

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-01

HEARING DATE: January 18, 2012

DECISION DATE: January 19, 2012

FILE NO.: PCUP11-023

SUBJECT: A Conditional Use Permit to operate an indoor gymnastics training facility consisting of a 20,900 square foot leasable area contained in an existing suite of a 138,498 sq. ft. industrial building within the Light Industrial land use district of the Rancon Centre Specific Plan, located at 5300 East Ontario Mills Parkway, Suite 200.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

FREQUENT FLYERS XTREME GYMNASTICS, herein after referred to as “the applicant,” has filed an application requesting Conditional Use Permit approval, described as follows:

- (a) Project Description: A Conditional Use Permit to operate an indoor gymnastics training facility consisting of a 20,900 square foot leasable area contained in an existing suite of a 138,498 sq. ft. industrial building within the Light Industrial land use district of the Rancon Centre Specific Plan, located at 5300 East Ontario Mills Parkway, Suite 200.
- (b) TOP Policy Plan Land Use Map Designation: Industrial
- (c) Zoning Designation: Light Industrial, Rancon Specific Plan
- (d) Surrounding Zoning and Land Uses:

	<i>Zoning</i>	<i>Existing Land Use</i>
North:	Light Industrial Crossroads Specific Plan	Industrial
South:	Industrial / Commercial / Office Shea Business Park Specific Plan	Industrial
East:	Light Industrial Rancon Specific Plan	Industrial

West:	Light Industrial Rancon Specific Plan	Industrial
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(e) Site Area: 6.56 acres

(f) Assessor's Parcel No(s).: 0238-051-38

(g) Project Analysis:

- Operations: This pre-Olympics level gymnastics training facility will consist of an office and 6 apparatus stations, each taking a maximum of 8 to 12 athletes and a coach. The operation proposes to occupy an approximate 21,000 square foot suite in an existing industrial building. An industrial building with high interior ceiling height clearance is needed due to the nature of the training which includes trampoline, tumbling and vaulting stations. Classes are typically offered in 2 hour sessions.

The applicant intends to operate the indoor gymnastics training facility between the hours of 10:00 a.m. and 9:00 p.m., Monday through Friday, Saturdays, from 10:00 a.m. to 8:00 p.m., and Sundays, from 10:00 a.m. to 6:00 p.m. There would typically be 20 to 45 students Sunday through Friday, with an expected peak of about 68 students on Saturday evenings, from 6 to 8 p.m.

- Land Use Compatibility: Conditional Use Permit reviews are required to ensure the compatibility between adjacent uses, and limit exposure of nearby businesses and property owners to potential nuisance activities. The subject property is located within the Light Industrial land use district of the Rancon Specific plan. Indoor entertainment uses, such as the proposed indoor gymnastics facility, are conditionally permitted within the Light Industrial land use district. The indoor gymnastics facility is located within an existing industrial building, which has industrial uses to the north, south, and west. To the east is an industrial building, a portion of which is used for another indoor entertainment use (go cart racing facility) with the balance of the building having industrial uses. The impacts of the indoor gymnastics facility on the surrounding neighborhood are not anticipated to be different than the impacts of other existing and allowed uses within the Light Industrial land use district, with the exception of possible impacts on parking. Another area of potential compatibility conflict lies in the impacts that the industrial uses could have on the gymnastics facility.
 - Parking: The indoor gymnastics facility will have an expected peak of 68 students, 7 instructors and approximately 24 parents observing students at the facility. The peak hours for the gymnastics facility will be late afternoon/evenings through the week and on weekends when the light industrial users are typically not open for business. The parking demand for the gymnastics facility has been calculated to be

approximately 55 spaces based on 7 employees and 24 parents (times a factor of 2). As the gymnastics use will not be utilizing the loading area, nine new parking spaces will be delineated within the loading area of this suite.

There are currently 170 parking spaces for the existing building and with the addition of 9 spaces within the loading area, a total of 179 spaces will be provided. The required parking for 114,218 square feet of existing industrial space is 108 spaces, in addition to the 55 spaces for the gymnastics facility, would result in a total required parking of 163 spaces. One hundred seventy nine spaces will be provided, which represents a surplus of 16 spaces. Therefore, the parking appears to be adequate to accommodate the proposed use without having parking impacts on the other tenants.

- Light Industrial Uses: Many uses allowed within the Light Industrial land use district of the Rancon Centre Specific Plan are commercial in nature, such as administrative and professional offices, business support services, and showroom retail. Conditionally permitted uses include eating and drinking establishments, caretaker's residences, religious facilities and indoor entertainment. None of these uses are anticipated to have any negative impacts on the gymnastics facility.

Of the industrial uses allowed within the Light Industrial land use, the heaviest are Light wholesale, storage, and distribution, and Light manufacturing, and assembly. Light wholesale, storage, and distribution includes wholesale, storage and warehousing services of finished goods within an enclosed building and excludes truck terminals, storage and wholesale of raw, unfinished or semi-refined products, and excludes outdoor storage. Light manufacturing, and assembly includes research and development labs and labor intensive manufacturing and assembly uses that do not involve frequent truck trips. The activities may not produce odors, noise, vibration or particulates. These restrictions within the specific plan limit the potential impacts from these industrial uses on the gymnastics facility. Therefore, compatibility conflicts are not anticipated.

- Airport Land Use Compatibility Plan (ALUCP) Consistency: 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. The project site is located outside of the Safety Zones and Noise Impact Zones. The project is to establish an indoor gymnastics training facility. Airspace Protection and Overflight Notification policies do not apply to this project since the proposed project does not include any new construction that would affect Airspace Protection or require Overflight Notification.

- Department Review: The Conditional Use Permit request for the proposed indoor gymnastics facility was forwarded to the various City departments for comment. The Planning, Building, Police and Fire Departments/Divisions have requested the placement of conditions of approval on the use, which are designed to mitigate anticipated impacts.

(h) 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.

(i) 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 § 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 the 18th day of January, 2012, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

(b) Chuck Buquet of Charles Joseph Associates, representing the applicant, explained the business operation and spoke in favor of the application.

(c) The Zoning Administrator asked questions about the 9 additional parking spaces within the loading area. Mr. Buquet said that they would be for staff use only, not for students. The Zoning Administrator indicated that the spaces should be limited to employee only to minimize any potential conflicts between truck and automobile traffic. The Zoning Administrator indicated that a condition of approval would be added limiting the use of the parking spaces in the loading area to employees.

(d) 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 concludes as follows:

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The indoor gymnastics facility lies within the Light Industrial land use designation of the Rancon Specific Plan.

(2) Indoor Entertainment uses, such as the proposed indoor gymnastics facility, are 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 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. The use will not produce significant new traffic.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code, the Rancon Specific Plan and applicable municipal codes.

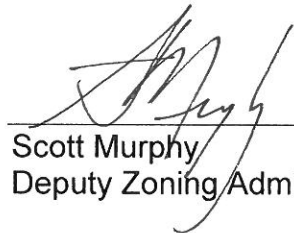
(6) The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(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 § 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP11-023, 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 19th day of January, 2012.



Scott Murphy
Deputy Zoning Administrator

Exhibit A
Vicinity Map

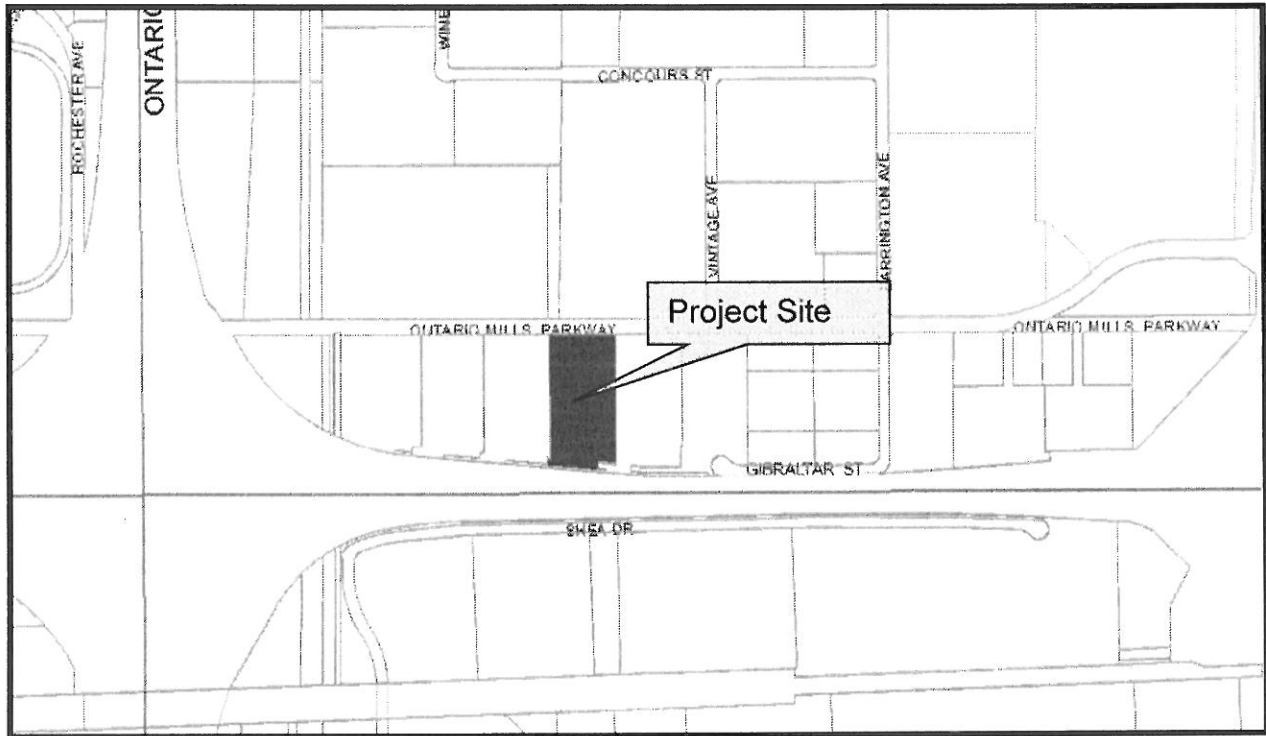


Exhibit B
Aerial

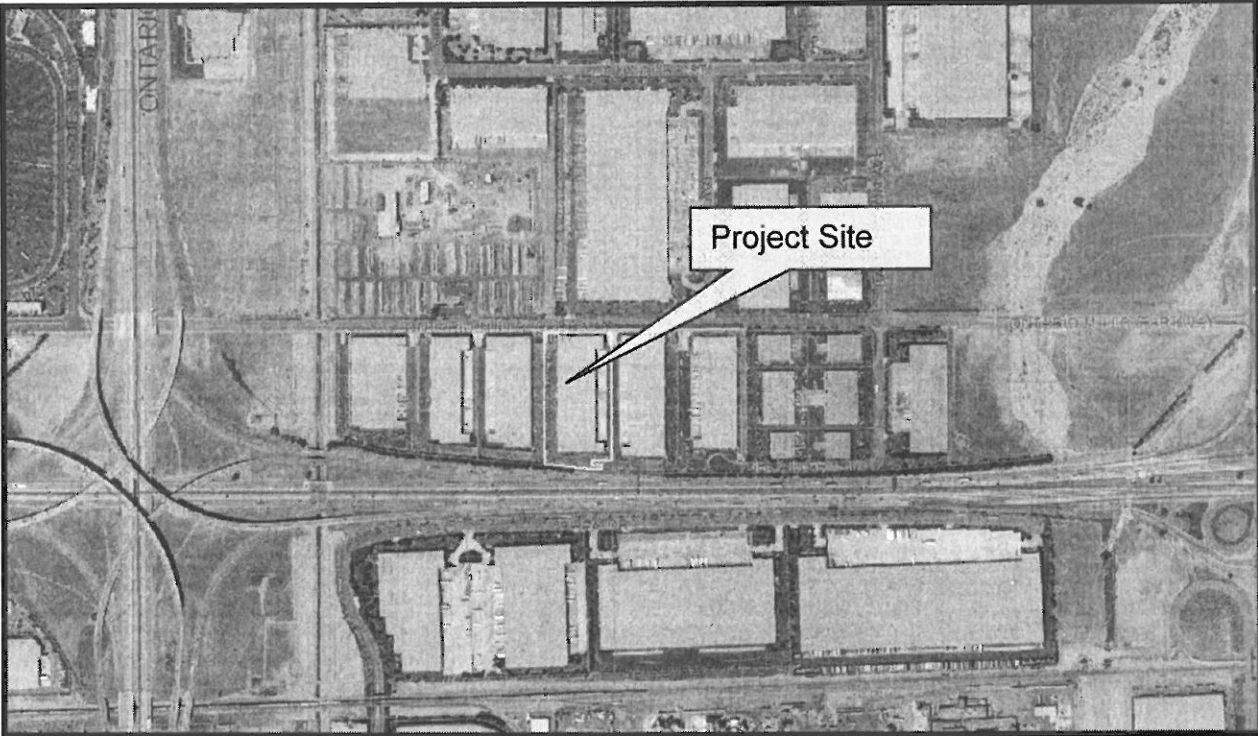


Exhibit C
Site Plan

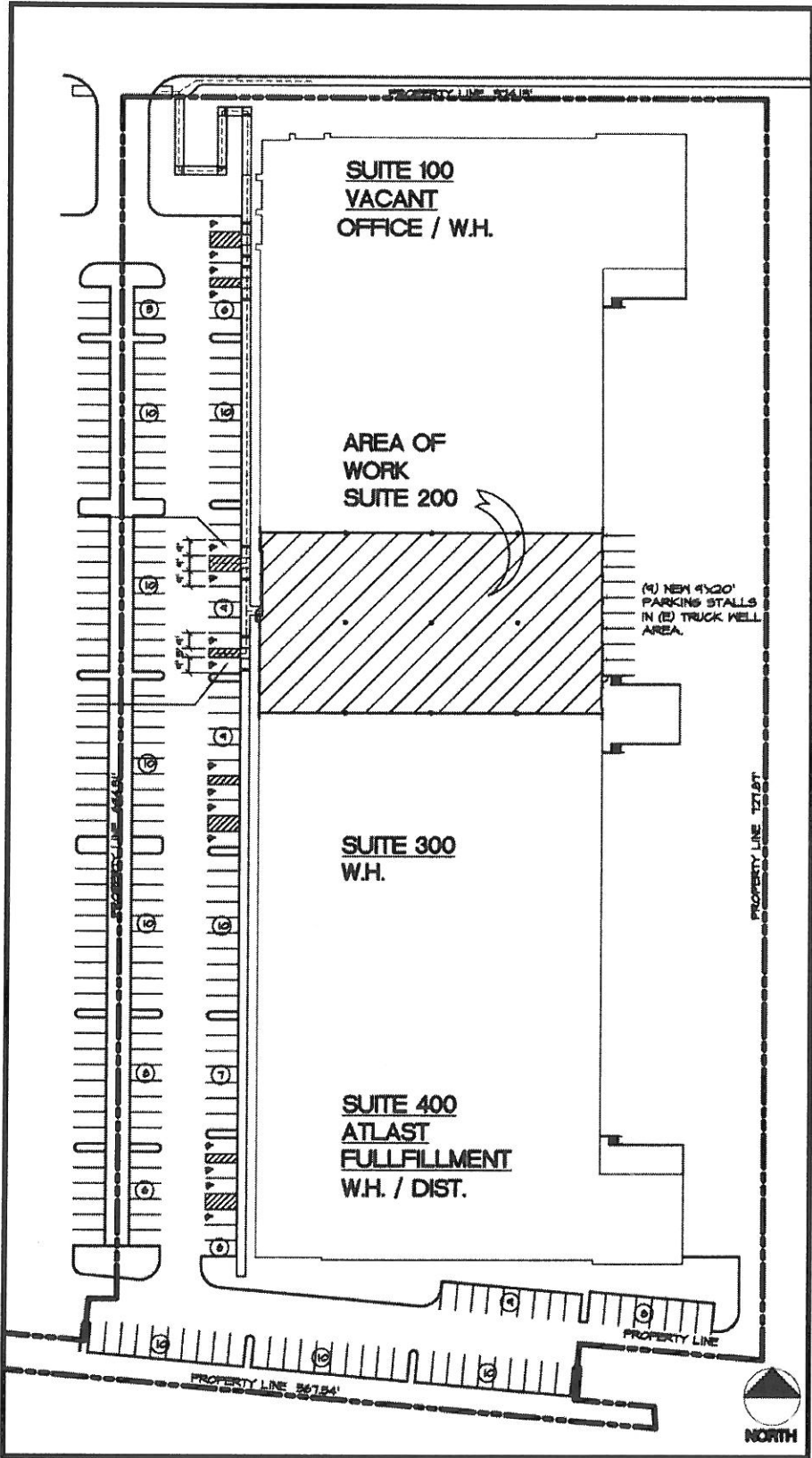


Exhibit D
Floor Plan

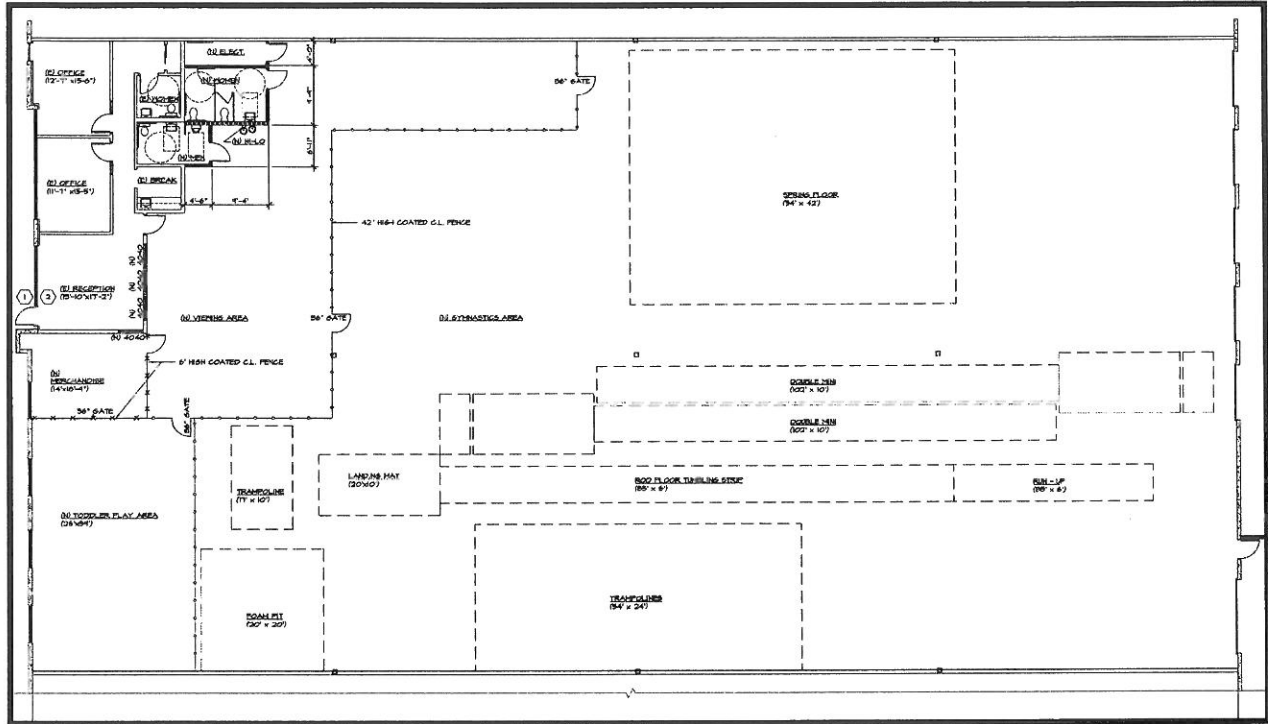
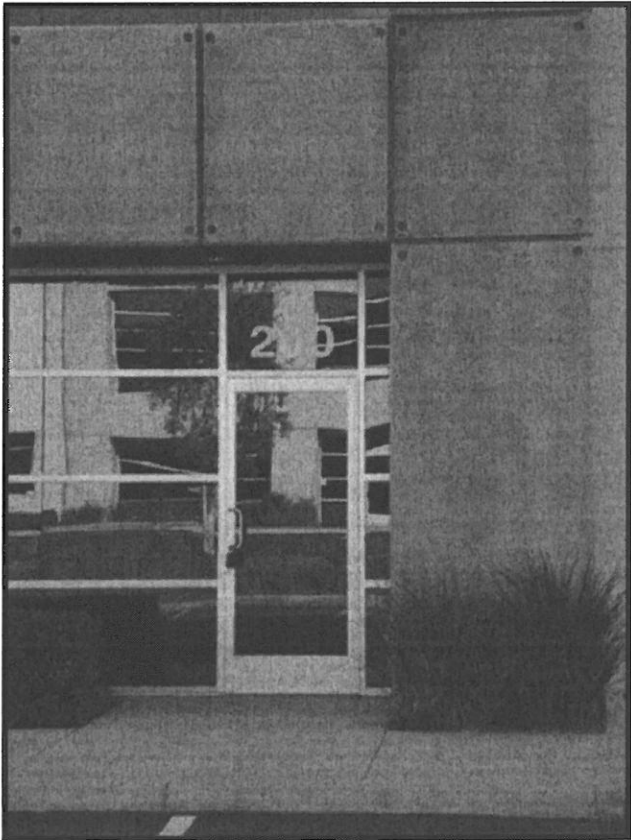
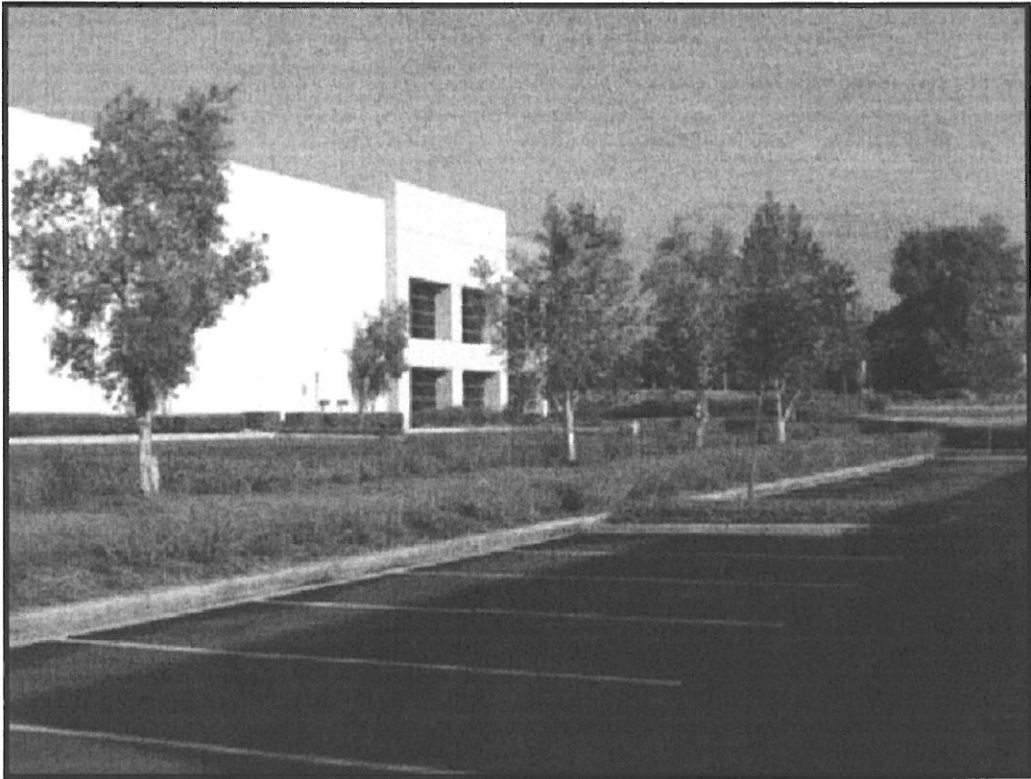


Exhibit E
Site Photos



**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: January 18, 2012

FILE NO.: PCUP11-023

SUBJECT: A Conditional Use Permit to operate an indoor gymnastics training facility consisting of a 20,900 square foot leasable area within an existing suite of a 138,498 sq. ft. industrial building within the Light Industrial land use district of the Rancon Centre Specific Plan, located at 5300 East Ontario Mills Parkway, Suite 200.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- LANDSCAPE

- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CONDITIONS OF APPROVAL

DATE: January 18, 2012

FILE NO.: PCUP11-023

SUBJECT: A Conditional Use Permit to operate an indoor gymnastics training facility consisting of a 20,900 square foot leasable area within an existing suite of a 138,498 sq. ft. industrial building within the Light Industrial land use district of the Rancon Centre Specific Plan, located at 5300 East Ontario Mills Parkway, Suite 200.

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 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.
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3.0 PARKING AND CIRCULATION

3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Indoor Gymnastics Facility	20,900 sf	1 per employee 24 observing parents X 2	7 48
TOTAL			55

4.0 GRAFFITI REMOVAL

- 4.1 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”).
- 4.2 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.
- 4.3 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.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 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.

6.0 ENVIRONMENTAL REVIEW

- 6.1 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.
- 6.2 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.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 The 9 additional parking spaces to be delineated within the loading area shall be limited to employee use only. Students and parents shall utilize the front parking area.
- 7.2 The attached corrections/recommendations from affected agencies shall apply.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Clarice Burden
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: December 2, 2011
SUBJECT: PCUP 11-023

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

Conditions of Approval

1. Plans and permits are required for the use and improvement.
2. Maximum occupant load for the tenant space is 100.

KS:kc



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Clarice Burden, Associate Planner

FROM: Barbara White, Crime Prevention Specialist / DAB

DATE: November 21, 2011

SUBJECT: FILE NUMBER PCUP11-023 A Conditional Use Permit to operate an indoor gymnastics training facility consisting of a 20,900 square foot leasable area within an existing suite of a 138,498 sq. ft. industrial building within the Light Industrial land use district of the Rancon Center Specific Plan, located at 5300 East Ontario Mills Parkway, Suite 200.

**THE POLICE DEPARTMENT IS REQUIRING THE FOLLOWING
CONDITIONS FOR APPROVAL ON THIS PROJECT:**

All of the conditions listed below must be on all building plans

- 1) No loitering will be allowed on the property. The applicant will have the appropriate signage properly posted to allow for enforcement.
- 2) No truck or commercial parking will be allowed on this site. The applicant will have the appropriate signage properly posted to allow for enforcement
- 3) The applicant will install illuminated address numbers, controlled by a photocell, upon each unit for easy identification for emergency personnel.
- 4) Any plant materials utilized shall take into consideration the need for the users of the space to easily view their surroundings as well as police patrols to monitor the area from adjacent streets. Trees shall be positioned to avoid interfering with required lighting levels and take into consideration the height of the canopies from ground level regarding surveillance opportunities by users of the space and police patrols. No shrubs higher than 3 feet and no tree canopy lower than 7 feet

will be permitted as to allow officers on patrol the ability to view the business without obstructing their view. .

- 5) Block walls or screening walls are required to have climbing plants or anti-graffiti elements such as anti-graffiti paint to prevent walls from being vandalized.
- 6) The trash enclosures will be locked at all times. On the days of trash pickup the enclosures will be unlocked until the receptacle is emptied and then locked again. This will keep transients from living in the enclosure and pilfering trash and recyclable items.
- 7) The exterior areas will need to be illuminated during the hours of darkness which is operated by photocells to come on at sunset and go off at sunrise. This is to include walkways, doorways, and other exterior areas of the property. Care will need to be given uniform lighting while not offending adjoining property. A minimum of one (1) footcandle of light is required.
- 8) The applicant shall apply rooftop numbers to the building (if not already applied). The rooftop numbers shall be a minimum of three (3) feet in length and one (1) foot in width and shall be painted in reflective white paint on a flat black painted background, away from any rooftop obstacles. Such rooftop numbers shall be screened from public view and visible only from aircraft. The numbers shall be painted parallel to the street.
- 9) If an alarm is installed on the building, a blue flashing light shall be installed on the rooftop. This light shall be screened from public view but visible from the air. It shall only strobe during those times the alarm is activated

The Applicant is invited to call Barbara White at (909) 395-2493 regarding any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Clarice Burden, Planning Department

FROM: Michelle Starkey, Fire Safety Specialist
Bureau of Fire Prevention

DATE: 10/26/11

SUBJECT: PCUP11-023

The plan does adequately address the departmental concerns at this time.

No comments

Report below.

1. A fully supervised automatic fire sprinkler system is required.
2. All fire protection systems/equipment shall be serviced and maintained in accordance with the California Fire Code and NFPA Standards.
3. Hand-portable fire extinguishers are required to be installed PRIOR to occupancy. Contact the Bureau of Fire Prevention during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
4. 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. Said numbers shall contrast with their background.
5. Facility shall not exceed the maximum occupant load as determined by the Ontario Building Department and/or Ontario Fire Department. Maximum occupant load sign to be placed in a visible location.
6. All exit doors, aisles and corridors shall remain unobstructed at all times.
7. Exit doors to be equipped with panic hardware.
8. Exit signs and emergency lighting shall be in working order and equipped with battery back-up.
9. All tenant improvements are subject to Fire Department review and approval.

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 forms.

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-02

HEARING DATE: January 18, 2012

DECISION DATE: January 19, 2012

FILE NO.: PCUP11-024

SUBJECT: A Conditional Use Permit to establish an adult daycare facility in a 9,600 square foot building in the Garden Commercial land use district of the Wagner Specific Plan, located at 3311 E. Shelby Street.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

HORRIGAN COLE ENTERPRISES, INC. DBA COLE VOCATIONAL SERVICES, herein after referred to as “the applicant,” has filed an application requesting Conditional Use Permit approval, described as follows:

- (a) Project Description: A Conditional Use Permit to establish an adult daycare facility in a 9,600 square foot building in the Garden Commercial land use district of the Wagner Specific Plan, located at 3311 E. Shelby Street
- (b) TOP Policy Plan Land Use Map Designation: Office Commercial
- (c) Zoning Designation: Garden Commercial, Wagner Specific Plan
- (d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	Garden Commercial Ontario Center Specific Plan	Office
South:	Urban Commercial Wagner Specific Plan	Partially developed with Carpenter’s Union School
East:	Garden Commercial Wagner Specific Plan	Adult daycare (Current location for proposed use)
West:	Garden Commercial Wagner Specific Plan	Office/Medical Office

- (e) Site Area: 0.839 acres

Approved By:

____ CM _____ Senior Planner

(f) Assessor's Parcel No(s): 0210-182-10

(g) Project Analysis:

- Operations: The applicant intends to operate an adult daycare providing vocational and independent living training for adults with development disabilities. The facility would be licensed through the Department of Social Services – Community Care Licensing for 60 clients. The hours of operation will be from 7:30 a.m. to 4:30 p.m., Monday through Friday. Clients are transported to and from the site by an outside agency. The staff to client ratio is 1 to 3 or higher depending on the needs of the clients.

Clients learn how to access community resources such as volunteer/paid jobs, public transportation, libraries, banks, post offices, and recreational centers. The program also trains clients in personal hygiene, interviewing, computer skills, gardening, arts and crafts, exercise, and meal preparation.

The applicant currently operates a similar facility that serves up to 45 clients daily in the building to the west of this location and is proposing to relocate and expand their operations to serve up to 60 clients at this location.

- Land Use Compatibility: Conditional Use Permit reviews are required to ensure the compatibility between adjacent uses, and limit exposure of nearby businesses and property owners to potential nuisance activities. The subject property is located in the Garden Commercial land use district of the Wagner Specific Plan. In 2004 a Determination of Use (File No. PDET04-015) was approved to allow adult daycare facilities in the Garden Commercial land use district upon approval of a Conditional Use Permit. The properties to the north and west are developed with office/medical office uses. The property to the south is partially developed with a vocational school. The applicant currently occupies a portion of building to the east and is relocating the adult daycare to the subject site. The impacts of the adult daycare facility on the surrounding neighborhood are not anticipated to be different than the impacts of other existing uses within the area.
- Parking: The parking requirement for commercial daycare facilities is one space per employee, plus one space per five clients. This would require 32 spaces. The facility provides 34 parking spaces. Therefore, adequate parking is provided on site to accommodate the parking demands of the proposed use.
- Airport Land Use Compatibility Plan (ALUCP) Consistency: 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. Therefore, the proposed project is consistent with the ALUCP for ONT.

- Department Review: The Conditional Use Permit request for the proposed adult daycare was forwarded to the various City departments for comment. The Planning, Building, Engineering, Landscape, Police and Fire Departments/Divisions have requested the placement of conditions of approval on the use, which are designed to mitigate anticipated impacts from the adult daycare facility.
- (h) 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.
- (i) 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 § 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 the 18th day of January, 2012, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Clarice Burden, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Tammi Simpson, representing the applicant, explained the business operation and spoke in favor of the application.
- (c) The Zoning Administrator questioned if there had been any problem or complaints at the existing location in the building next door. Ms. Simpson indicated that there had been not complaints or problems at their current location.

(d) 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 concludes as follows:

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The adult day care lies within the Garden Commercial land use district of the Wagner Specific Plan.

(2) Adult day care facilities are 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 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. The use will not produce significant new traffic.

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


(6) 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.

(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 § 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP11-024, 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 19th day of January, 2012.



Scott Murphy
Deputy Zoning Administrator

Exhibit A
Vicinity Map

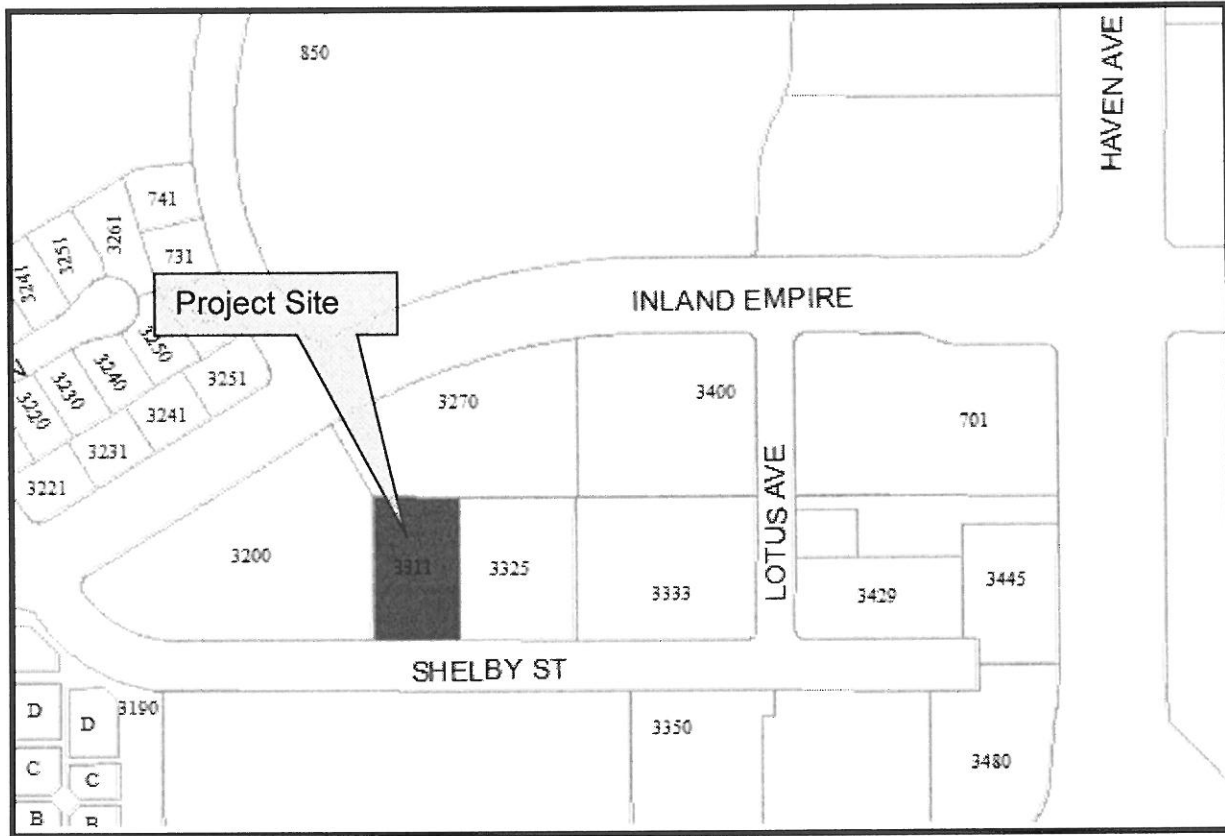


Exhibit B
Aerial

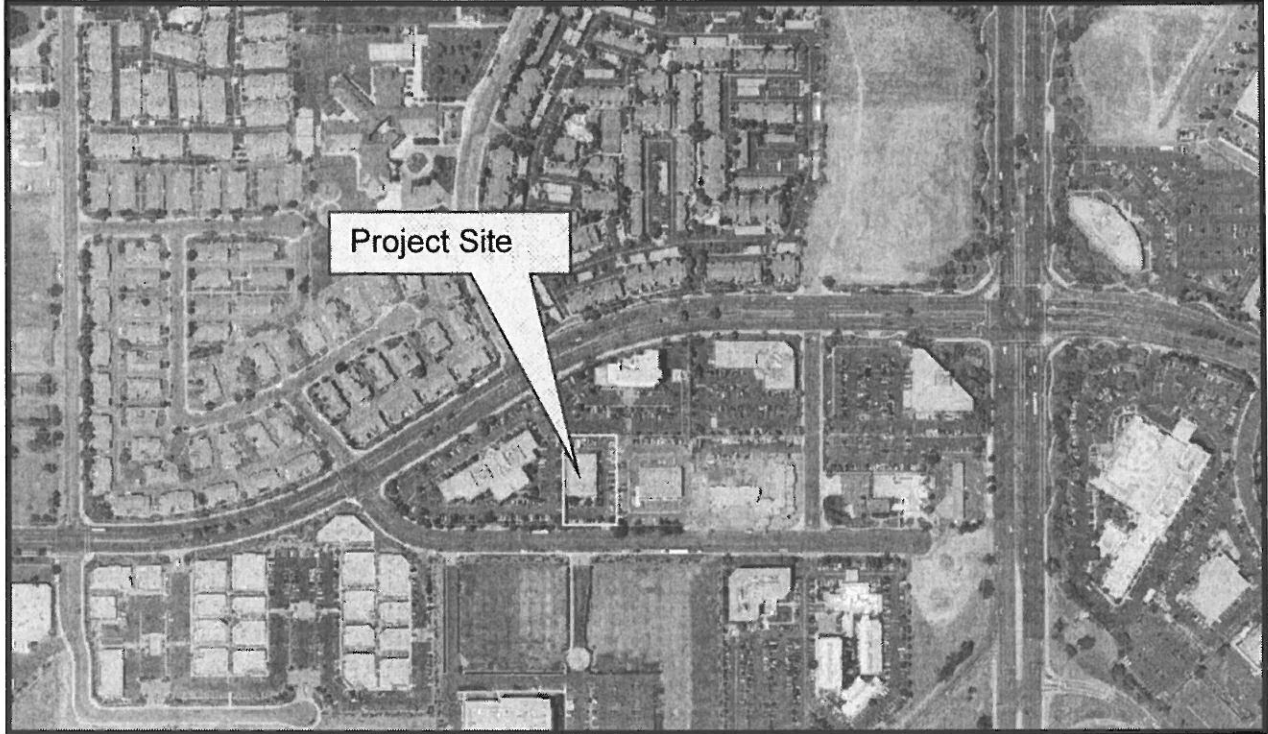


Exhibit C
Site Plan

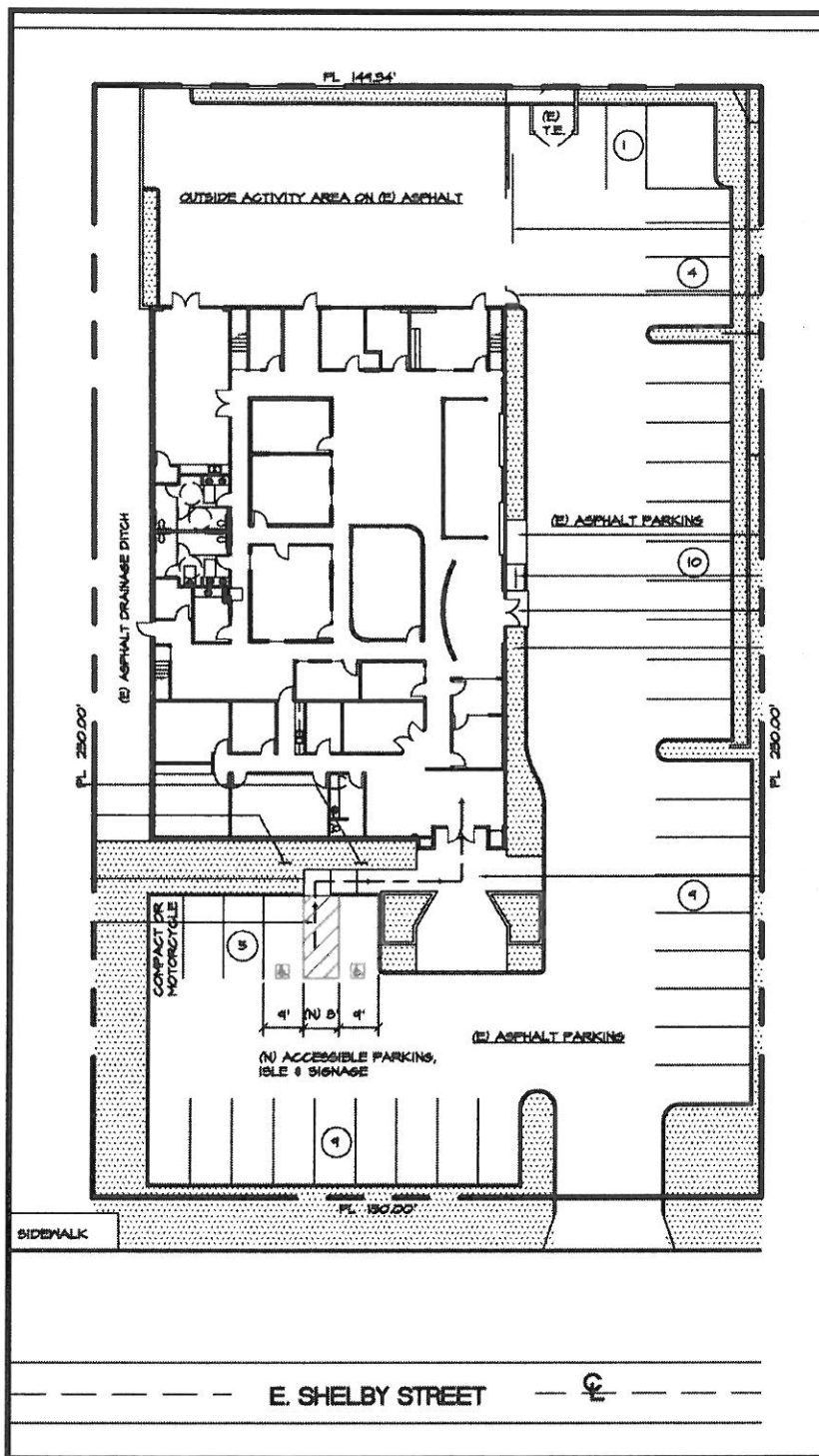


Exhibit D
Floor Plan

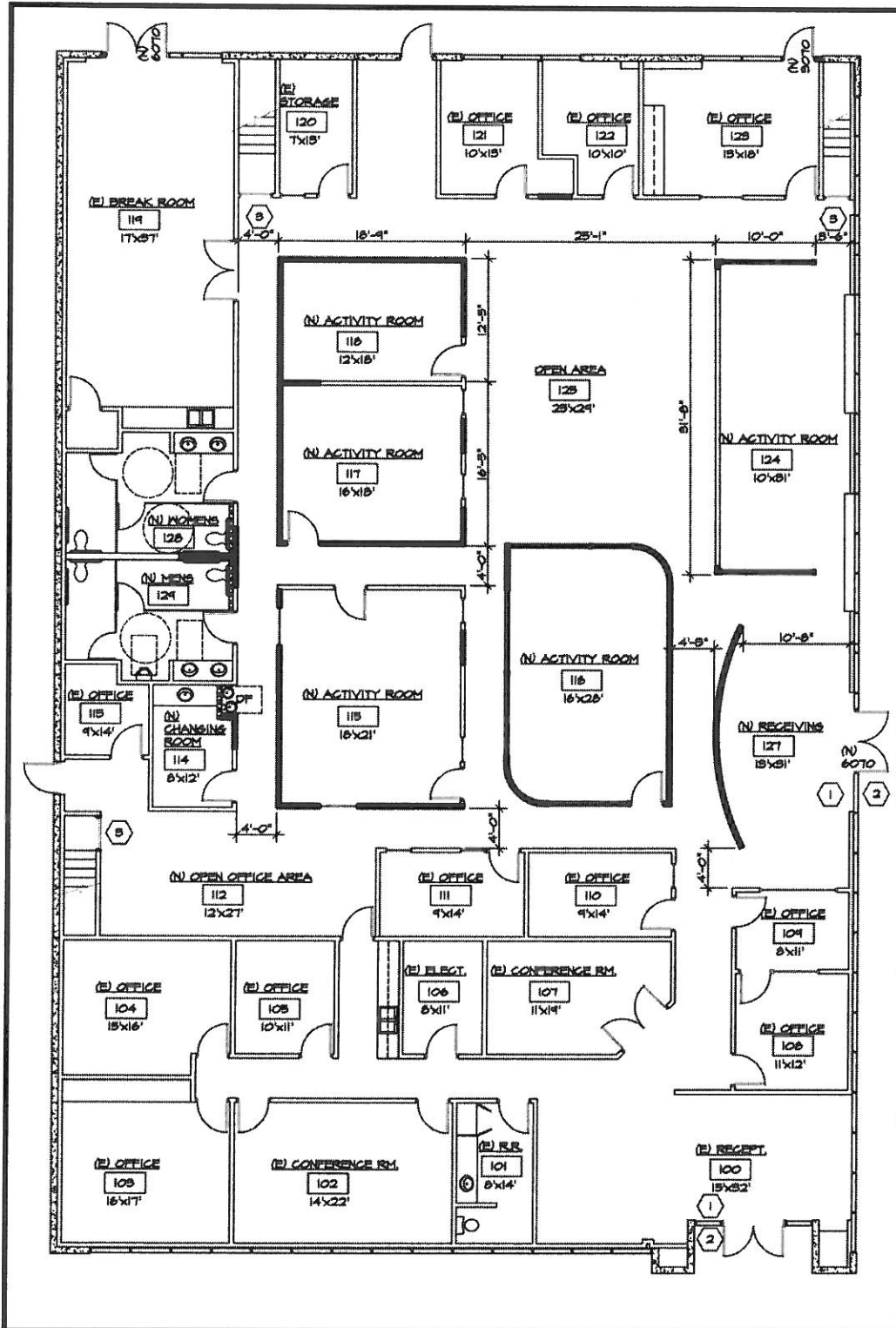


Exhibit E
Site Photos



**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: January 18, 2012

FILE NO.: PCUP11-024

SUBJECT: A Conditional Use Permit to establish an adult daycare facility within a 9,600 square foot building in the Garden Commercial land use district of the Wagner Specific Plan, located at 3311 E. Shelby Street.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- LANDSCAPE

- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CONDITIONS OF APPROVAL

DATE: January 18, 2012

FILE NO.: PCUP11-024

SUBJECT: A Conditional Use Permit to establish an adult daycare facility within a 9,600 square foot building in the Garden Commercial land use district of the Wagner Specific Plan, located at 3311 E. Shelby Street.

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 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 PARKING AND CIRCULATION

3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Adult Daycare in 9,600 square feet	20 employees 60 Clients	1 per employee 1 per 5 clients	20 12
TOTAL			32

4.0 GRAFFITI REMOVAL

- 4.1 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”).
- 4.2 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.
- 4.3 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.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 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.

6.0 ENVIRONMENTAL REVIEW

- 6.1 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.
- 6.2 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.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 The attached corrections/recommendations from affected agencies shall apply.

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Clarice Burden
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: November 21, 2011
SUBJECT: PCUP11-024

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

Conditions of Approval

1. Building to be upgraded to current code, due to change in use.
2. Plans and permits are required.

KS:kc



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Transportation Division, Environmental Section and Ontario Municipal Utilities Company conditions incorporated herein)

DATE: 12.5.2011

PROJECT PLANNER: Clarice Burden, Planning Department

PROJECT: PCUP11-024, a Conditional Use Permit request to establish an adult daycare Facility within an existing building 9,600 square-foot building on 1.2-Acres land within Garden Commercial land use designation of the Wagner Specific Plan, APN 0210-182-10

LOCATION: 3311 East Shelby Street, near the southeast corner of Inland Empire Boulevard and Shelby Street

PROJECT ENGINEER: Naiim Khoury, Land Development *NK*

The Engineering Department has the following condition regarding this proposed Conditional Use Permit:

The applicant/developer shall design and construct sidewalk and parkway landscaping with irrigation improvements along the site frontage of Shelby Street in accordance with City of Ontario Standards.

**CITY OF ONTARIO
LANDSCAPE ARCHITECTURE AND
PLANNING**
303 East "B" Street, Ontario, CA 91764

DAB CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	12/14/11 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP11-024	Related Files:	Case Planner: Clarice Burden
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Project Name and Location: Adult Daycare Facility 3311 E Shelby St
Applicant/Representative: Bonaldo Design Group 10231-A Trademark Street Rancho Cucamonga, Ca 91730

<input checked="" type="checkbox"/>	A conceptual plan (dated 10/20/11) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A conceptual plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CORRECTIONS REQUIRED - (DESIGNER SHALL CHECK OFF ITEMS WHEN CORRECTED AND RETURN WITH RESUBMITTAL)

1. Provide a 5' wide sidewalk if required by the Engineering department
2. ok
3. ok
4. Add trees, shrubs and groundcovers where missing and soil is exposed in planter areas.
5. Repair or replace broken irrigation heads or any component and adjust heads so that no overspray or runoff occurs onto paving.
6. Remove tree ties and stakes on mature trees. Replace trees damaged from improper staking if lean is a hazard.
7. Provide an RP backflow device for the irrigation system if one does not exist. Screen backflow devices with 36" high strappy leafed shrubs (Dietes, Flax, etc.).



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Clarice Burden, Associate Planner

FROM: Barbara White, Crime Prevention Specialist

DATE: December 6, 2011

SUBJECT: FILE NUMBER PCUP11-024 A Conditional Use Permit to establish an Adult Daycare facility within a 9,600 square foot building in the Garden Commercial land use district of the Wagner Specific Plan, located at 3311 E. Shelby Street

THE POLICE DEPARTMENT IS REQUIRING THE FOLLOWING CONDITIONS FOR APPROVAL ON THIS PROJECT:

All of the conditions listed below must be on all building plans

- 1) No loitering will be allowed on the property. The applicant will have the appropriate signage properly posted to allow for enforcement.
- 2) No truck or commercial parking will be allowed on this site. The applicant will have the appropriate signage properly posted to allow for enforcement
- 3) The applicant will install illuminated address numbers, controlled by a photocell, upon each unit for easy identification for emergency personnel.
- 4) Any plant materials utilized shall take into consideration the need for the users of the space to easily view their surroundings as well as police patrols to monitor the area from adjacent streets. Trees shall be positioned to avoid interfering with required lighting levels and take into consideration the height of the canopies from ground level regarding surveillance opportunities by users of the space and police patrols. No shrubs higher than 3 feet and no tree canopy lower than 7 feet will be permitted as to allow officers on patrol the ability to view the business without obstructing their view.
- 5) Block walls or screening walls are required to have climbing plants or anti-graffiti elements such as anti-graffiti paint to prevent walls from being vandalized.
- 6) The trash enclosures will be locked at all times. On the days of trash pickup the enclosures will be unlocked until the receptacle is emptied and then locked again. This will keep transients from living in the enclosure and pilfering trash and recyclable items.

- 7) The exterior areas will need to be illuminated during the hours of darkness which is operated by photocells to come on at sunset and go off at sunrise. This is to include walkways, doorways, and other exterior areas of the property. Care will need to be given uniform lighting while not offending adjoining property. A minimum of one (1) footcandle of light is required.
- 8) The applicant shall apply rooftop numbers to the building if not already done. The rooftop numbers shall be a minimum of three (3) feet in length and one (1) foot in width and shall be painted in reflective white paint on a flat black painted background, away from any rooftop obstacles. Such rooftop numbers shall be screened from public view and visible only from aircraft. The numbers shall be painted parallel to the street.
- 9) If an alarm is installed on the building, a blue flashing light shall be installed on the rooftop. This light shall be screened from public view but visible from the air. It shall only strobe during those times the alarm is activated

Please contact Barbara White at (909) 395-2493 regarding any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Clarice Burden, Planning Department

FROM: Kenna Leonard, Fire Safety Specialist
Fire Prevention Bureau

DATE: December 6, 2011

SUBJECT: A Conditional Use Permit to establish an adult daycare facility within a 9,600 SF building located at 3311 E. Shelby Street, within the Garden Commercial land use district of the Wagner Specific Plan (APN:210-182-10).

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

Conditions of Approval:

1. An automatic sprinkler system throughout the building in Group I occupancies is required in accordance with 2007 CFC 903.2.5
2. A manual fire alarm system shall be installed in Group I occupancies > an electronically supervised, automatic smoke detection shall be provided in accordance with 2007 CFC 907.2.6.1 and 907.2.6.2
3. Fire Extinguishers shall be provided in accordance with 2007 CFC 906

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 forms.