor	$110/Hr.	Mileage	$ .60/Mi.
Project Manager	$111/Hr	RTK GPS System	$300/Day
Design Draftsman II	$100/Hr.	Materials and Outside	
Design Draftsman I	$91/Hr.	Contract Work	Cost + 20%
Project Coordinator	$79/Hr.		
Draftsman II	$68/Hr.		
Draftsman I	$59/Hr.		
Environmental Engineer I	$59/Hr.		
Asst. Draftsman II	$50/Hr.		
Asst. Draftsman I	$41/Hr.		
Clerical II	$50/Hr.		
Clerical I	$41/Hr.		

License #463690

Expires: 08/31/2017

AJB Construction

848 w. locust st.
Ontario ca. 91762
909 262-3232
#463690

PROPOSAL

PROPOSAL SUBMITTED TO		TODAY'S DATE	DATE OF PLANS/PAGE #'S
Valley Pallet Att: David Starr		6/9/2016	
PHONE NUMBER	FAX NUMBER	JOB NAME	
714 501-4571			
ADDRESS, CITY, STATE, ZIP		JOB LOCATION	
		1231 Lincoln, Colton ca	

We propose hereby to furnish material and labor necessary for the completion of:

Aprox. 400' blockwall, 8' high, 8" wide grey precision block. Mortar cap.

Price includes: chain link removel and hauling.
saw cutting of asphalt, excavation of footing and hauling.

All labor and material.

Also includes engineering.

If the total length of the project changes, Price per foot is $127.50

Permit is not included.

These are prelimary prices before engineering, prices could change!!!

We propose hereby to furnish material and labor – complete in accordance with above specifications for the sum of:
Fifty One Thousand Dollars dollars ($51,000.00)

Payment as follows: $20.000 when footings pass inspection, bal on completion

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Accounts overdue beyond 30 days of billing will be charged at an interest rate of 10% per annum. Customer is also liable for an additional 10% of unpaid balance plus incidental collections costs, including attorney fees. If either party commences legal action to enforce its rights pursuant to this agreement, the prevailing party in said legal action shall be entitled to recover its reasonable attorney's fees and costs of litigation relating to said legal action, as determined by a court of competent jurisdiction.

Authorized Signature _____

Note: this proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance _____

Attachment 5
Pictures of site

Recent Pictures Taken

June 22, 2016

View from Lincoln St. looking northwest

View from Lincoln St. looking southwest

View from Lincoln St. looking west

View from Lincoln St. looking southwest

View from Lincoln St. looking west

View looking at rear yard of US Rubber Co.
New fence and railroad area along the left or west side of the adjacent property – June 2016

Site exterior 05-17-16 – Area Cleaned in June

Interior Cleaned in June 2016

Site exterior 05-17-16 – Area Cleaned in June

Site exterior 05-17-16 – Area Cleaned in June