

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2011-10

HEARING DATE: May 31, 2011

DECISION DATE: June 1, 2011

FILE NO.: PCUP11-004

SUBJECT: A Conditional Use Permit request to establish a private college (University of La Verne) at 3237 E. Guasti Road within the Office/R-D land use designation of the Centrelake Business Park Specific Plan.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

RENGEL + CO. ARCHITECTS, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: The applicant proposes to establish a private college (University of La Verne) within a portion of an existing three-story office building located at 3237 East Guasti Road. The site is generally located along the southwest corner of the I-10 freeway and Haven Avenue.

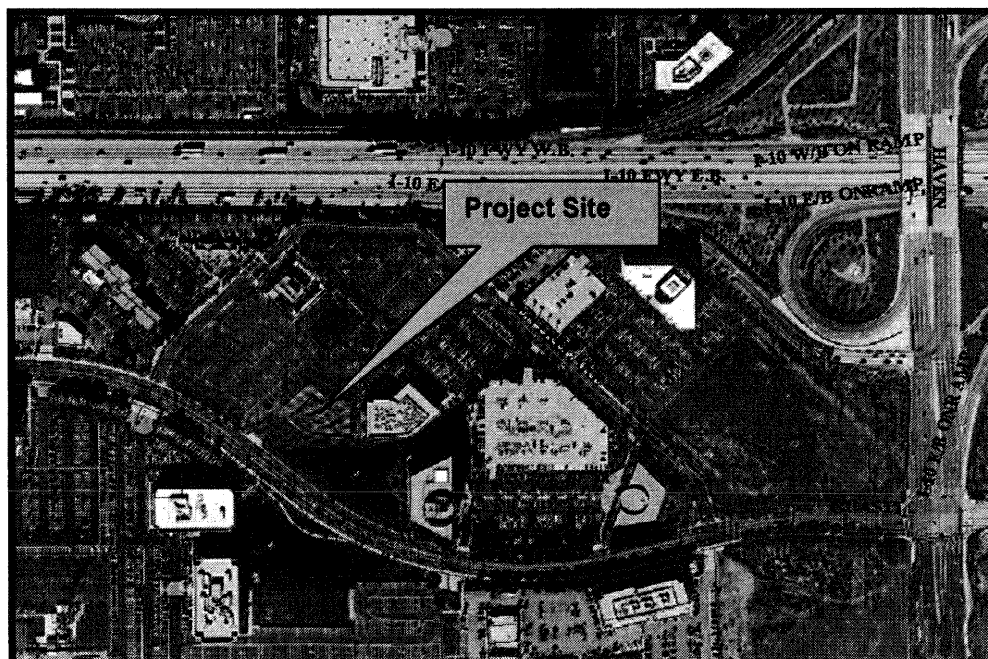


Exhibit A:
Vicinity Map

Approved By:

-1-

__SM__ Assistant Planning Director

Form Revised: 02/02/2010



Proposed Building- South View



Proposed Building-North View

(b) TOP Policy Plan Land Use Map Designation: Office Commercial

(c) Zoning Designation: Office/R-D Land Use

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	Commercial	Parking
South:	Office/R-D & Retention Basin	Office
East:	Office	Office
West:	Commercial/Hotel & Office	Parking

(e) Site Area: 3.41 Acres

(f) Assessor's Parcel No(s).: 210-551-180

Project Analysis: The University of La Verne is proposing to open a satellite campus in the City of Ontario. The school is a private institution of learning that offers Bachelors, Masters, and Doctorate degree programs in multiple disciplines. The school currently has eight satellite programs in Southern and Central California (*La Verne, Bakersfield, Burbank, Irvine, Oxnard, Rancho Cucamonga, San Luis Obispo, and Victorville*) and is now looking to open their Inland Empire campus in Ontario. The goal of the new campus is to provide more convenience to its adult students within the Inland Empire region. The school proposes to have a student enrollment of 150 and a staff of 15. The proposed satellite campus will offer undergraduate and graduate degrees in the following fields:

- Master of Business Administration
- Master of Science in Leadership and Management
- Bachelor in Arts in Business Administration
- Bachelor of Science in Child Development
- Bachelor in Science in Health Administration
- Bachelor of Science in Liberal Studies
- Bachelor of Science in Organization Management
- Bachelor of Science in Public Administration

It is anticipated that the list of programs may increase or decrease, based on the demand that the school receives from the public.

Floor Plan: The University of La Verne proposes to establish the new campus within a 9,888 square foot portion of an existing 3-story, 53,222 square foot office building. Other tenants of the building include *East West Bank, Homewell Mortgage, Advantec Consulting, Omnipoint Communications, Canon Business Solution & Accountants Inc.*. The school is proposing to occupy a portion of the third floor (*Exhibit B-Third Floor Plan*). The floor plan will include 7 classrooms, 2 conference rooms, 6 offices, restrooms, 2 break rooms and several storage spaces. Building access will be provided by two stair wells and two elevators that are centrally located within the office structure.

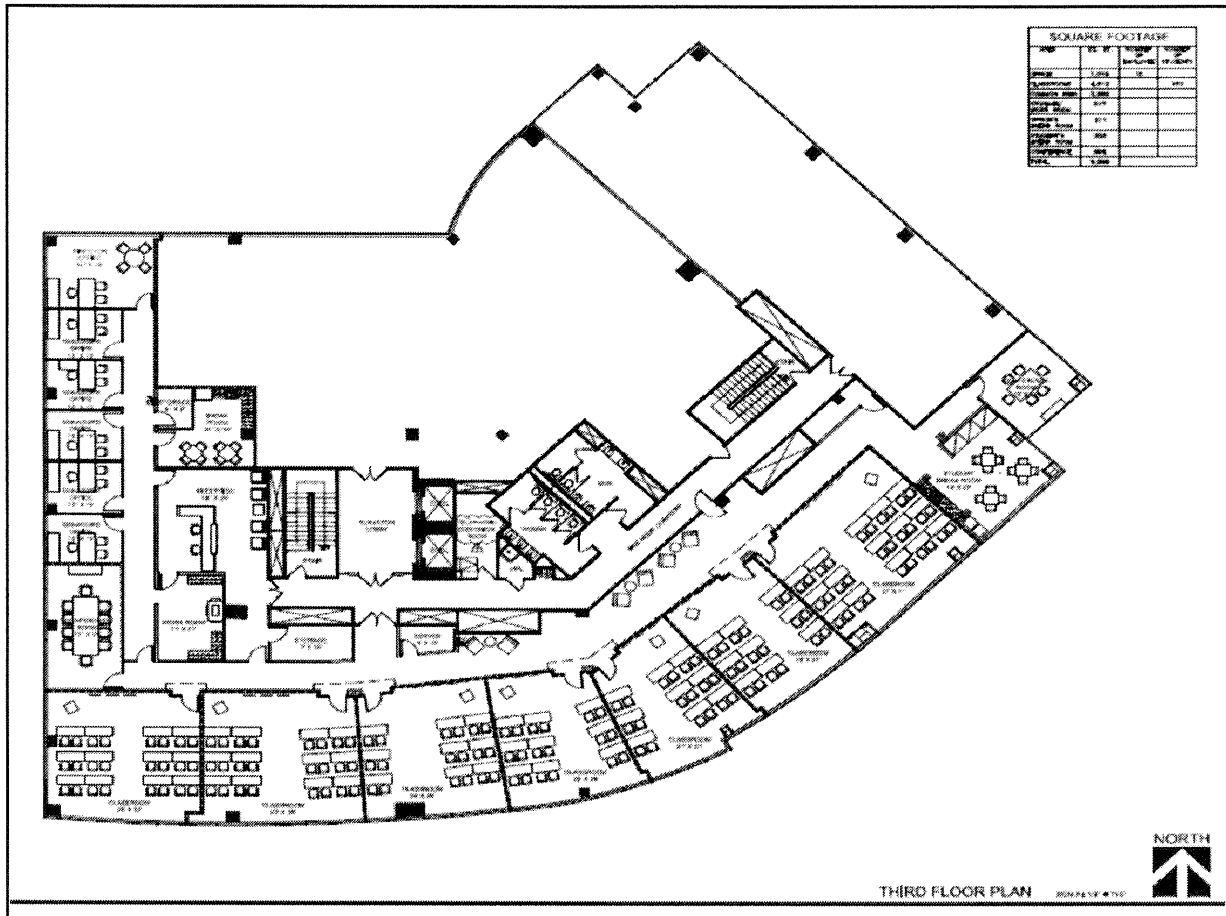


Exhibit B: Floor Plan

Hours of Operation: School hours will be 5 p.m. to 10 p.m. Monday to Friday and 9 a.m. to 5 p.m. on Saturdays.

Parking: Enrollment to the University of La Verne will be restricted to available parking, based upon a 9,888 square foot leased tenant space. A parking analysis prepared for the project (Exhibit C-Site Plan) shows separate parking needs during the day and night. Currently, the site contains 402 parking spaces and only 90 parking spaces are required for the proposed use based on parking requirements of one space per every 2 students and one space per employee. During the hours of 8 a.m. to 5 p.m., which are the typical business hours, only 393 parking spaces would be required for the entire building. During the hours of 5 p.m. to 10 p.m., only 90 spaces will be required. Based on available parking, the project will meet parking requirements. The Traffic Division has also reviewed the proposed application and are in support of the project.

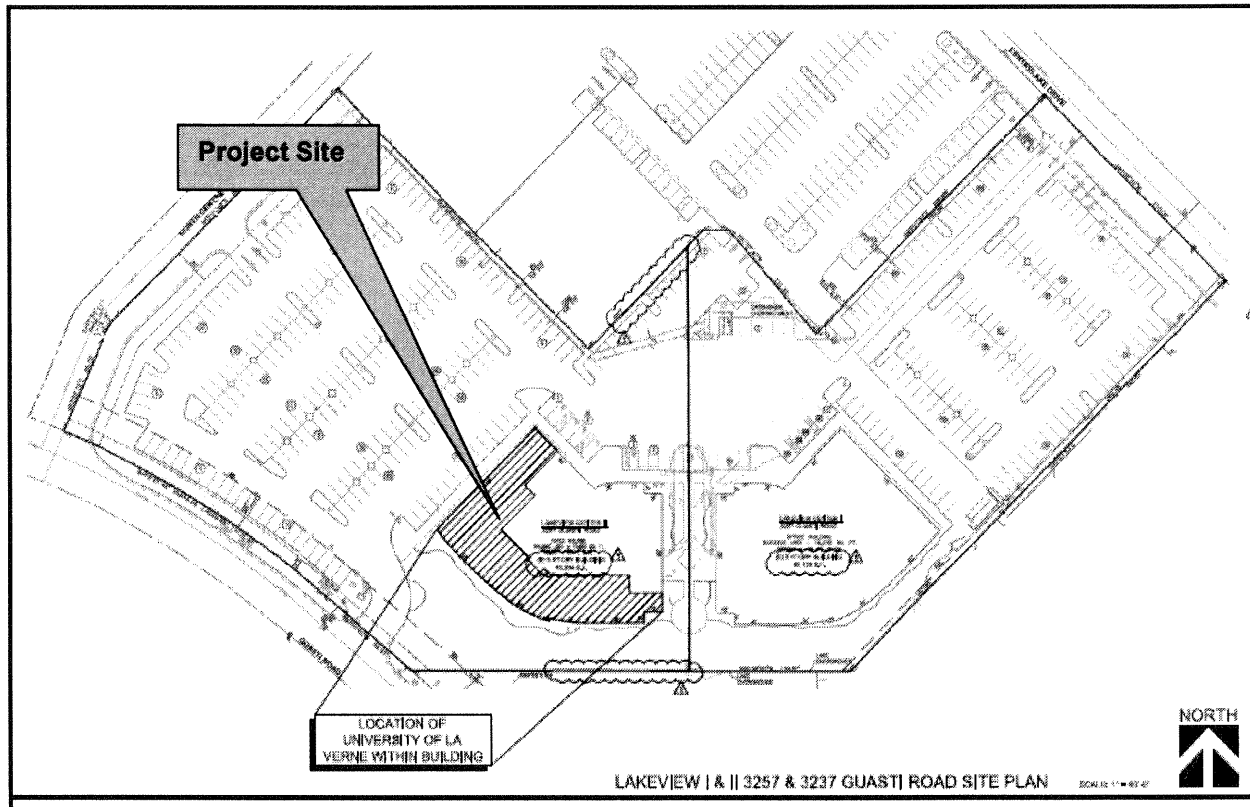


Exhibit C: Site Plan

Land Use Compatibility: The intent of a Conditional Use Permit (CUP) application is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. The City of Ontario's Development Code describes a CUP as the following: § Sec. 9-1.0900: *Purposes and Authorization* – Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Approval of a CUP first requires making certain findings, which show that the proposed use is consistent with City of Ontario development code, land uses and other applicable requirements. Additionally, the use must be compatible with surrounding uses; therefore, approving a CUP is discretionary in nature.

The project site is located within the Office/R-D land use district of the Centrelake Business Park Specific Plan. Within the proposed district, universities are a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses within the surrounding area will not be exposed to any impacts resulting from the University of La Verne beyond those that would normally be associated with any other use similarly allowed within the zone because the proposed use will operate at off-hours from typical office uses.

Departmental Review: Each member of the Development Advisory Board (DAB) was provided the opportunity to review and comment on the subject application and recommend conditions of approval. At the time of Decision preparation, conditions of approval were provided from Planning, Public Facilities and Police and are attached to this report. Since no opposition was received, the Planning Department supports the proposed use subject to the attached conditions of approval.

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

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 31st day of May 2011, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Luis E. Batres, Senior Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Mr. Terry Smith from Rengel + Co. Architects, the applicant, explained the business operation and spoke in favor of the application.
- (c) Mr. Stephen L. Lesniak, ED. D. (Dean, Regional Campus Administration) with the University of La Verne, answered questions from the Zoning Administrator and also spoke in favor of the application.
- (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 proposed University of La Verne satellite campus lies within the Office/R-D land use designation of the Centrelake Business Park Specific Plan and it's a permitted use subject to the approval of a Conditional Use Permit.

(2) A Conditional Use Permit request to establish a private college (University of La Verne) at 3237 E. Guasti Road within the Office/R-D land use designation of the Centrelake Business Park Specific Plan 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 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 municipal codes.

(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. PCUP11-004, 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 1st day of June, 2011.

A handwritten signature in black ink, appearing to read "Cathy Wahlstrom".

Cathy Wahlstrom
Deputy Zoning Administrator

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

DATE: May 31, 2011

FILE NO.: PCUP11-004

SUBJECT: A Conditional Use Permit request to establish a private college (University of La Verne) at 3237 E. Guasti Road within the Office/R-D land use designation of the Centrelake Business Park Specific Plan.

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
- PUBLIC FACILITIES

- BUILDING

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



CONDITIONS OF APPROVAL

DATE: May 31, 2011

FILE NO.: PCUP11-004

SUBJECT: A Conditional Use Permit request to establish a private college (University of La Verne) at 3237 E. Guasti Road within the Office/R-D land use designation of the Centrelake Business Park Specific Plan.

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 PARKING AND CIRCULATION

- 3.1 Enrollment to the school shall be restricted to the available parking, based upon the leased tenant space (max. of 10,000 square feet).

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

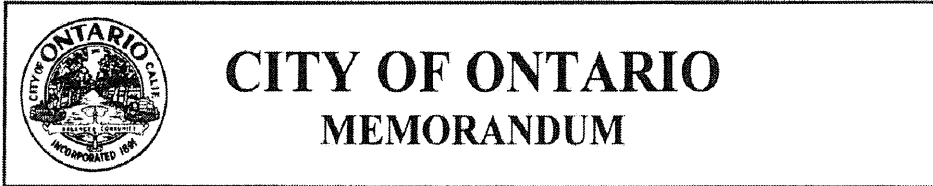
- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any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

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 Approval of this Conditional Use Permit is subject to City Council approval of the Specific Plan Amendment that will change the existing land use designation from Office/Hotel to Office/R-D.



TO: Luis Batres, Senior Planner
Planning Department

FROM: Lora L. Gearhart, Plan Checker - Fire
Bureau of Fire Prevention

DATE: April 5, 2011

SUBJECT: PSPA11-001/PCUP11-004 - A Specific Plan Amendment (University of La Verne) to the Centrelake Specific Plan, to change the land use designation of approximately 6 acres from Commercial/Hotel to Office; submitted by MEF Realty, LLC.

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

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.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Luis Batres, Senior Planner

FROM: Barbara White, Crime Prevention Specialist - DAB

DATE: May 11, 2011

LOCATION: PCUP11-004 - A Conditional Use Permit to establish a University of La Verne facility at 3237 East Guasti Road, within the Commercial/Hotel designation of the Centrelake Specific Plan.

NOTES: The Applicant and/or Applicant’s representative shall be responsible for the adherence to all conditions.

The Police Department requests that these conditions be noted by the architect and be included in the building plans for this proposed development.

CONSTRUCTION SECURITY STANDARDS

➤ **SECTION 4-11.03 Violations and Penalties.**

It shall be unlawful for any persons, firm or corporation to erect, construct, enlarge alter, move, improve, convert, or equip, use, occupy or maintain any building or structure in the City, or cause same to be done, contrary to or in violation of any of the provisions of this chapter.

Any person, firm, or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and each offense is punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by confinement in jail for not more than six (6) months, or by both and confinement in jail.

➤ **Section 4-11.11 Construction Site Security Provisions**

All new construction, on a site exceeding one (1) acre in area, shall comply with the following security measures until the City of Ontario has released the utilities. (a) Perimeter lighting shall be installed at a minimum of one hundred fifty (150) foot intervals and at a height not less than fifteen (15) feet from the ground. The light source used shall have a minimum light output of two thousand (2,000) lumens, be protected by a vandalism resistant cover, and be lighted during the hours of darkness.

(b) Additional lighting shall be required if the construction site exceeds four (4) acres in area.

(c) In addition to perimeter lighting described in (a) above, one of the following shall be used:

(1) Fencing, not less than six (6) feet in height, which is designed to preclude human intrusion, shall be installed along the perimeter boundaries of the construction site; or

(2) A uniformed security guard, licensed according to the California Business and Professional Code, Chapter 11.5 (commencing with Cal.Bus. & Prof.Code 7580), shall be utilized to continually patrol the construction site during the hours when construction work has ceased.

- The owner will provide on-site security for the project to reduce theft and the need for police services during construction. The owner will submit to the Ontario Police Department Development Agency Board Representative the names and phone numbers of required on construction site gates for emergency access by the Police and Fire Department.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- The applicant must meet all the related conditions set forth in the Ontario Municipal Code, Title 4- Public Safety, Chapter 11: Security Standards for Buildings, Section 4-11.01 through 4-11.13.
- All planned parking areas shall have a minimum maintained lighting level of one-foot candle (1 F.C.) or greater. The lighting shall be on from sunset to sunrise, and be operated by a photocell. The site plan shall be provided to the Police Department. It shall show all buildings, the parking areas, walkways, detailed landscaping and a point by point photometry calculation of required light levels.
- Foot-candles shall be measured on a horizontal plane and conform to a uniformity ratio of 4 to 1. Landscaping shall not be planted to obscure required light levels. The applicant is required to submit two sets of plans showing photometry's with an overlay of landscaping. The light source utilized to comply with this section to meet parking and drive surface lighting shall have a rated average bulb life of not less than 10,000 hours.

- All types of exterior doors shall be illuminated during the hours of darkness. Each door shall have a minimum maintained one-foot candle of measured light within a 5-foot radius of each side of the door at ground level.
- Luminaries utilized to meet the requirements outlined herein shall have vandal resistant light fixtures and shall not be less 8 feet in height from ground level. Luminaries of not less than 42 inches may be utilized to illuminate a walkway if adjacent landscaping is of a variety which does not mature higher than 2 feet. Such luminaries shall not interfere with the required light distribution for a distance of 16 feet along the walkway. Light fixtures shall be deemed accessible if mounted within 15 feet vertically or 6 feet horizontally from any accessible surface or adjoining roof, balcony, landing, stair treads platform, or similar structure.
- Roof top numbers shall be installed on all commercial/industrial buildings. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Buildings with multiple sites, in addition to the primary address, must have suite numbers painted to above specifications on the roof over the primary entrance to that suite. Such roof numbers shall be screened from public view and visible only from the air. The numbers shall be placed parallel to the assigned street and as close to the front door of the business as possible.
- Roof top numbers will be maintained by the property owner and must be re-painted every 3 years.
- The applicant is required to file an alarm application with the Police Department on all proposed alarm systems.
- A blue strobe light (minimum 25-watt) shall be installed on the rooftop and activated with any proposed alarm systems.
- 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. The planting of wide hedge rows and narrow vertical plants adjacent to solid fencing is required.
- The trash enclosure will be locked at all times requiring a key for all access. On the days of trash pickup, the enclosure will be unlocked until the receptacle is emptied and then locked again.
- 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.

- No loitering will be allowed on the property. The applicant will have the appropriate signage properly posted to allow for enforcement.
- The business shall be operated in a manner to minimize disturbances. A private security presence could be required in the future if a significant pattern of calls for service for the Police Department is identified. The Police Department will ask the Zoning Administrator to recondition the project if the business is determined to be a drain on Police Services. This would only occur after numerous attempts to resolve the problems through other means.
- No truck or commercial parking will be allowed on this site. The applicant will have the appropriate signage properly posted to allow for enforcement.

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

CITY OF ONTARIO
PUBLIC FACILITIES DEVELOPMENT
303 East "B" Street, Ontario, CA 91764

DAB CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

4/12/11
Date

Reviewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.:
PCUP11-004

Related Files:

Case Planner:
Luis Bates

Project Name and Location:
La Verne Facility
3237 East Guasti Road

Applicant/Representative:
Terence Smith
333 El Camino Real
Tustin, Ca 92780

<input checked="" type="checkbox"/>	A conceptual site plan (dated 3/4/11) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A conceptual site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

All landscape plans or landscape installations shall meet current City standards as listed in the Landscape Development Standards, or as obtained in writing from Public Facilities Development.

All areas including parkways and setbacks not designated for paving or buildings shall be landscaped and permanently maintained. The developer or owner is responsible for all landscape maintenance costs and must ensure that constant landscape maintenance is established for the life of this project. Landscape maintenance shall be provided by a Certified Landscape Industry Professional to ensure safety, landscape longevity and water conservation with efficient irrigation.

The site management/ landscape maintenance company shall be responsible for the following as a condition of approval:

1. Repair broken or leaking irrigation heads.
2. Adjust and repair all irrigation heads to prevent any overspray or run-off onto paving.
3. Replace dead or missing shrubs and groundcovers.
5. Replace dead or missing trees in parking lot planters to match existing.
4. Add 2" shredded bark mulch to all planters to reduce evaporation and weeds.
6. Replace or upgrade the existing irrigation controller for a weather-based ET irrigation controller and sensor to conserve water and reduce costs and damage from over-irrigating the landscape.
7. Submit a letter to this department from the landscape maintenance company verifying all items have been corrected including the name and model number of the weather based irrigation controller and sensor or location of weather station connection.