
SECTION 7 ADMINISTRATION

7.0 ADMINISTRATION

The procedures for implementation and administration of Colton's Hub City Centre Specific Plan (CHCCSP) are as follows:

7.1 COLTON'S HUB CITY CENTRE SPECIFIC PLAN (CHCCSP) ADOPTION AND APPLICABILITY

The CHCCSP is a regulatory plan, which upon adoption will constitute zoning of the property. Development plans, tract or parcel maps, precise development plans or other actions requiring ministerial or discretionary approval within the boundaries of the project (except as relates to existing public school uses), must be consistent with the CHCCSP. Actions deemed to be consistent with the CHCCSP shall be deemed to be consistent with the City of Colton General Plan as mandated in California Government Code Section 65454. Should the regulations contained herein differ from the regulations of the City of Colton Zoning Ordinance, Title 18 of the Municipal Code, the regulation of the CHCCSP shall take precedence.

7.2 IMPLEMENTATION

The CHCCSP shall be implemented through the processing of tract maps, parcel maps, site plans, conditional use permits or related processes. The implementation process, as described below, provides the mechanism for review of these documents to assure there is development consistency with the CHCCSP goals and objectives, land use, community design and development regulations.

7.2.1 DEVELOPMENT REVIEW PROCESS

Tentative Tract Maps, Parcel Maps and Site Plans or other applications for development within the CHCCSP area shall be submitted to the Development Services Director or his / her designee, or as otherwise determined by the Director, for review and processing for all projects. They shall be reviewed by the City for consistency with the Land Use Plan and all other provisions set forth in this document.

7.2.2 CONVEYANCE MAPS

In certain cases, there may be a need by property owners to parcelize their properties to conform to the Specific Plan land use boundaries or for other purposes. For example, one large property ownership may be designated for two or more different land uses such as retail and residential. In this case, the owner may be interested in legally dividing the parcel(s) but not be interested in developing any buildings, roads or other infrastructure at the time. In such cases, a Parcel Map or Tract Map for conveyance purposes or financing purposes, may be processed under the same application and process as a Tentative Tract Map. However, since no building or infrastructure approvals are requested, the applicant would not be required to include any grading, sewer or water plans, other than property boundary information and related requirements, e.g., legal description, etc. In addition, no bonding or security would be required except for final monuments. For any such Maps, a condition of approval would be placed on the Map indicating it is for conveyance or financing purposes only. In all cases, the Subdivision Map Act requirements will prevail, including assurances that all parcels that are to be divided will have legal access acceptable to the City of Colton.

7.3 PROCEDURES FOR PROJECT REVIEWS, APPROVALS AND AMENDMENTS

The following procedures are to be used for the review and approval of development applications for individual planning areas, and to establish the requirements for making changes or additions to the Colton's Hub City Centre Specific Plan (CHCCSP).

7.3.1 PLAN APPROVAL

The City of Colton's development review procedures shall be employed for project implementation as described in the City of Colton Zoning Ordinance, Chapter 18.58, Administration, except as amended herein.

7.3.2 DESIGN REVIEW

All projects in the CHCCSP are required to be reviewed and approved (or recommended for approval to Planning Commission) by the City Development Services Director or his / her designee. The CHCCSP Design Guidelines shall be used by

the City of Colton's Development Services Director or his / her designee to review each builder's proposal for conformance with the overall community design objectives. In addition to any standard City requirement for Site Plan or Design Review submittals, the following areas shall be addressed in any applicants submittal.

SITE PLANNING / LANDSCAPE

1. Building orientation / placement
2. Garage design and placement
3. Access and circulation
4. Parking areas
5. Site planning and design
6. Landscaping, private parks and open space as appropriate
7. Landscaping theme for project and for development edge
8. Plant materials that are drought tolerant
9. Fencing /screening / buffering
10. Perimeter and interior walls and fencing
11. Lighting for buildings, streets, alleys, parks or other common areas
12. Utilities and ancillary equipment
13. Fire safety access
14. Pedestrian connections
15. Streetscape design
16. Entry treatments

BUILDING DESIGN

1. Architectural styles for residential (i.e., Monterey, Craftsman, etc.)
2. Architecture design and styles for commercial uses e.g., Retail, Office, Business Park, Hospitality
3. Preliminary design including elevations of all four sides of buildings
4. Building massing, form and scale
5. Roof pitch
6. Windows and doors
7. Materials and colors
8. Signage consistent with the overall community character
9. Equipment screening

PROJECT SUBMITTAL

The findings below apply to all land use applications and are in addition to the findings required for approval of respective development applications (tract maps, architectural and site plan approvals, conditional use permits, etc.) by the City Zoning Ordinance. The findings are intended to ensure that the relationship of the proposed development layout, uses and building designs with respect to existing and future adjacent development are considered in the overall design of

every land use application.

It is incumbent upon the applicant to supply the necessary materials, text and graphics to allow the City to make the required findings. The City may establish specifications for these submission requirements that augment standard City submittal requirements.

FINDINGS

1. The project complies with all provisions of the Colton's Hub City Centre Specific Plan.
2. Areas intended for public use, such as public parks, recreational facilities and open space, are coordinated among neighborhoods and that the streetscape, landscape, hardscape and public amenities are mutually compatible.
3. The development proposal complies with the applicable community design guidelines of the CHCCSP, any applicable subsequent design guidelines and is compatible with surrounding areas, including, but not limited to building design and placement, colors, materials, height, and massing.
4. Consideration and application of public safety and security are incorporated into the project design.
5. Sustainability and conservation of resources are adequately addressed.

7.3.3 PLAN CONSISTENCY:

Following approval of a site plan, tract map or other application for development, (collectively referred to as the Plan) if any changes are proposed regarding the location or alteration of any use, boundary, structures or other substantive change shown on an approved Plan, a revised Plan shall be submitted to the Development Services Director or his/her designee, for approval. If the Development Services Director or his/her designee determines that the proposed revision is in substantial conformance and complies with the provisions of the CHCCSP document and the general intent of the approved Plan, the revised Plan may be approved without resubmittal to the approval process described in the above Section. Such decision shall be posted on the City bulletin board and be final unless appealed to the City Council within ten (10) days from the date of such posting.

7.3.4 MASTER PLAN REQUIREMENTS FOR RETAIL (R), RETAIL MIXED USE (RMU) OR OFFICE MIXED USE (OMU):

Any application for R uses in Planning Areas 16, 20 or 22, RMU uses in Planning Areas 9 and 24, and Office Mixed Use (OMU) in Planning Areas 19, 21 and 23, shall include a Master Plan for the entire respective planning area. The Master Plan shall be provided prior to building design reviews by the City. The objective of this Master Plan is to ensure that any proposed plan by an applicant for any one location or portion of a Planning Area is: 1) designed in a cohesive manner with adjacent areas, 2) provides vehicular and pedestrian access to adjacent sites and major roadways, and 3) is consistent with all Community Planning and Design Principles in Section 2.0 and other design guidelines and development regulations in other Sections of this Specific Plan. All Master Plans are subject to approval

by the Planning Commission.

It is understood an applicant may not own all the properties in a given Planning Area, and / or he may not have any agreements to acquire or lease all acres within that Planning Area. In such cases, the Development Services Director or his / her designee shall determine the extent of involvement, if any, of other property owners, e.g., whether meetings with adjacent or nearby property owners are necessary. That decision shall be made on case by case basis.

For an applicant's parcel, the Master Plan shall identify: 1) the proposed building pads and / or conceptual building footprints, 2) parking areas based on the required number of parking stalls in Section 4.0 and / or applicable city codes, and 3) the locations for vehicular and pedestrian access for ingress and egress to the subject site and to adjacent parcels and to roads shown in the Circulation Plan in Figure 4-1. For parcels in the same planning area other than those of the applicant, the Master Plan shall conceptually identify all the same elements as above. Only general areas for parking need to be shown, not parking stalls. Instead, general boundaries of parking areas may be shown.

Special features identified in the Community Design Guidelines, such as an entry monument and fountain on the corner of Pepper Avenue and Valley Boulevard, shall also be shown conceptually in the Master Plan for Planning Area 16. Within Planning Area 16, a police substation may be required in any Master Plan based on Police Department recommendations.

It is strongly recommended that prior to filing, the applicant discuss with the Development Services Director or his / her designee, the appropriate scale of the plan and any additional information that may be required. Based on the applicants Master Plan submittal, a review by city staff shall be provided and comments submitted to the applicant. If revisions are required, the applicant shall re-submit the Master Plan to address staff comments to the satisfaction of the Development Service Director.

7.3.5 MINIMUM AND MAXIMUM RESIDENTIAL DENSITY RANGES:

Minimum and maximum density ranges are provided for each residential land use category and are shown in Section 3.1, Table 2, Land Use Summary. A "Target Dwelling Unit" and "Target Density" total is also shown for each residential planning area. The Target Dwelling unit totals were based on multiplying the total acres of each planning area by the Target Density.

The total number of dwelling units (DU) proposed for any residential planning area is permitted to have fewer units than shown in Table 8.1, Planning Area Summary, under "Target DU" and may be less than the Target Density.

The total number of dwelling units proposed for any planning area may or may not be permitted to have a greater number of DU than the "Target DU" number. Provisions for exceeding the Target DU require an additional step described below under density transfers. In all cases, the total DU for any planning area may not exceed the maximum density permitted of the respective land use category. For example, 62 DU is the Target for PA 4 and 78 is the maximum number of DU

permitted. This maximum number is determined based on multiplying the total site net acres by the maximum density of 14 du / ac. (5.6 acres x 14 du / ac.)

Should the total requested dwelling units by an applicant exceed the “Target DU”, however, a request for greater than the target number of dwelling units requires additional steps as described below under Target Density Transfers (TDT) in order to assure the total CHCCSP does not exceed its permitted maximum total of 275 dwelling units.

TARGET DENSITY TRANSFER:

A “Target Dwelling Unit (DU)” total is included for each residential Planning Area in Section 8.0, Table 8.1, Planning Area Summary. The maximum permitted DU in the CHCCSP is 275. During the site planning and / or tentative tract map stages of design, the actual number of dwelling units requested by an applicant within a particular planning area may differ from the target number shown in the Planning Area Summary. The total number of dwelling units for any individual planning area may exceed the “Target DU” subject to the following conditions:

- The written approval of the property owner(s) or their designated representative of the planning area(s) affected by a commensurate reduction in the target number of dwelling unit totals must be provided. However, if said property owner(s) previously submitted an application which includes fewer dwelling units than is included in the “Target” number of that property owners respective residential planning area(s), and such application was approved by the Planning Commission, then such approval of the application shall be deemed as that owner’s approval.
- In such cases, the planning area for which an approval was granted by the Planning Commission, shall be deemed to be the new final total permitted dwelling units in that planning area. In this case the Development Services Director or his / her designee shall have the discretion to assign the unused dwelling units to any other residential planning area.
- The assignment of dwelling units to another residential planning area shall be based upon a first come first served basis, providing: 1) a completed application in accordance with city requirements is submitted by the owner or his authorized representative to the City that specifies the total dwelling units requested, 2) it meets all development regulations and other applicable standards and guidelines of this Specific Plan and, 3) it is approved by the Director of Development Services.
- Within ninety (90) days of said acknowledgment by the Development Services Director or his / her designee, the applicant shall submit a tentative tract map and site plan pursuant to all City requirements. If such tentative tract map is not submitted or is deemed incomplete, the Development Services Director or his / her designee shall, in his or her sole discretion, be able to assign any unused dwelling units to the next applicant requesting an increase with the same provisions.

7.3.6 COMMERCIAL BUILDINGS - PERMITTED TOTAL SQUARE FEET:

Each planning area designated for all commercial Retail, Office, Business Park, Hospitality uses contains a projected amount of building square footage which is included in the CHCCSP EIR Traffic Study. During the refined site planning and tract map stages of design, the actual amount of square feet requested by an applicant in a particular commercial planning area may differ from the amount shown in the Traffic Study. If an increase to the square feet of gross building area exceeds the total listed in the Traffic Study within a planning area, the Development Services Director or his / her designee may permit such an increase up to five percent of the total allocation provided in the Traffic Study. Increases above the five percent shall require approval of the Planning Commission. In all cases where changes are requested to increase the projected amount of square feet in any planning area, the Development Services Director or his / her designee shall determine whether subsequent environmental review and/or studies are required, including but not limited to traffic studies and acoustical studies.

7.3.7 SPECIFIC PLAN AMENDMENTS:

Amendments may be requested at any time pursuant to Section 65453(a) of the Government Code. If the Development Services Director or his / her designee deems the Amendment major, it will be processed in the same manner as the original Specific Plan.

Depending upon the nature of the proposed Specific Plan Amendment, a supplemental environmental analysis may be required, pursuant to the California Environmental Quality Act (CEQA), Section 15162. If required, it is the applicant's responsibility to provide an analysis of the impacts of the amendment relative to the original EIR.

7.3.8 FINDINGS FOR APPROVAL OF SPECIFIC PLAN AMENDMENTS:

In considering approval or disapproval of Specific Plan Amendments, the City Council shall find that the proposed Amendment is in compliance with the following:

1. The proposed Amendment is consistent with the General Plan and its Elements in effect at the time of submission.
2. The proposed Amendment does not result in an incompatibility with surrounding land uses with respect to use, development standards, density, or issues of health, public safety or general welfare.
3. The proposed Amendment is consistent with the overall design character and general community structure of CHCCSP.
4. The proposed Amendment, with appropriate mitigation measures, is not likely to increase environmental impacts beyond those identified and mitigated in the EIR, or substantially and avoidably injure significant wildlife, or their habitat.

7.3.9 MINOR MODIFICATIONS:

The following minor modifications to the CHCCSP do not require a Specific Plan Amendment but are still subject to review and approval by the Development Services Director or his / her designee. The Development Services Director or his/her designee shall, however has the discretion to refer any such request for modification to the Planning Commission.

1. Final facility sizing and precise location of water, sewer and storm drainage improvements when directed by the City Engineer and Director of Water / Wastewater.
2. Change in utility and / or infrastructure servicing agency.
3. Arterial, collector or local road alignment revisions when the centerline moves by less than one hundred feet (100') providing the planning areas that are affected do not change more than five percent in total area.
4. Alignment of pedestrian walks and / or off-street bike lanes.
5. Decrease in project density for up to one land use category. For example the RES-M1 category (5.1 to 14 du / ac.) may be reduced to Res M (0-5 du / ac.). In such a case the development standards for the reduced land use category shall apply.
6. Adjustment of individual planning areas so long as the total acreage of that planning area does not decrease or increase by generally more than five percent of the stated acres within the CHCCSP.
7. Minor landscape changes with respect to plant material types, wall materials and general locations.
8. Modifications to Community Design Guidelines, with respect to minor variations within the particular architectural style, landscape features, plant palette, walls and entry monuments, subject to review by the Development Services Director.
9. Changes in park and recreation facilities, subject to concurrence by the Development Services Director.
10. Specific modifications of a similar nature to those listed above, which the Development Services Director or his / her designee deems minor, which are in keeping with the intent of the CHCCSP and which are in conformance with the General Plan, subject to concurrence by the Community Services Director.

7.3.10 EFFECTIVE DATE:

All Amendments per this Section adopted by ordinance shall take effect thirty (30) days after adoption of the second reading by the City Council.

7.4 NONCONFORMING USES STRUCTURES AND LOTS

7.4.1 PURPOSE AND INTENT

This section establishes uniform provisions for the regulation of legal nonconforming uses, structures and lots. Within the zoning districts established by this CHCCSP, certain land uses and structures were legally established under the requirements of the Colton Municipal Code or prior specific plans that may be prohibited, regulated, or restricted differently under the terms of this Specific Plan Amendment or any subsequent amendments of it.

The CHCCSP discourages the long-term continuance of these nonconformities and encourages their abatement. However, this Specific Plan Amendment includes provisions to permit these nonconforming uses to be expanded or redeveloped if certain conditions are met. Nonconforming uses and structures shall not be enlarged, expanded, or extended, except as expressly stated in this section, nor shall the existence of a nonconforming use or structure be a determining factor for adding other uses or structures allowed in the same land use district.

7.4.2 DEFINITIONS

The following definitions shall be applicable:

Nonconforming. “Nonconforming” means a building, structure or portion thereof, or use of building or land which does not conform to the regulations of this specific plan and which lawfully existed at the time the regulations became effective through adoption, revision or amendment

Nonconforming lot. “Nonconforming lot” means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this specific plan, but which fails by such reason to conform to the present requirements of the specific plan.

Nonconforming structure. “Nonconforming structure” means a structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision, or amendment of this specific plan, but which fails by such reason to conform to the present requirements of the specific plan.

Nonconforming use. “Nonconforming use” means a use or activity which was lawful prior to the adoption, revision or amendment of this specific plan, but which fails by such reason to conform to the present requirements of the specific plan.

7.4.3 NONCONFORMING USES

A nonconforming use shall be subject to the provisions contained in this section:

1. A nonconforming use may be altered, subject to the approval of the Development Services Director or his / her designee. The Director shall have the discretion to approve uses that are expanded or modified by less than ten per cent (10%) of the lawful floor space or ground area existing at the time the use became nonconforming.

2. For a nonconforming use of land not involving a structure, the use may not be moved, in whole or in part, from the location it occupied at the time the use became nonconforming to any other portion of the lot or parcel upon which it is located, unless there exists proof of intent to occupy such area or location on the lot or parcel prior to the time the use of land became nonconforming. Expansions or modifications of ten per cent (10%) or greater shall be referred to the Planning Commission.
3. If no structural alterations are proposed, a nonconforming use of a structure may be changed to another nonconforming use of lesser intensity, or closer to conformity with the underlying designation, provided the Director determines that the proposed use is of lesser intensity or more appropriate to the land use district than the existing nonconforming use. In permitting such a change, the Director may impose conditions to ensure that the degree of nonconformity is not subsequently increased, along with such other conditions as are necessary to mitigate any adverse impacts of the changed use upon neighboring properties.
4. If a nonconforming use is superseded by an allowed use, such use shall thereafter conform to the regulations for the land use district in which it is located, and the nonconforming use may not be resumed.

7.4.4 NONCONFORMING STRUCTURES

A nonconforming structure may be continued in use so long as it is in compliance with all codes, ordinances and laws of the City and, other than building code regulations as set forth in the Colton Municipal Code, subject to the following provisions:

1. If a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent of more than fifty percent (50%) of its reasonable replacement value at the time of destruction, it may not be reconstructed except in conformity with the provisions of this Specific Plan Amendment.
 Exception: a nonconforming residential structure may be reconstructed in any district that allows such a use if it meets all building and safety regulations, and if, to the extent reasonable and feasible, the construction conforms with the regulations of this Specific Plan.
2. If a structure is moved for any reason for any distance, it shall thereafter conform to the regulations for the land use district into which it is relocated.
3. If a nonconforming structure is abandoned or vacated for one-hundred eighty days or more, any subsequent use of the property shall conform with the regulations of the land use district in which it is located.
4. The provisions of this section shall not apply to billboards. Nonconforming billboards shall be terminated in accordance with applicable provisions of the California Outdoor Advertising Act and the Colton sign code.

7.4.5 NONCONFORMING LOTS

Any lot that becomes nonconforming upon adoption of this Specific Plan may be used or built upon, provided that the development project otherwise conforms to the requirements of this Specific Plan.

SPECIFIC PLAN AMENDMENT.

Any lot that, by action of the City of Colton or any other government agency, becomes nonconforming by means of condemnation, acquisition, or dedication shall be allowed to apply the standards for the lot in effect prior to the agency action.

7.4.6 OTHER NONCONFORMITIES

This section shall apply to any other circumstance which does not conform to the requirements of this Specific Plan including, but not limited to, nonconforming fence heights or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking; and any other nonconformity created by adoption of this Specific Plan. Because nonconformities addressed in this section involve less investment and are more easily corrected than those addressed in Sections 7.3, 7.4 or 7.5 of this section, the intent of this Specific Plan is to eliminate such nonconformities as quickly as practicable. The following shall apply:

1. Non-conforming development with approved site plan or conditional use permit. A non-conforming development that is consistent with a site plan or conditional use permit approved before the effective date of this Specific Plan shall be deemed to be in conformance with this Specific Plan to the extent that it is consistent with the approved site plan and to the extent that such development conforms to all conditions imposed thereon. A nonconformity, other than one of those enumerated in Sections 7.4.3, 7.4.4 or 7.4.5 of this section, shall be brought into conformance upon the occurrence of any one of the following:
 - a. Any increase of more than fifteen (15) percent floor area or fifty (50) percent value of the building or premises.
 - b. For a lot or parcel located in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is requested.
2. In no event shall the extent of such nonconformities be increased or expanded.

7.4.7 REPAIRS AND MAINTENANCE

On any nonconforming structure, and on any conforming structure containing a nonconforming use, routine maintenance work may be performed, and nonbearing walls, fixtures, wiring, or plumbing may be repaired or replaced; provided that:

3. The value of the repair and replacement work during any twelve-month period does not exceed ten percent of the replacement cost of the entire structure; and
4. The square footage of the structure that is nonconforming or has a non-

conforming use is not increased.

7.4.8 ABANDONMENT

Any nonconforming use, structure, or other nonconformity which is not thus occupied or so used for a continuous period of one hundred eighty days (6 months) shall be deemed abandoned and shall not thereafter be re-occupied or used except in a manner that conforms to the requirements of this specific plan.

1. **Presumption of Abandonment.** A nonconforming use, structure, or other nonconformity shall be presumed abandoned when any of the following occurs:
 - a. The owner or authorized representative has in writing or by public statement indicated intent to abandon the use, structure, or other non-conformity;
 - b. A less intensive use has replaced the original nonconforming use;
 - c. The owner or authorized representative has physically changed the structure or its permanent equipment in such a way as to indicate a change in use or activity to something other than the nonconforming use; or
 - d. The structure has been removed through applicable procedures for the condemnation of unsafe structures.
 - e. Electric utility service has been terminated for 180 days or more.
2. **Overcoming Presumption of Abandonment.** A presumption of abandonment may be rebutted upon evidence presented by the owner or authorized representative showing no intent to abandon the use, structure, or other nonconformity. Such evidence may include proof that during the alleged period of abandonment the owner or authorized representative has done either of the following:
 - a. Maintained the lot and structure, if any, in accordance with the building code; or
 - b. Has actively and continuously marketed the lot or structure for sale or lease.

7.4.9 DETERMINATION OF NONCONFORMING STATUS

In all cases where the nonconformity of a use, structure or lot is at issue, the property owner or authorized representative shall have the burden of establishing that a nonconforming lot, structure, or use lawfully exists pursuant to laws applicable at the time it was established or constructed.

7.4.10 NONCONFORMING USES DETRIMENTAL TO HEALTH AND SAFETY

No provisions of this section or this specific plan shall be construed to allow the continuance of any nonconforming structure or use when it is detrimental to the health, safety, or welfare of the public.

7.4.11 APPEALS

Any person aggrieved by a decision of the Director other official enforcing the provisions of this section may appeal to the Planning Commission.

7.5 ENFORCEMENT

PURPOSE AND INTENT

This section establishes provisions for the enforcement of all provisions, standards, regulations, and guidelines in the CHCCSP. It is intended to provide the City with flexibility in determining appropriate remedies to use in case of any violation. As a result, all herein described penalties are cumulative in nature.

DECLARATION OF UNLAWFULNESS AND PUBLIC NUISANCE

Any building, structure or other improvements set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Specific Plan, any use of land, building, or premises established, conducted or operated or maintained contrary to the provisions of this Specific Plan shall be and the same is declared to be unlawful and a public nuisance. Upon a request by the Director, the City Attorney shall immediately commence action or proceedings for the abatement and removal and the enjoining thereof in the manner prescribed by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove the structure or building or use, and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or the use of any such building or structure or using property contrary to the provisions of this title. The remedies provided herein shall be cumulative and not exclusive.

CITATION AUTHORITY

The Chief of Police and his / her authorized designees are authorized to issue a citation for an infraction or misdemeanor as to such violation after such notice if there is neither correction nor compliance.

VIOLATIONS AND PENALTIES

Any person violating any of the provisions of this Specific Plan shall, unless otherwise specifically provided in this Specific Plan or by statute, be guilty of a misdemeanor; provided, that where the City Attorney or other prosecutor determines that such action would be in the interests of justice, the City Attorney or other prosecutor may prosecute any such offense as an infraction. In the event a notice to appear is prepared as a misdemeanor, the City Attorney or other prosecutor may nonetheless prosecute any such offense as an infraction.

USE OF ADMINISTRATIVE FINES AND PENALTIES

Notwithstanding the use of criminal citations filed as infractions or misdemeanors, every violation of a provision of this Specific Plan, the penalty for which is defined as an “infraction” or “misdemeanor,” shall also be subject to an administrative fine and penalty in accordance with the provisions of Chapter 8.12 of the Colton Municipal Code. The use of administrative fines and penalties are in addition to all other remedies, criminal or civil, which may be pursued by the city to address any violation of provision, standard, regulation, guideline, rule or other law ad-

opted by the city, or other applicable state codes. Use of this chapter shall be at the sole discretion of the City and nothing in this chapter shall prevent the City from initiating a civil, criminal or other legal or equitable proceedings as an alternative to the proceedings set forth in this Specific Plan.

7.6 DEFINITIONS

Refer also to the City of Colton Zoning Ordinance, Title 18 of the Municipal Code, for definitions. The following definitions shall also apply to the Colton's Hub City Centre Specific Plan area and supercede those in the Zoning Ordinance.

Acreage, Net: that area of a lot or parcel less public rights-of-way and public dedicated open space or other public use.

Alley: a public or private service way providing access to property and not intended for general traffic circulation.

CEQA: The California Environmental Quality Act.

Common Area: that area of a lot or parcel held in common and / or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Common Open Space: all common landscape areas, private recreation areas, private pedestrian corridors and private streets within a lot or parcel that is controlled and maintained by a homeowners association.

Defensible Space: a physical space which is made usable and safe by means of a design encouraging pedestrian circulation, visual access and the elimination of visually obstructed areas.

Detention Basin: a pond, pool or basin used for the temporary storage of water runoff.

Development Agreement: a legally binding instrument executed between two or more parties which sets forth the specific criteria under which a certain development project may proceed. Modifications to the terms and conditions of the agreement require the mutual written consent of all parties entering into the agreement.

Drive-thru Facility: a facility synonymous with "drive in business" in the City Zoning Ordinance.

Façade: means the exterior wall of a building exposed to public view or that wall viewed by persons outside the building.

Guest Parking: on-site parking spaces provided for intermittent use by visitors.

Infrastructure: basic facilities and services needed to sustain residential and commercial activities including, but not limited to, sewer, water, storm drain, and streets.

Land Use Plan: a plan showing proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial,

industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

Live / Work Unit: A single-family dwelling unit which contains adequate work space typically accessible from separate entrance reserved for, and regularly used by, one (1) or more persons residing therein.

Minimum Parcel Area: the minimum amount of land that must be contained in a parcel for development purposes.

Mixed Use: the development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Open Space: Any parcel or area of land or water and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners, occupants and guests.

Open Space, Common: land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or tenants of the development.

Open Space, Private: an open space, fenced or otherwise, which is reserved normally for the exclusive use by the occupants of a single dwelling or building or property.

Open Space, Public: an open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Planning Area: a specifically delineated area or district within a Specific Plan with development regulations and standards that uniformly govern the use, placement, spacing and size of land and buildings.

Project: means the total development within the boundaries as defined on the development plan.

Retention Basin: a pond, pool or basin used for the permanent storage of water runoff.

Shared Parking: a situation where the same parking spaces can be utilized by two or more different uses due to the differing peak hours of operation of the uses involved.

Site: means any plot or parcel of land or combination of contiguous lots or parcels of land.

Temporary Use: a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Tot Lot: an improved and equipped play area for small children.

Use, Conditional: a use, listed by the regulations of any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis, subject to development/design review or to a conditional use permit, and to all other regulations.

Zero Lot Line: the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

SECTION 8
APPENDIX

8.0 LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
PERIMETER FOR SPECIFIC PLAN AREA

Being a portion of Town of Rialto and Adjoining Subdivision in the city of Colton, County of San Bernardino, State of California as shown on Map filed in Map Book 4, page 11 in the office of the County Recorder of said County together with a portion of the North Half of Section 19, Township 1 South, Range 4 West, San Bernardino Meridian together with a portion of the South Half of Section 18, said Township and Range, described as follows;

Beginning at the intersection of the Northerly line of Interstate 10 as shown Cal Trans Right of Way Map No. 405025, 984581 and 837114 and the easterly line of Hermosa Avenue as shown on Parcel Map No. 5289 as filed in Parcel Map Book 51, pages 90 through 91, records of said County; thence along said Northerly Right of Way the following nineteen courses; North $86^{\circ}27'00''$ West 698.57 feet to the beginning of a curve concave northeasterly having a radius of 5031.00 feet; thence westerly 441.35 feet along said curve through a central angle of $5^{\circ}01'35''$ to the beginning of a reverse curve, concave southerly having a radius of 20070.00 feet, a radial line to said beginning of curve bears South $07^{\circ}18'53''$ West; thence westerly 163.56 feet along said curve through a central angle of $0^{\circ}28'01''$; thence North $83^{\circ}09'08''$ West 373.89 Feet to the beginning of a curve concave northerly, having a radius of 9940.00 Feet; thence northwesterly 156.62 feet along said curve through a central angle of $0^{\circ}54'10''$; thence North $82^{\circ}14'58''$ West 21.55 feet to the beginning of a curve concave northeasterly, having a radius of 2500.00 feet; thence northwesterly 190.25 feet along said curve through a central angle of $4^{\circ}21'37''$; thence North $77^{\circ}53'21''$ West 422.93 feet to the beginning of a curve concave southerly, having a radius of 6900.00 feet; thence northwesterly 189.00 feet along said curve through a central angle of $1^{\circ}34'34''$; thence South $11^{\circ}30'08''$ West 48.43 feet; to the beginning of a curve concave northwesterly having a radius of 55.00 feet; thence southerly 64.27 feet along said curve through a central angle of $66^{\circ}57'02''$; thence South $78^{\circ}27'10''$ West 131.04 feet; thence South $78^{\circ}28'41''$ West; 142.53 feet; thence South $70^{\circ}17'09''$ West 176.90 feet; thence North $79^{\circ}06'05''$ West 74.74 feet; thence North $87^{\circ}47'12''$ West 199.99 feet; thence South $83^{\circ}49'41''$ West 361.00 feet; thence South $82^{\circ}19'56''$ West 49.45 feet; thence South $88^{\circ}03'15''$ West 2619.75 feet to the centerline of Sycamore Avenue, said Sycamore Avenue also being the boundary line of the City of Colton per "West Colton Annexation No. 15", Ordinance No. 1084; thence northerly along said centerline to the centerline intersection of Sycamore Avenue and Valley Boulevard as shown on Parcel Map No. 9249 as filed in Parcel Map Book 102, page 1, records of said County; thence westerly along said centerline of said Valley Boulevard to the southerly prolongation of the westerly line of the east half of Lot 210 per said Town of Rialto Map; thence northerly along said westerly line to the northwest corner the east half of said Lot 210; thence easterly along the north line of said Lot 210, said north line also being the southerly line of Parcel 2 of Parcel Map No 9053,

as filed in Parcel Map Book 98, pages 76 through 77 of Parcel Maps, records of said County, to a point on the westerly line of Parcel Map No. 18417 as filed in Parcel Map Book 221, pages 15 through 16, records of said County; thence northerly along said westerly line to the southerly line of San Bernardino Avenue as shown on said Parcel Map 18471; thence northerly on the prolongation of said westerly line to the northerly line of said San Bernardino Avenue; thence easterly along the northerly line of said San Bernardino Avenue to the intersection of the northerly line of said San Bernardino Avenue with the northerly prolongation of the easterly line of Meridian Avenue as shown on tract Map No. 1980 as filed in Map Book 28, pages 68 through 72 inclusive of maps, records of said County; thence southerly along said easterly line of Meridian Avenue to the intersection of the easterly prolongation of the northerly line of the southerly 250.00 feet of Parcel 1 of Parcel Map No. 12542 as filed in Parcel Map Book 146, page 65, records of said County; thence westerly along said northerly line and the northerly line of the southerly 250.00 feet of Parcel 1 of Parcel Map No. 9095 as filed in Parcel Map Book 96, pages 86 through 87, records of said County to the easterly line of Pepper Avenue as shown on said Parcel Map No. 9095; thence southerly along said easterly line to the northerly line of Valley Boulevard (re-aligned) per document recorded October 22, 1997 as Document No. 19970386485 of Official Records of said County; thence southeasterly along said northerly line to a point on the westerly line of that certain deed recorded December 1, 1980 as Instrument No. 80272576 of Official Records of said County; thence northerly along said westerly line to the centerline of Colton Avenue (Vacated) as shown on said Town of Rialto Map; thence easterly along said centerline to the centerline intersection of Colton Avenue (Vacated) and said Meridian Avenue; thence northerly along said Meridian Avenue to the centerline intersection of Meridian Avenue and "C" Street (Vacated) as shown on Parcel Map No. 14353, Parcel Map Book No. 173, pages 33 through 34, records of said County; thence easterly along said centerline of "C" Street and the easterly prolongation of said "C" street to the northerly prolongation of the easterly line of said Hermosa Avenue, 20.00 foot half width; thence southerly along said easterly line to the **Point of Beginning**.

Prepared By Me or Under My Supervision


Susan Wilson, L.S. 8145
License Expires: 12/31/10

4/3/09
Date

