

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-03

HEARING DATE: February 4, 2013

DECISION DATE: March 14, 2013

FILE NO.: PCUP12-021

SUBJECT: A Conditional Use Permit request to establish and operate a dental office within an existing 1,350 square foot commercial space located along the northwest corner of Palm Avenue and "B" Street at 300 W. "B" Street, within the C2 (Central Business District) zoning designation.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

Doctor Lan Yang, 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 and operate a dental office on a 1,350 sq. ft. existing commercial space for property located on the northwest corner of Palm Avenue and "B" Street, at 300 W. "B" Street, within the C2 (Central Business District) zoning designation.

(b) TOP Policy Plan Land Use Map Designation: MU (Mixed-Use)

(c) Zoning Designation: C2 (Central Business District)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	R3	Residential Homes/Commercial Parking Lot
South:	C2	Residential Homes
East:	C2	Vacant Lot/Church
West:	C2	Vacant Office/ Commercial

(e) Site Area: 0.14 acres

(f) Assessor's Parcel No(s): 1048-575-07

Approved By:

-1-

____LB____ Senior Planner

Form Revised: 02/02/2010

(g) Project Analysis:

Project Setting: The subject property is composed of 0.14 acres and is developed with a 1-story, 2,584 square foot commercial building and a small parking lot at the rear of the building. The site is located along the northwest corner of Palm Avenue and "B" Street within an urbanized area that is developed with various land uses. The north is developed with residential development and a commercial parking lot; the east with a vacant lot and a church named Minesteria Pan Del Vida, the south by more residential development, and the west by a vacant commercial building and another church named Praise Church (see Exhibit A-Site Aerial).

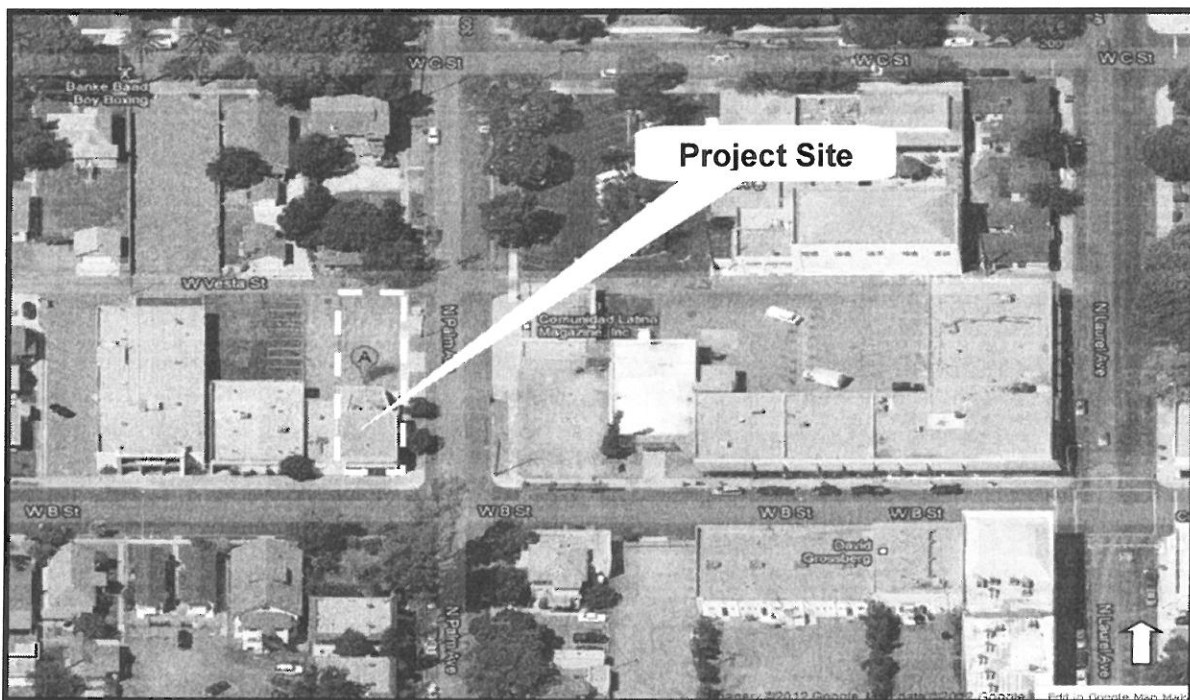


Exhibit A-Site Aerial

Proposed Use: The applicant is requesting approval of a Conditional Use Permit to establish and operate a dental office. The existing 1-story commercial building is composed of approximately 2,584 sq. ft., however, the applicant is only proposing to utilize 1,350 sq. ft.. The remainder of the space will remain vacant. The proposed hours of operation for the dental office will be Monday to Friday from 8 a.m. to 5 p.m.. Dr. Yan will be the dentist on staff and she will have two full-time employees. Typical services that will be provided include, general cleaning, x-rays, and orthodontic work.

The subject property is a corner parcel with the front of the building fronting West "B" Street, and the east side of the building facing Palm Avenue. Vehicle access will be available along two driveways facing Palm Avenue as well as along an existing 20' wide public alley that is located along the north of the property (see Exhibit B-Site Plan).

Interior improvements proposed to the commercial space will include a waiting & reception area, four x-ray operation rooms, two restrooms, a break room and the separation from the adjacent space. The applicant is not proposing any exterior improvements to the building at this time. To complete the proposed tenant improvements, the applicant will be required to submit tenant improvement plans to the Building and Safety Department for review and approval (see Exhibit C- Floor Plan) prior to the establishment of the use.

The current condition of the rear parking lot is not good, so as a condition of approval, staff has conditioned the project to slurry seal the parking lot and to re-stripe to City standards. In addition, the parkway along Palm Avenue is missing landscaping and street trees, so it has also been conditioned that the applicant landscape and irrigate the parkway to City standards. Lastly, the exterior color of the building is faded, so the project has also been conditioned to paint the building.

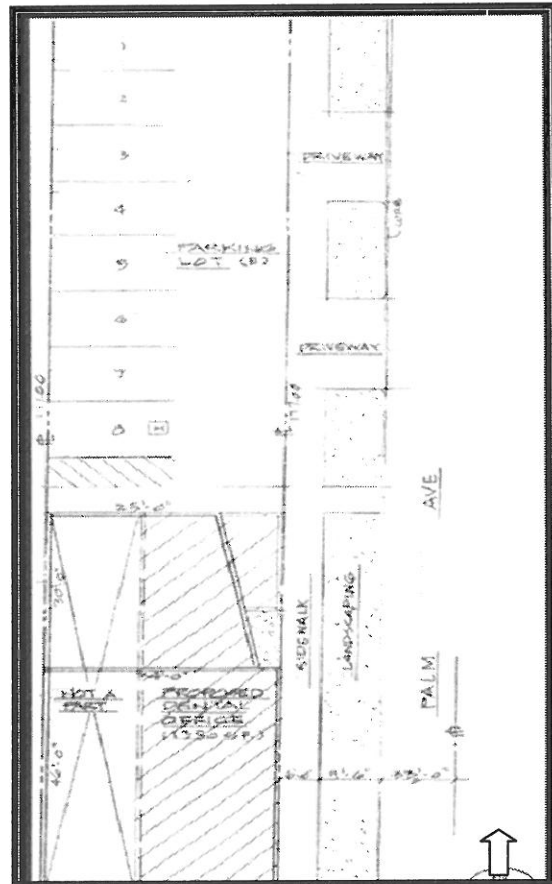


Exhibit B-Site Plan

Parking: Ontario Development Code requires a medical office to provide off-street parking at the rate of one space for each 175 square feet of gross floor area. Based on 1,350 sq. ft., a total of 8 parking spaces are required for the proposed use. The proposed project will provide 8 parking spaces. The remaining office space would require 5 additional parking spaces at the rate of one space for each 250 square feet of gross floor area. Since the site is an existing, developed site and there is no more space available for additional parking, staff believes that the existing parking on the street will be ample for the remaining vacant space. Any future tenant of the vacant office space will need to be informed by the property owner that they do not have any onsite parking. To mitigate any impacts with the remaining vacant office space, staff has conditioned the property owner that if the City receives complaints in the future from the adjacent property owners that the property needs to provide more parking, the property owner will be required to enter into a parking agreement with an adjacent property owners to provide the additional parking needed. However, it would be best if the applicant would occupy the entire remaining 1,234 sq. ft. of office space, since the entire building would be under one tenant.

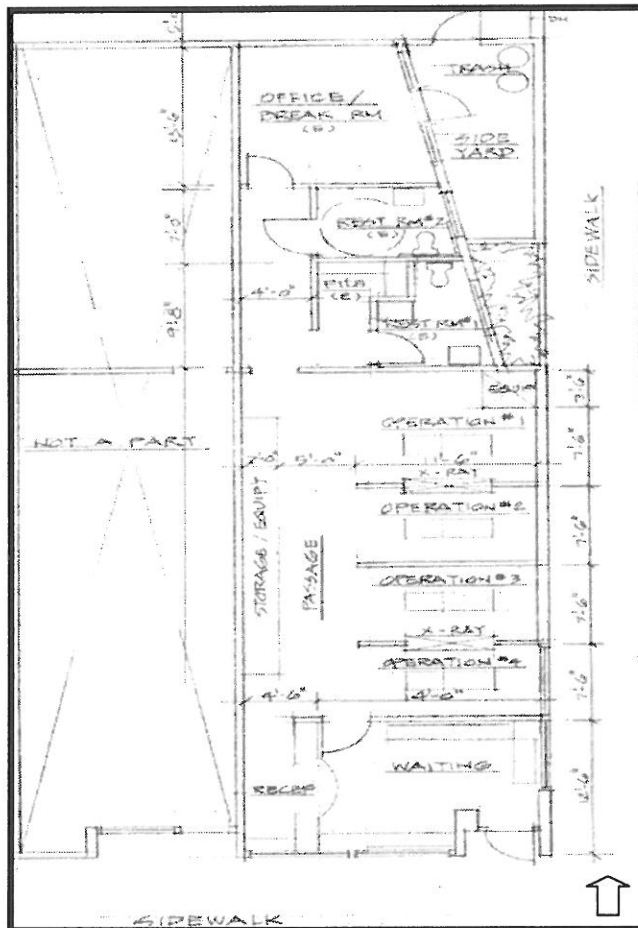


Exhibit C-Floor Plan

Land Use Compatibility: A Conditional Use Permit review is required in order to weigh a proposed use's compatibility with adjacent uses, and identify and establish measures to mitigate any potential nuisance activities. The subject site is located in the C2 (Central Business District) land use designation. The proposed dental office is a conditionally permitted land use. Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use due to the adjacent land uses being compatible with the proposed use.

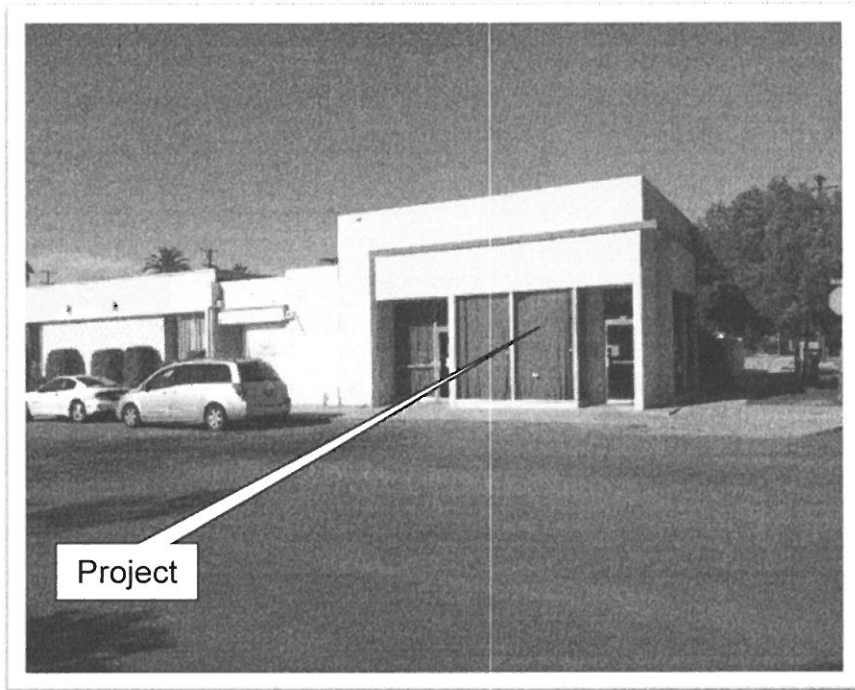
Airport Land Use Compatibility Plan (ALUCP) Consistency: The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

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

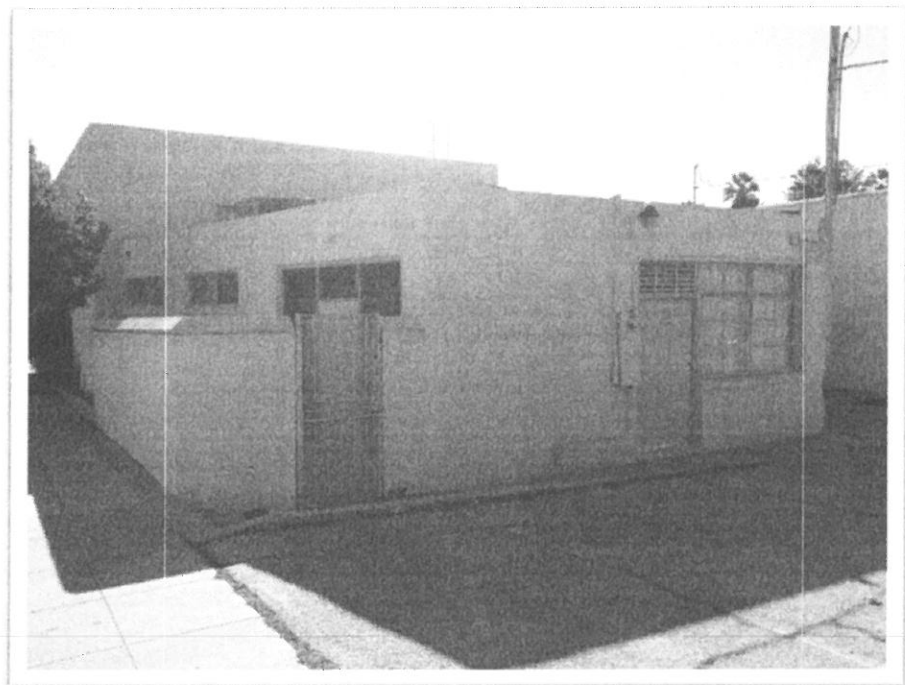
Correspondence: As of the preparation of this Decision, staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general.

It is staff's belief that the proposed use will provide a much needed service to the community and it will also revitalize the existing vacant site. The proposed dental office will create new employment, slurry seal the existing parking lot, will landscape and irrigate an unsightly parkway and will introduce new lighting that will make the site and the immediate area safer. As such, staff recommends approval of the application, subject to the attached conditions of approval.

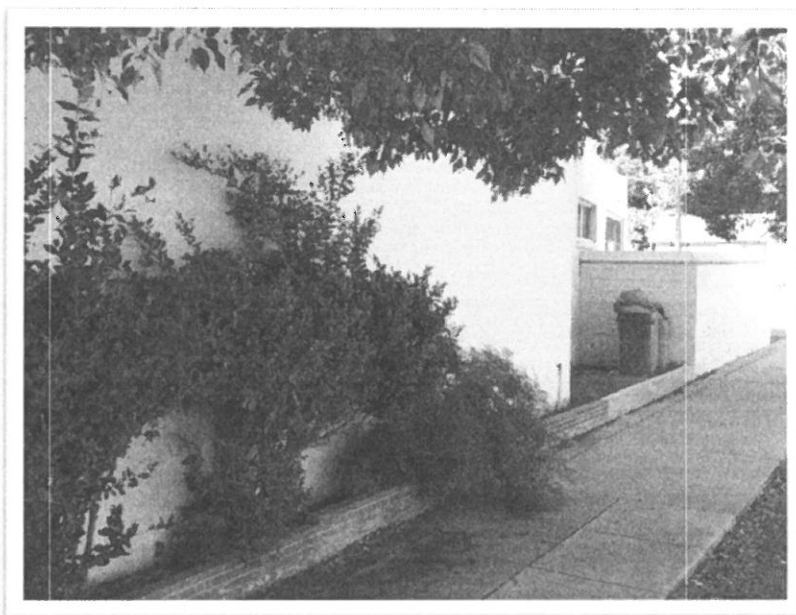
Exhibit D-Project Site Photos



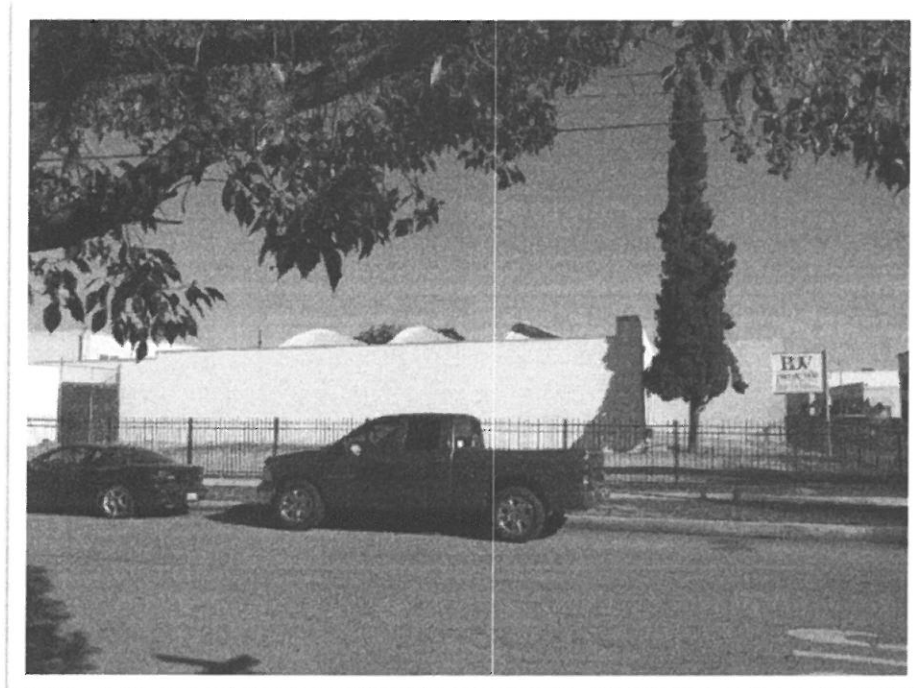
Front of Proposed Building



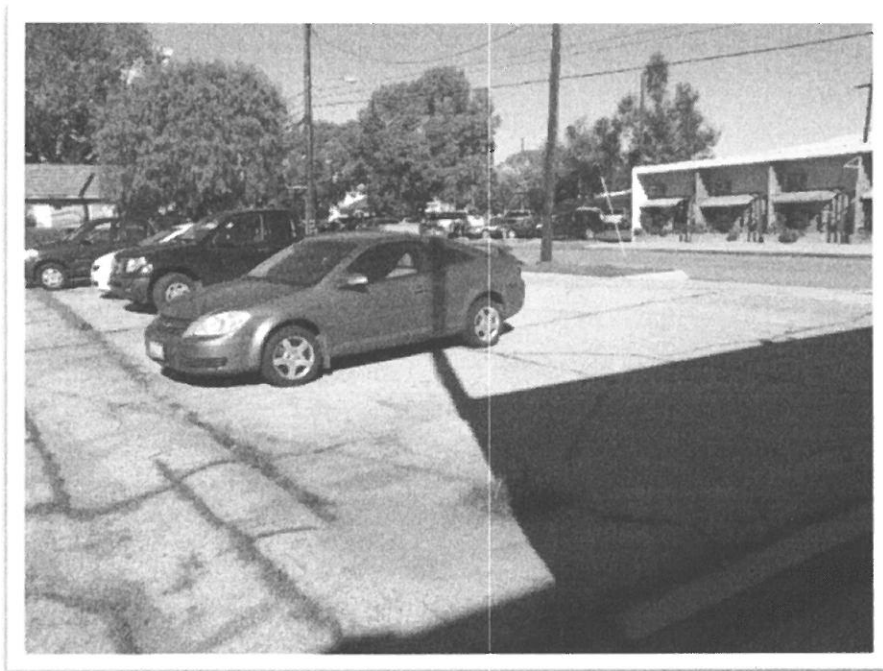
View of Rear of Building



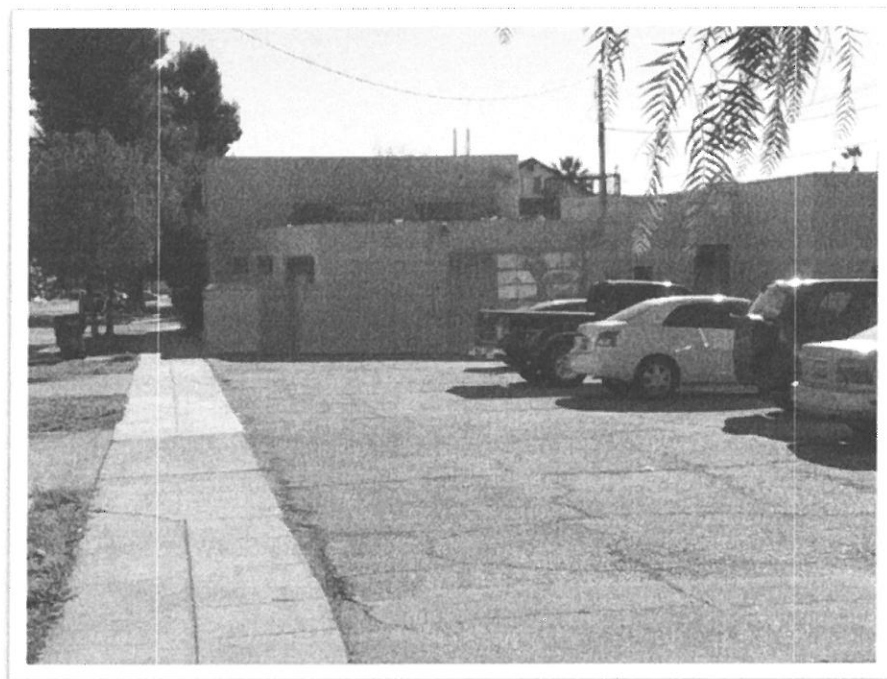
View of East Side of Building



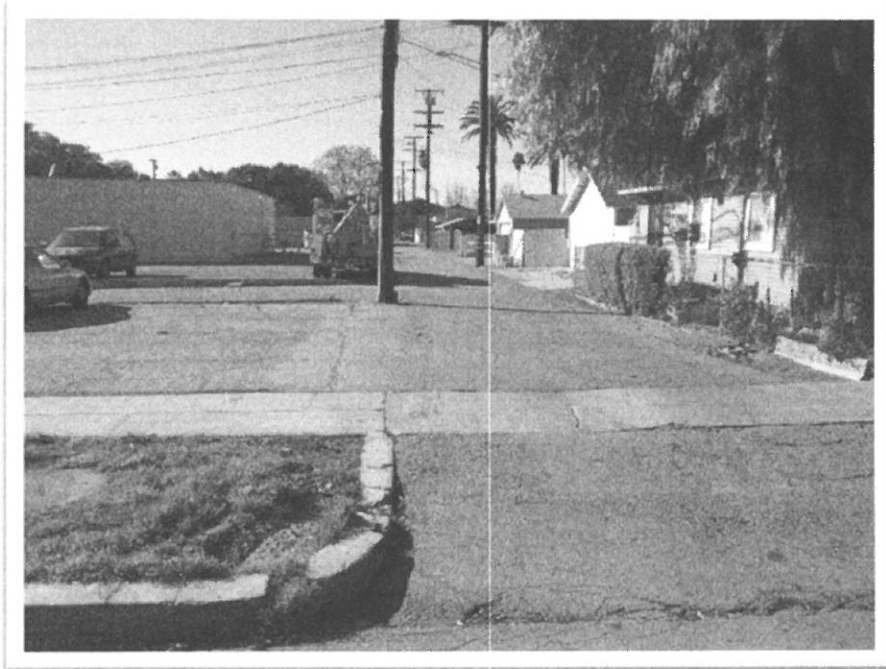
View Looking East on B Street



Parking Lot Condition Looking Northeast



View of Parking Lot Looking South



View of Alley Looking West from Palm Avenue



Side of Building Looking North on Palm Avenue

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 4th day of February 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

(b) Mr. Mathew Lee, representing the applicant, explained the business operation and spoke in favor of the application. At the meeting, Mr. Lee was unable to answer several questions the Zoning Administrator had. As a result, the Zoning Administrator continued the meeting to February 20, 2013, to allow the applicant an opportunity to attend the meeting and answer questions. The Administrator also directed staff to check the Downtown Parking Model to verify that enough parking was available for the vacant office portion of the building that was not occupied by the applicant.

(c) At the February 20, 2013 meeting, Dr. Yang, the applicant, was present to answer the questions the Zoning Administrator had. Dr. Yang, indicated that she would like to expand the dental office use to the entire building in the future. At this time, her budget did not allow her to do so. The Zoning Administrator then indicated that expanding to the vacant space in the future would be okay since the Downtown parking will support it.

(d) Luis Batres, Senior Planner, reported that the Downtown Parking Model will support the eight parking spaces that the vacant office space will need if the dental office expanded in the future. After verifying the numbers in the Downtown Parking Model for block No. 42, staff determined that less than 50% of the available parking will be utilized. Currently, block No. 42 has a total of 142 parking spaces (98 Off-Street & 44 On-Street). Therefore, the 1,234 square feet of vacant office space will only utilize 8 street parking spaces if the applicant utilized the entire building.

(e) 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 dentist office lies within the C2 (Central Business District) zoning designation and the proposed use is a conditionally allowed use.

(2) A dentist office is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the site 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 project was reviewed by all the various City Departments including the Traffic Division of the Engineering Department and they are recommending approval subject to conditions of approval.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. After verifying the numbers in the Downtown Parking Model for block No. 42, staff determined that less than 50% of the available parking will be utilized. Currently, block No. 42 has a total of 142 parking spaces (98 Off-Street & 44 On-Street). The 1,234 square feet of vacant office space will only utilize 8 street parking spaces if the applicant utilized the entire building.

(6) For a proposed use in the R2 or R3, also classified in the EA Euclid Avenue Overlay District, the use will be appropriate and consistent with the purposes of the district and will enhance the visual character and quality of Euclid Avenue. The

proposed project is not located within the R2 or R3 land use designations, the site is located within the C2 (Central Business District) zoning designation.

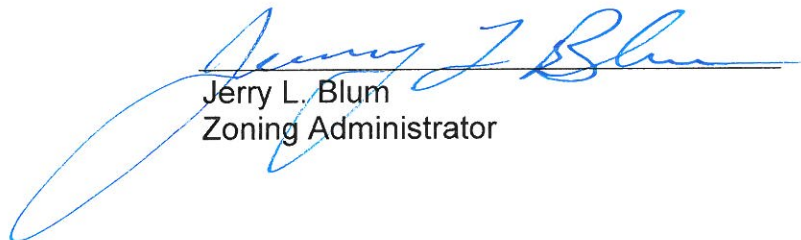
(7) For a proposed office use in the R2 or R3 Districts, also classified in the EA District, the proposed conditional use will be compatible with any existing residential use in the vicinity, in terms of scales and character, as prescribed in Article 23. The proposed project is not located within the R2 or R3 land use designations, the site is located within the C2 (Central Business District) zoning designation.

(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 (Class 1-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. PCUP12-021, 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 14th day of March, 2013.



Jerry L. Blum
Zoning Administrator

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

DATE: February 4, 2013

FILE NO.: PCUp12-021

SUBJECT: A Conditional Use Permit request to establish and operate a dental office within an existing 1,350 sq. ft. commercial space located along the northwest corner of Palm Avenue and "B" Street at 300 W. "B" Street, within the C2 (Central Business District) zoning designation.

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: February 4, 2013

FILE NO.: PCUP12-021

SUBJECT: A Conditional Use Permit request to establish and operate a dental office within an existing 1,350 sq. ft. commercial space located along the northwest corner of Palm Avenue and "B" Street at 300 W. "B" Street, within the C2 (Central Business District) zoning designation.

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>
Dentist Office	1,350	1:175	8
Office	1,234	1:250	5-On Street
TOTAL			8

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 (Class 1-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 Exterior of building must be painted. Colors must be approved by the Planning Department.
- 7.2 Parkways must be landscaped and any missing trees must be replaced. An operational sprinkler system must be provided. Landscaping within parkway shall be maintained at all time.
- 7.3 All exterior planter areas must be fully landscaped and kept in good condition. Any dead and or disease plants shall be removed and replaced immediately. Shall be maintained at all time.
- 7.4 Parking lot must be slurry sealed and re-stripped per City requirements.
- 7.5 (Deleted)
- 7.6 Graffiti on exterior of building must be removed.
- 7.7 Chain link gate at rear of building needs to be replaced with a solid view obscuring metal gate.
- 7.8 The height of the metal gate along the rear of the building, next to the trash enclosure shall be reduced to the height of the existing wall enclosure.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 4, 2013
SUBJECT: PCUP12-021

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

Conditions of Approval

1. Building permits are required for all construction.
2. Handicap up-grades are required for:
 - Parking
 - Access
 - Restroom

KS:kc

CITY OF ONTARIO
MEMORANDUM

TO: Luis Batres, Senior Planner

FROM:  Brent Schultz, Housing and Neighborhood Revitalization Director

DATE: August 30, 2012

SUBJECT: FILE NO. PCUP12-021

The Housing Department has the following and condition on the above mentioned project:

- Applicant is required to slurry seal and strip rear off street business parking lot prior to occupancy.

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

DAB CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

9/10/12
Date

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

Phone:
(909) 395-2237

D.A.B. File No.: PCUP12-021 Related Files:

Case Planner:
Luis Batres

Project Name and Location:
Dental Office
300 West B street

Applicant/Representative:
Lan Yang
5602 Temple City Blvd
Temple City, CA 91780

<input checked="" type="checkbox"/>	A site plan (dated 8/20/12) 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 site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

<ol style="list-style-type: none">Existing parkway street trees on Palm Ave shall be protected in place or replaced if missing; 3 Cinnamomum camphora, Camphor Tree.Parkways shall be landscaped and irrigated (turf grass or low groundcover in addition to street trees) and maintained in a neat and healthy condition. (2" of mulch to conserve water and amend the soil).Call this department to set up a landscape inspection when work is completed prior to Zoning Administrator Hearing or within 30 days after CUP approval.



CITY OF ONTARIO MEMORANDUM

TO: Luis Batres, Senior Planner
Planning Department

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


DATE: August 30, 2012

SUBJECT: A Conditional Use Permit to establish and operate a dental office within an existing 2686 sq. ft. retail space, located near the northwest corner of "B" Street and Palm Avenue, at 300 west "B" Street, within the C2 (central Business District) Zoning district.

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

1. Fire Extinguishers shall be provided in accordance with Chapter 9 section 906 of the 2010 California Fire Code.
2. 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 Chapter 10 of the 2010 California Fire Code.

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.

	<p>CITY OF ONTARIO MEMORANDUM</p>
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Date: September 6, 2012
To: Arij Baddour, Engineering
Cc:
From: Cynthia Heredia-Torres, Utilities
Subject: DPR No. 1 - (#2896)
Project No.: PCUP12-021

Project	Project Location: 300 West "B" Street Project Description: Dental Office Applicant: <p style="text-align: center;">Note: All Utility design shall meet the City's Design Development Guidelines and Specifications Design Criteria.</p>
Description	<i>PCUP12-021 Dental Office A Conditional Use Permit to establish and operate a dental office, within an existing 2,686 sqft building, located near the northwest corner of "B" Street and Palm Avenue, at 300 West "B" Street, within the C2 (Central Business District) zoning district.</i>
General	1. Installation of RP/backflow is required.



City of Ontario
Memorandum

TO: Otto Krontil, 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 Utilities Agency
Corporal Fred Alvarez, Police Department
Chief Art Andres, Fire Marshal
Sigfrido Rivera, Housing & Neighborhood Revitalization Director (Copy of memo to Brent Schulze)
Steve Wilson, Engineering Department
Tom Danna, T.E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)

FROM: Luis Patres
Senior Planner

DATE: 08-22-2012

SUBJECT: FILE No.: PCUP12-021

The following project has been submitted for review. Please send one (1) copy and e-mail one (1) copy of your DAB report to the Planning Department by 09/05/2012, noon (10 working days).

- 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 and operate a dental office within an existing 2,686 sq. ft. retail space, located near the northwest corner of "B" Street and Palm Avenue, at 300 West "B" Street, within the C2 (Central Business District) Zoning district.

APN: 1048-575-07

- I. The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy & e-mail 1 copy)
 - Standard Conditions of Approval apply.
- II. 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.

Planning Department *[Signature]* SR. ASSESSMENT ASSISTANT 9/10/12
Department Signature Title Date

Revised 7/2011