

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-24

HEARING DATE: 08/19/2013

DECISION DATE: 09/04-2013

FILE NO.: PCUP13-016

SUBJECT: A Conditional Use Permit request to establish and operate a religious assembly use within an existing 3,987 square foot commercial space located at 531 North Euclid Avenue, within the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

Truth In Love Family Ministries, 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 request to establish and operate a religious assembly use within an existing 3,987 square foot commercial space, located at 531 N. Euclid Avenue, within the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts.
- (b) TOP Policy Plan Land Use Map Designation: Mixed Use
- (c) Zoning Designation: C2 (Central Business District) & Euclid Avenue (EA) Overlay
- (d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	C2 (Central Business District)	Real Estate Company
South:	C2 (Central Business District)	Commercial
East:	C2 (Central Business District)	Church

Approved By:

-1-

__SM__ Assistant Planning Director

Form Revised: 06/20/2013

West: C2 (Central Business District)

Medical Office

- (e) Site Area: 0.139 acres
- (f) Assessor's Parcel No(s): 1048-355-04
- (g) Project Analysis:

Project Setting: The subject property is located on 0.139 acres and is developed with a 3,987 square foot commercial building. The site is located on the west side of Euclid Avenue, just south of F Street. The property is located within an urbanized area that is primarily developed with commercial uses and other religious assembly uses (Exhibit A-Aerial Map).

Proposed Use: The applicant, Truth In Love Family Ministries, requests to establish and operate a new religious assembly use within the existing building located at 531 North Euclid Avenue. Truth In Loving Family Ministries has been in existence for five years and they are currently operating out of 215 W. "C" Street in Ontario. The congregation currently has 20 members. The proposed commercial space is comprised of approximately 3,987 square feet (Exhibit B: *Site Plan*). Services will include general religious meetings, bible studies, and adult ministries. Services will occur on Tuesdays from 7:00 p.m. to 10:00 p.m., and Saturdays from 3:00 p.m. to 6:00 p.m.. The use will have two part-time staff members.

The proposed floor plan will include a 994 square foot assembly area with no fixed seats, a conference room, audio/visual room, lobby area, four offices, break room, storage room and two unisex restrooms. The facility will have three points of access, one along the Euclid Avenue frontage and two at the rear of the building. Euclid Avenue will serve as the primary entrance (Exhibit C-Floor Plan).

Improvements Proposed: No outside modifications to the building are proposed. The applicant will be submitting plans to Building and Safety to remodel the interior of the building as proposed on the floor plan. The existing parking lot is in fair condition with some need of slurry seal and restriping. Since the goal of the City is to improve the appearance of existing developments, as a condition of approval, staff is requesting that the existing parking lot be slurry sealed and restriped within 60 days of Conditional Use Permit approval.

Parking: Ontario Development Code requires the use to provide 25 parking spaces at the rate of one space for each 40 square feet of assembly area with no fixed seats. The use will have a 994 square foot assembly area with no fixed seats. The subject property only has 5 parking spaces. The remainder will be provided by downtown public parking within Block No. 21 (Exhibit E & D-Downtown Parking Area). Block 21 is bounded on the north by F Street, Euclid Avenue to the east, E Street to the south and Laurel Avenue to the west.

Staff has analyzed the Downtown Parking Model to determine if there is sufficient public parking to support the use. The analysis showed that during weekdays, after 6:00 p.m., when parking in the area is most utilized; public parking would be less than 50% full. The analysis also showed that there was no shortage of parking on weekends. Therefore, no negative parking impacts are anticipated. Block No. 21 currently has 171 available parking spaces. Of the total spaces, 109 are within a public parking lot and 62 are on the street.

Land Use Compatibility: The intent of a Conditional Use Permit application and review 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 Conditional Use Permit 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 Conditional Use Permit first requires making certain findings, which show that the proposed use is consistent with all City of Ontario development codes, land uses and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a Conditional Use Permit is discretionary in nature.

The proposed religious assembly use is located within the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts. Within these designations, religious assembly uses 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 proposed use beyond those that would normally be associated with any other similar uses allowed within the same zoning districts.

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. Recommended conditions of approval have been provided and are attached to this report. The Planning Department supports the proposed use and requests that the Zoning Administrator approve the use subject to each Department's recommended conditions of approval, which are designed to mitigate anticipated impacts related to the 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.

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.

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 19th day of August 2013, 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, subject to the attached conditions. Mr. Blum asked about the primary and secondary access points for the church. Mr. Batres responded that the main entrance is from Euclid Avenue with a secondary entry located to the rear (west). In response to a question from Mr. Blum, Mr. Batres stated that the front window pattern would remain the same as it now exists.

(b) The Zoning Administrator opened the public hearing.

(c) Pastor Robert J. Arreola (aka Pastor Bob), the Applicant, explained the business operation and spoke in favor of the application. Mr. Blum asked if the church was an existing church. Pastor Bob answered yes, they are currently located at the YMCA in Ontario. Mr. Blum asked for the size of the congregation. Pastor Bob stated they currently have 20 members. Mr. Blum asked if he has read the staff report. Pastor Bob stated he is in agreement with the conditions of approval.

There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing. Mr. Blum stated he is inclined to approve the item and thanked Mr. Batres for an excellent job on the photos provided.

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 religious assembly use lies within the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts land use designation, and the proposed use is a conditionally allowed use.

(2) Religious assemblies 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 accordance with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. The religious assembly use will be operated in accord with the Ontario Development Code and the use meets the objectives and purposes as required in Article 9: Conditional Use Permits and Article 16: *Commercial and Professional Districts (AP, NC, C1, C2, C3, & C4)* of the Ontario Development Code.

(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 Ontario Traffic Division reviewed the proposed use and they are recommending approval of the application. Therefore, the religious assembly use will not create a significant source of new traffic, nor negatively impact the surrounding circulation system.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The religious assembly use is consistent with uses allowed in the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts as well as the Ontario Development Code.

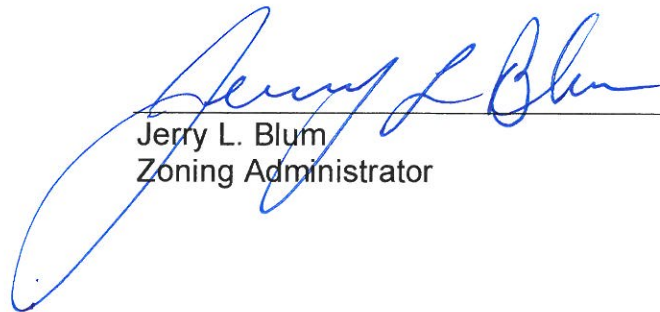
(c) The Zoning Administrator hereby finds and determines that the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(d) 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) and § 15332 (Class 32-In-Fill Development Projects) of the State CEQA Guidelines.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-016, 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 4th day of September, 2013.



Jerry L. Blum
Zoning Administrator

Exhibit B: Site Plan

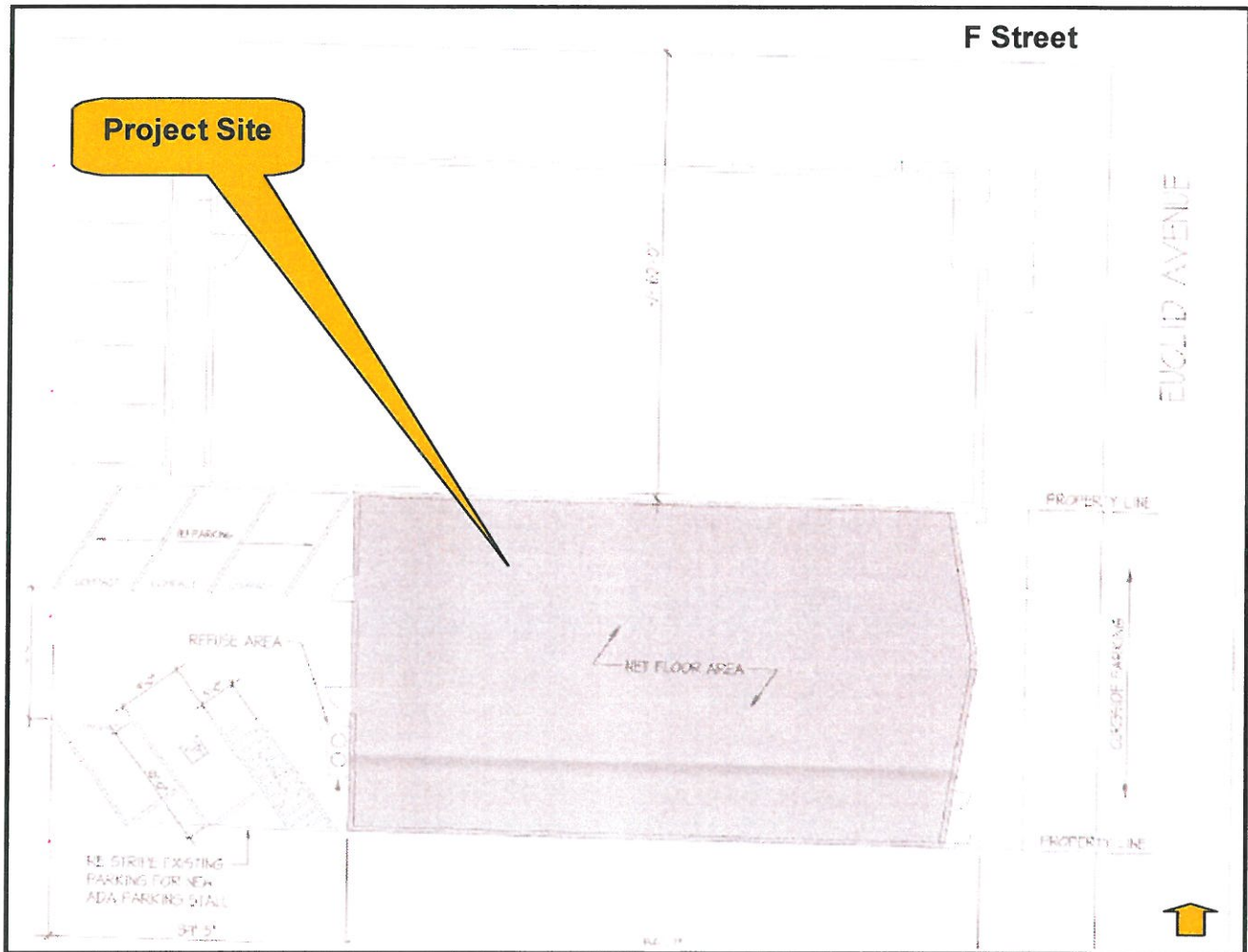


Exhibit D: Site Photos



View of Front of Building Looking North on Euclid Avenue

Project Site



View of Rear of Building and Parking Lot Areas

Project Site

Site Photos



View of Front of Building Looking North on Euclid Avenue



View of Front of Building Looking South on Euclid Avenue

Site Photos

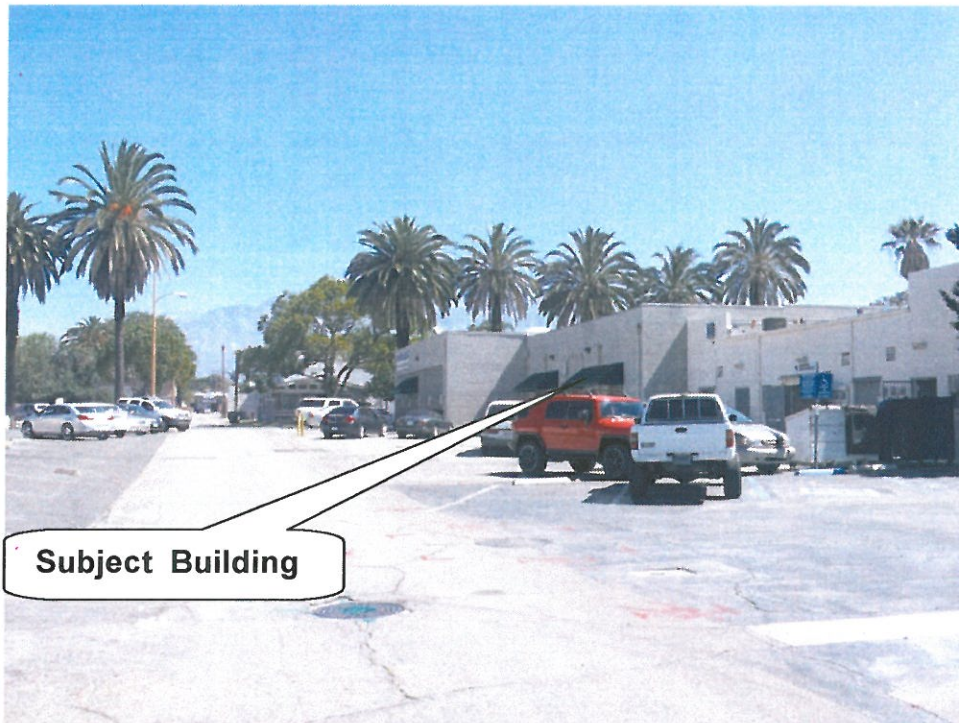


Looking East at Existing Church across Euclid Avenue



View of Rear of Subject Building and its Parking Lot

Site Photos



View of Rear of Building Looking at Adjacent Parking Lots

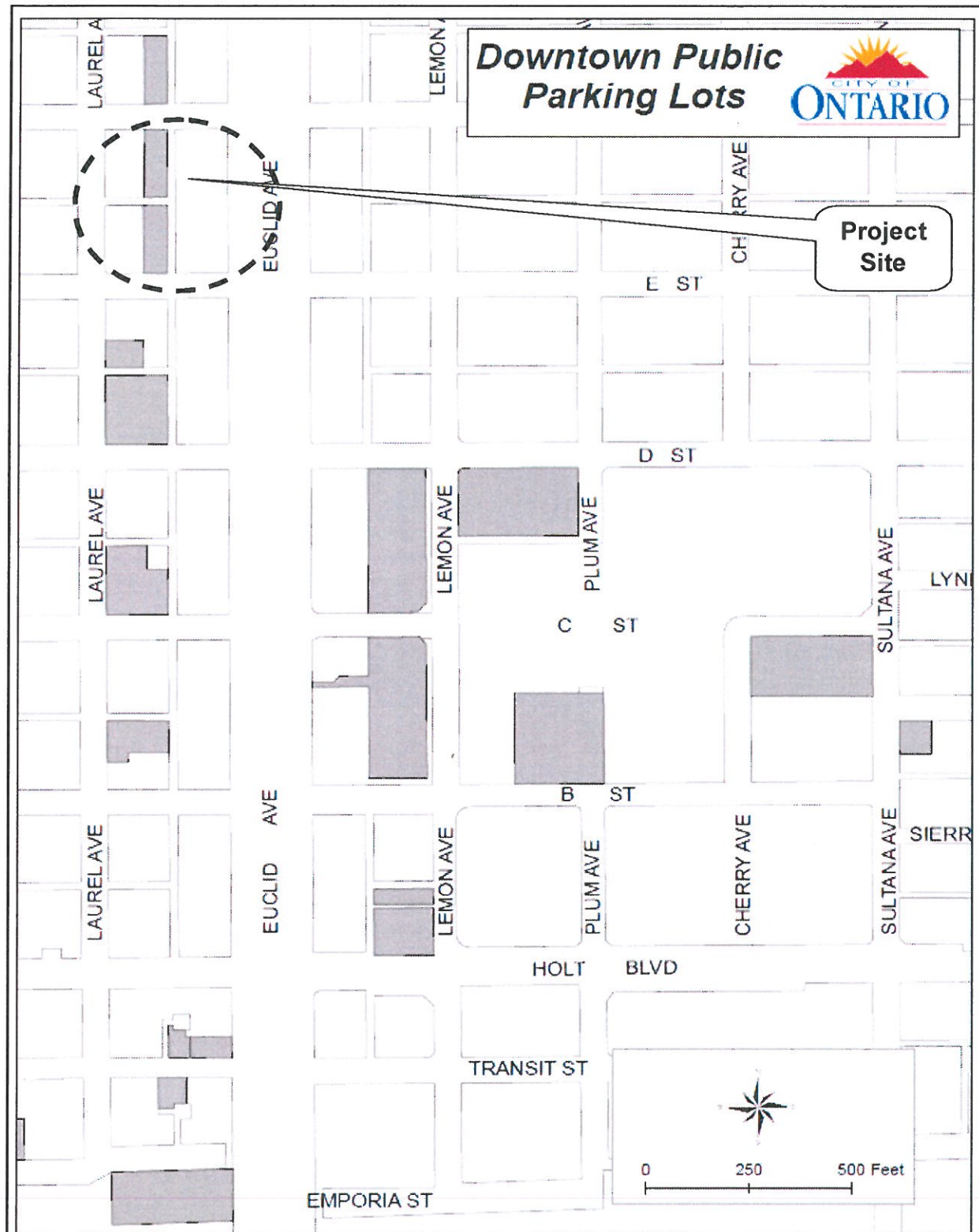


View of Development to the West of Project Site & Adjacent Parking Areas

Exhibit E: Downtown Parking Area



Exhibit D: Downtown Public Parking Lots



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

DATE: 08/19/2013

FILE NO.: PCUP13-016

SUBJECT: A Conditional Use Permit request to establish and operate a religious assembly use within an existing 3,987 square foot commercial space located at 531 North Euclid Avenue, within the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts. **Submitted by Truth In Love Family Ministries** (APN: 1048-355-04).

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
- LANDSCAPING

- BUILDING

- POLICE
- FIRE
- ECONOMIC DEVELOPMENT
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CONDITIONS OF APPROVAL

DATE: 08/19/2013

FILE NO.: PCUP13-016

SUBJECT: A Conditional Use Permit request to establish and operate a religious assembly use within an existing 3,987 square foot commercial space located at 531 North Euclid Avenue, within the C2 (Central Business District) and Euclid Avenue (EA) Overlay zoning districts. **Submitted by Truth In Love Family Ministries** (APN: 1048-355-04).

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 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.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 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.

2.0 SIGNAGE

- 2.1 Individual sign plans (3 copies) for the project shall be submitted for separate review and approval to the Planning and Building Departments prior to installation. (See Downtown Ontario Design Guidelines for signage standards).

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 (Class 1-Existing Facilities) and § 15332 (Class 32-In-Fill Development Projects) of the California Environmental Quality Act 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 OTHER

- 6.1 If large trash metal container stored on parking lot is to be kept, a trash enclosure that complies with City requirements shall be constructed prior to occupancy. If not required, container shall be removed. Applicant shall work with Planning staff during plan check to design it to complement the existing building architecture.
- 6.2 Parking lot shall be slurry sealed and restriped 60 days after CUP approval.
- 6.3 This CUP replaces any other previous CUP approved for this property.



CITY OF ONTARIO

MEMORANDUM

TO: Luis Batres

**FROM: Jim Heenan, Fire Safety Specialist
Bureau of Fire Prevention**

DATE: June 12, 2013

SUBJECT: File No: PCUP13-016: A conditional use permit to establish religious assembly on 0.14 acres of land generally located at the southwest corner of F street and Euclid avenue, within the C2(Central Business District) and the Euclid Avenue (EA) Overlay zoning districts.

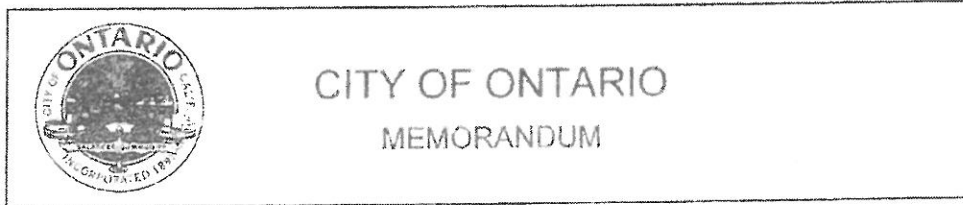
The plan **does** adequately address the departmental concerns at this time.

No comments

Report below.

1. Exit signs shall be required as outlined in 2010 California Fire Code Section 1011.
2. Fire Extinguishers shall be provided in accordance with 2010 California Fire Code 906.1.
3. Decorative materials and furnishings shall be in accordance with those outlined Section 801 of the 2010 California Fire Code.
4. Required exit accesses, exits, or exit discharges shall be continually maintained free from obstructions for full instant use in case of fire or other when the areas served are occupied. As outlined in 2010 California Fire Code Section 1011.

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.



TO: Oito Kroutli, Development Director
Jerry Blum, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Scott Melendrez, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
Sigrifo Rivara, Housing Manager
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering

FROM: Luis Batres,

DATE: May 30, 2013

SUBJECT: FILE #: PCUP13-016 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by Thursday, June 13, 2013.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish religious assembly on 0.14 acres of land generally located at the southwest corner of "F" Street and Euclid Avenue, at 531 North Euclid Avenue, within the C2 (Central Business District) and the Euclid Avenue (EA) Overlay zoning districts. Submitted by Pastor Robert Arreola
APN: 1048-355-04

- The plan does adequately address the departmental concerns at this time.
- No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Department: POLICE Signature: [Signature] Title: SP. MANAGEMENT ANALYST Date: 7/2/13