

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-013

HEARING DATE: June 15, 2015

DECISION DATE: June 17, 2015

FILE NO.: PCUP15-005

SUBJECT: Modification of a previously approved Conditional Use Permit establishing a 4,000 square foot adult vocational facility (File No. PCUP09-023) within an existing business park on 1.31 acres of land, which will expand the facility by approximately 4,200 square feet, for a total of approximately 8,200 square feet, located at the southeast corner of Elma Court and Corona Avenue, at 1804 East Elma Court, within the C4 (Airport Service Commercial) zoning district.

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

COLE VOCATIONAL SERVICES, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP15-005, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 1.31 acres of land located at the southeast corner of Elma Court and Corona Avenue, at 1804 East Elma Court, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Adult Day Care Facility & Industrial	Hospitality	C4 (Airport Service Commercial)
<i>North</i>	Industrial	Hospitality	C4 (Airport Service Commercial)
<i>South</i>	Hotel	Hospitality	C4 (Airport Service Commercial)
<i>East</i>	Hotel	Hospitality	C4 (Airport Service Commercial)

	Existing Land Use	General Plan Designation	Zoning Designation
West	Residential	Low-Medium Density Residential	R1.5 (Low-Medium Density Residential)

(b) Project Analysis:

(1) Background — On November 16, 2009, the Zoning Administrator approved File No. PCUP09-023, granting the establishment of a 4,000 square foot adult vocational facility within an existing business park on 1.31 acres of land located at the southeast corner of Elma Court and Corona Avenue, at 1804 East Elma Court. The Applicant is now requesting modification of the previously approved Conditional Use Permit, to expand the adult vocational facility by approximately 4,200 square feet, which will increase the overall area of the facility to approximately 8,200 square feet. The increase in area will facilitate additional offices, activity rooms (classrooms), changing rooms, restrooms, and a break room.

(2) Business Operations — Cole Vocational Services is a corporation licensed by the California Department of Social Services (DSS), Community Care Licensing, to provide training services to developmentally disabled adults. Training includes education programs, behavior modification, social interaction, and a number of other courses for skills-development. Their mission is to support adults with developmental disabilities by enriching lives, promoting choices, and inspiring people. The facility is licensed to support up to 75 adults at any one time, and is required to maintain a minimum ratio of one staff for each 3 clients. The facility will be operated year-round, Monday through Friday, 8:00AM to 5:00PM. The proposed use is not an assisted living facility. No permanent dwelling or caretaker residence will be provided on-site, nor does the facility's DSS license allow for it.

Most of the clients are nonambulatory, and clients do not drive themselves to the facility. Clients will arrive and depart the facility in vans or busses which are operated by a separate agency. No vans or other commercial vehicles will be stored on site. Cole Vocational Services will use the south side of the building for client arrival and departure, while the north side will be used by visitors. This process will serve to mitigate potential vehicle conflict at the facility's front (primary) entrance.

(3) Parking — The commercial center includes 13 tenant spaces and has a total of 66 parking spaces, with approximately 5 spaces allocated per tenant space. The Applicant will occupy 5 tenant spaces, granting them approximately 25 parking spaces. The Applicant estimates their employee parking needs at a maximum of 25 spaces. The commercial center has a shared parking arrangement, where no specific parking space is dedicated to an individual tenant. The adjacent tenant space is a massage establishment, which requires approximately 2-3 spaces at any one time. The balance of the parking spaces (approximately 63 spaces) will be available for use by the adult vocational facility.

(4) **Other Facilities** — The Applicant operates approximately 50 other similar adult vocational facilities within the State of California. Two such facilities are located within the City of Ontario, and were previously approved through separate Conditional Use Permits. File No. PDET03-015 (Resolution No. 2004-14) resulted in a determination that Adult Vocational Services are a conditionally permitted use within the Urban Commercial land use designation of the R. H. Wagner Properties Specific Plan. Additionally, File No. PCUP04-014 (Decision No. 2004-14) entitled the Applicant to establish an adult vocational facility at 3325 East Shelby Street, and File No. PCUP06-027 (Decision No. 2006-25) entitled the Applicant to establish a second adult vocational facility at 1005 North Begonia Avenue. Both facilities have complied with all conditions imposed by their Conditional Use Permits.

(c) **Airport Land Use Compatibility Plan:** This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(d) **Departmental Review:** Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

(e) **Public Notification:** The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(f) **Correspondence:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

PART B: RECITALS

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part A, above; and

WHEREAS, Ontario Municipal Code Section 9-1.0405(f) provides that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, on June 15, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Denny Chen, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Daniel Aranda, Project Manager representing the applicant, explained the business operations and spoke in favor of the application. He also stated that he has received and reviewed the Planning staff report and conditions of approval and that they're willing to comply with all conditions stated therein.

(c) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

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

PART C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(1) The proposed location of the requested Conditional Use Permit, and the proposed conditions under which it will be operated or maintained, will be consistent with the Policy Plan component of The Ontario Plan and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed adult vocational facility is located within the C4 (Airport Service Commercial) zoning district.

(2) An adult vocational facility is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable provisions of the Ontario Municipal Code.

(6) For a proposed use in the R2 or R3, also classified in the EA Euclid Avenue Overlay District, the use will be appropriate and consistent with the purposes of the district and will enhance the visual character and quality of Euclid Avenue. The project is not located in the R2 or R3 zoning district, which is also classified in the EA Euclid Avenue Overlay District.

(7) For a proposed office use in the R2 or R3 Districts, also classified in the EA District, the proposed conditional use will be compatible with any existing residential use in the vicinity, in terms of scales and character, as prescribed in Article 23. The project is not located in the R2 or R3 zoning district, which is also classified in the EA Euclid Avenue Overlay District.

(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) The Zoning Administrator hereby finds and determines that the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP15-005, subject to the conditions of approval attached hereto and incorporated herein by this reference.

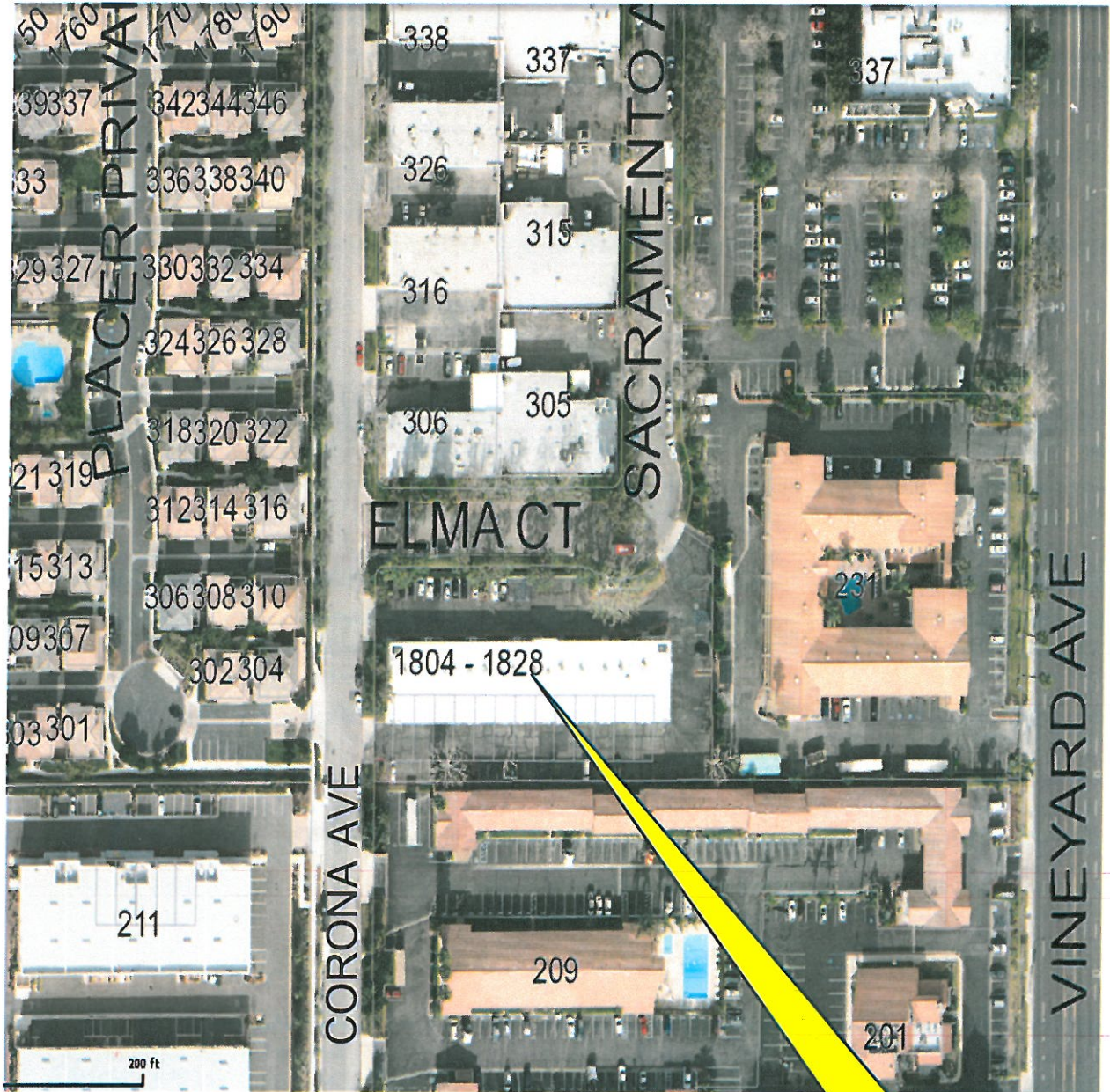


APPROVED by the Zoning Administrator of the City of Ontario on this 17th day of June, 2015.



Barbara Millman
Zoning Administrator

Exhibit A: Aerial Photograph



Project Site

Exhibit C: Floor Plan

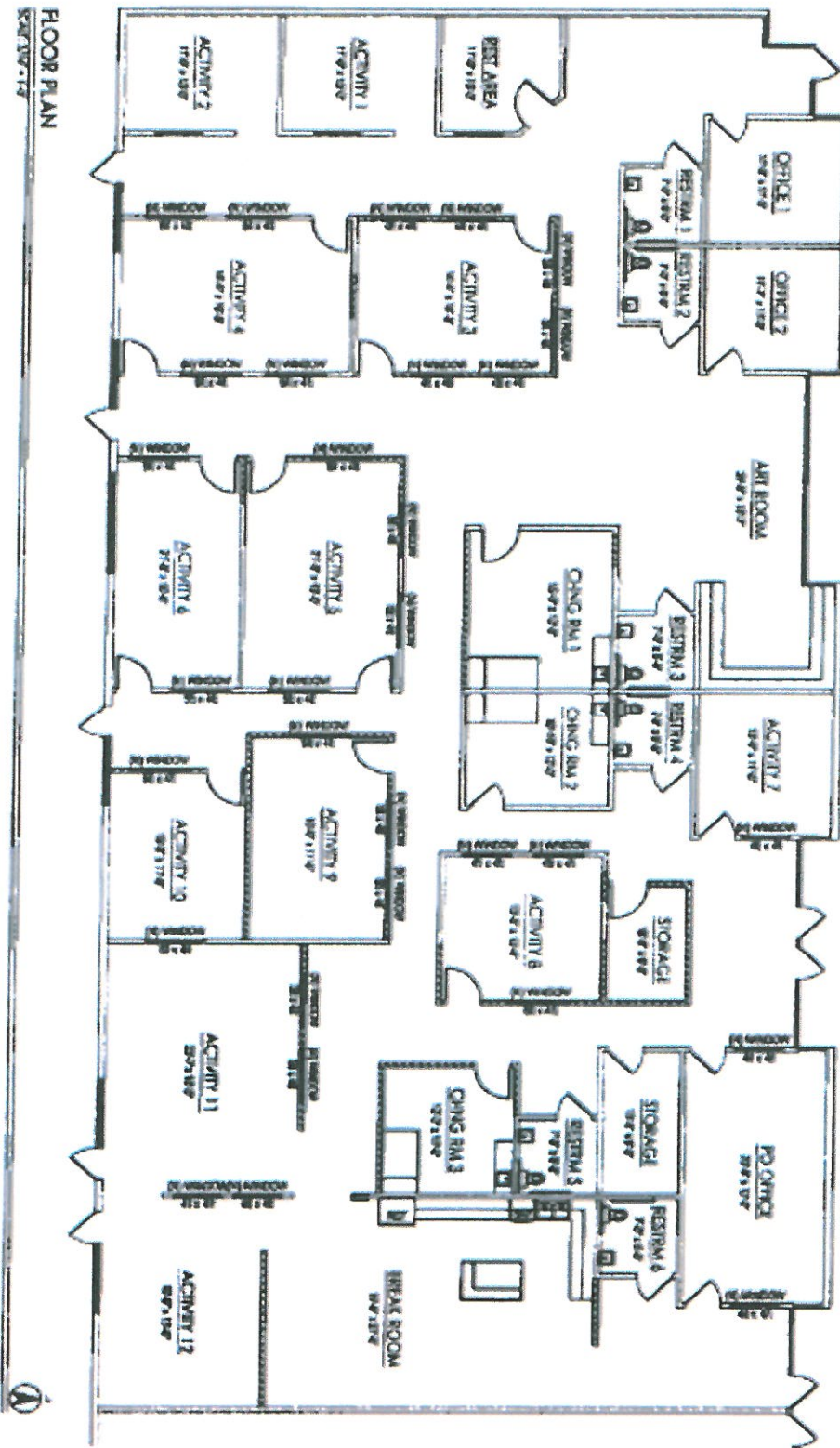


Exhibit E: Site Photos



Front



Back

CONDITIONS OF APPROVAL

DATE: June 15, 2015

FILE NO.: PCUP15-005

SUBJECT: Modification of a previously approved Conditional Use Permit (previous File No. PCUP09-023) for an adult daycare facility, expanding the existing 4,000-square foot facility by 4,200 square feet, a total of approximately 8,200 square feet, located at the southeast corner of Elma Court and Corona Avenue (1804 East Elma Court), within the C4 (Airport Service Commercial) zoning district.

1.0 TIME LIMIT

1.1 Conditional Use Permit approval shall become null and void one (1) year following the effective date of application approval, unless the approved use has commenced. This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.0 GENERAL REQUIREMENTS

2.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.

2.2 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.

2.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.

2.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.

2.5 Should the use for which conditional use permit approval has been granted ceases to exist or is suspended for ninety (90) or more consecutive days, such permit shall be deemed null and void.

- 2.6 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

3.0 GRAFFITI REMOVAL

- 3.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 3.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 3.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

4.0 SITE LIGHTING

- 4.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 4.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.
- 4.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps, ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

5.0 ENVIRONMENTAL REVIEW

- 5.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.

- 5.2 The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

6.0 ADDITIONAL REQUIREMENTS

- 6.1 The use shall not be operated as an assisted living facility or dwelling unit. Additionally, no caretaker's trailer or unit is allowed.
- 6.2 A city Business License application must be approved, prior to occupancy of the new office spaces.
- 6.3 Applicant must comply with all other Conditions of Approval from other city departments as described and attached to this report.

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	4/17/15 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
D.A.B. File No.: PCUP15-005	Case Planner: Denny Chen
Project Name and Location: Adult Day Care 1804-1814 E Elma Court	
Applicant/Representative: Cole Vocational Services -Daniel Aranda 9166 Anaheim Pl ste 200 Rancho Cucamonga, CA 91730	
<input checked="" type="checkbox"/>	A Conditional Use Permit has been approved with the consideration that the following conditions below be met upon site development.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.
CORRECTIONS REQUIRED	

1. New landscape and irrigation installations shall meet all the requirements of the Landscape Development Standards including water efficient irrigation and landscaping.
2. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage of material occurs and requires replacement of landscape or irrigation systems in an area 2500 sf or greater.
3. Ornamental turf grass is recommended to be replaced with water-wise groundcovers, shade trees and shrubs.
4. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: March 17, 2015
SUBJECT: PCUP15-005

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Must meet current California Building Code (CBC) for the use.

KS:kb



CITY OF ONTARIO MEMORANDUM

TO: Denny Chen,
Planning Department

FROM: Adam A. Panos, Fire Protection Analyst
Bureau of Fire Prevention

DATE: April 16, 2015

SUBJECT: PCUP15-005 -A Conditional Use Permit modification to file no. PCUP09-023 to expand the adult daycare use by approximately 4,200 SF, located on the southeast corner of Elma Court and Corona Avenue, within the C4 (Airport Related Services) zone. APN: 0110-022-16

-
- The plan does adequately address Fire Department requirements at this time.
- No comments or conditions
 - Conditions of approval below.
- The plan does NOT adequately address Fire Department requirements at this time.
- Comments / corrections below.

SITE AND BUILDING FEATURES:

- A. Type of Building Construction Used: V B – wood frame / non rated
- B. Roof Materials Used: Class C / non rated
- C. Ground Floor Area(s): 4,200 square feet
- D. Number of Stories: 1 story
- E. Total Square Footage: 8,749 square feet
- F. Type of Occupancy: B / I-4

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on "[Fire Department](#)" and then on "[Standards and Forms](#)."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum twenty-six (26) ft. wide. See [Standard #B-004](#).
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per [Standard #B-005](#).
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per [Standard #B-002](#).
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per [Standard #B-001](#).
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See [Standards #B-003, B-004 and H-001](#).

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2013 California Fire Code, Appendix B, is _____ gallons per minute (g.p.m.) for ___ hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

(NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- 4.8 Hose valves with two and one half inch (2 ½") connections will be required on the roof, in locations acceptable to the Fire Department. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.
- 4.9 Due to inaccessible rail spur areas, two and one half inch 2-1/2" fire hose connections shall be provided in these areas. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

5.0 BUILDING CONSTRUCTION FEATURES

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1.3280 of the Ontario Municipal Code and Standard #H-003.
- 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- 5.6 Knox brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.
- 5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.

6.0 OTHER SPECIAL USES

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



CITY OF ONTARIO MEMORANDUM

TO: Denny Chen

FROM: Douglas Sorel, Ontario Police Department

DATE: April 1, 2015

SUBJECT: PCUP15-005 – Modification to PCUP09-023 to expand the adult day-care center at the corner of Elma Court and Corona Avenue

“Standard Conditions of Approval” contained in Resolution No. 2010-021 apply. Applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below.

- The trash enclosure will be locked and secure at all times in order to prevent transients from residing in the enclosure and scavenging for recyclables. The enclosure will be unlocked on the day of trash pickup and must be re-secured after the receptacle is emptied.

The Applicant is invited to call Douglas Sorel at (909) 395-2873 regarding any questions or concerns.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

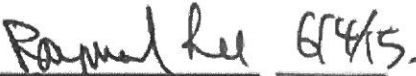
(Traffic/Transportation Division and Ontario Municipal Utilities Agency, and Environmental Section Conditions incorporated)

DATE: 05/27/15
PROJECT: PCUP15-005, Adult Daycare
APN: 0110-022-16
LOCATION: SEC of Elm Court & Corona Avenue
PROJECT PLANNER: Denny Chen
PROJECT ENGINEER: Antonio Alejos

The following items are the Conditions of Approval for the subject project:

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The Developer shall install a new backflow device on the existing domestic water connection that meets current City Standards because the existing domestic water connection lacks a backflow protection device required per our City Health Standards.


Mike Eskander, P.E. Date
Senior Associate Engineer


Raymond Lee, P.E. Date
Assistant City Engineer

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