

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2011-05

HEARING DATE: April 4, 2011

DECISION DATE: April 13, 2011

FILE NO.: PCUP10-031

SUBJECT: A Conditional Use Permit to establish a weekly farmers market within a court yard area of Kaiser Permanente Hospital located on 27.8 acres of land, at 2295 S. Vineyard Avenue, within the Medical/ Administrative Facilities land use district of the Kaiser Permanente Specific Plan (APN: 0113-285-13).

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

KAISER FOUNDATION HOSPITALS, 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 a weekly Farmers Market in conjunction with the Kaiser Permanente Hospital, within a courtyard area near the main hospital entrance, located at 2295 S. Vineyard Avenue.
- (b) General Plan Designation: Office Commercial
- (c) Zoning Designation: Medical/Administrative Facilities, Kaiser Permanente Specific Plan
- (d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	OS (non-rec.) & M2	Water Basins & Industrial
South:	60 Freeway C1 & C3 beyond	Freeway Shopping Centers beyond
East:	OS	Park
West:	M2	Industrial w/ limited retail

- (e) Site Area: 27.8 acres

Approved By:

CM Senior Planner

- (f) Assessor's Parcel No(s).: 0113-285-13
- (g) Project Analysis:

Operations: The applicant proposes to operate a weekly Farmers Market at the newly constructed Kaiser Hospital, located at 2295 S. Vineyard Avenue. The Farmers Market is proposed in a courtyard area of the hospital facility and will be operated on Wednesdays, from 10:00 am to 2:00 pm (with 1 hour for setup before hand and 1 hour for tear down afterwards). The Farmers Market is part of the overall Kaiser Permanente "THRIVE" campaign. The only products that will be made available for sale at the Farmers Market are health-related products, including foodstuffs such as fruits, vegetables, baked goods, nuts and seeds, honey, etc., as well books and small products related to healthy living. No craft or "swap meet" type items will be sold. The Farmers Market is for employees and Kaiser Permanente members. The Farmers Market will not be advertised to the general public.

Land Use Compatibility: Conditional Use Permit reviews are performed in order to weigh the compatibility of a proposed land use with adjacent uses, and establish measures to mitigate potential nuisance activities. The potential impacts of a Farmers Market relate to parking and circulation on the site. The Farmers Market is proposed in a courtyard area located near the hospitals main entrance and will not occupy or block any pedestrian walkways, vehicular driveways, or parking areas. As the Farmers Market will serve the employees and members visiting the Kaiser facility and will not be advertised to the general public, it is not anticipated that any additional parking beyond what is provided for the primary medical use will be needed.

Departmental Comments: City departments were given the opportunity to review the subject application and all are recommending approval of the application. The Planning, Police and Fire departments have placed conditions on the Farmers Market use per the attached reports.

- (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 4th day of April, 2011, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Clarice Ramey, 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) Nancy Burke, representing the applicant, explained the business operation and spoke in favor of the application.

(c) Scott Murphy, the Zoning Administrator, asked if the Police Department condition that an officer be on-site during the Farmers Market refers to Kaiser security personnel being on-site rather than a police officer. Barbara White from the Police Department confirmed that the condition refers to Kaiser security not a police officer.

(d) The Zoning Administrator asked the applicant about the number of vendors, if the same vendors sell at various Kaiser facilities, and also about the advertising of the Farmers Market. Nancy Burke, representing Kaiser, indicated that initially there would be 5 to 6 vendors but that the Farmers Market could grow to the 13 stalls shown on the plans. She indicated that different vendors sell at the various facilities. She also confirmed that the Farmers Market is not advertised to the general public but that it will be promoted on the Kaiser web site for members.

(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 Farmers Market lies within the Medical/Administrative Facilities land use district of the Kaiser Permanente Specific Plan.

(2) A Farmers Market 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.

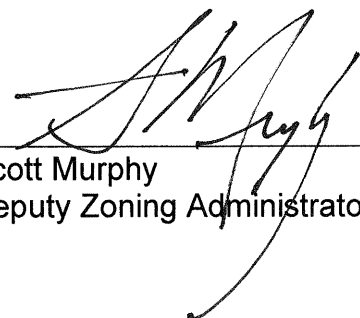
(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

(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. PCUP10-031, 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 13th day of April, 2011.



Scott Murphy
Deputy Zoning Administrator

Exhibit A – Aerial

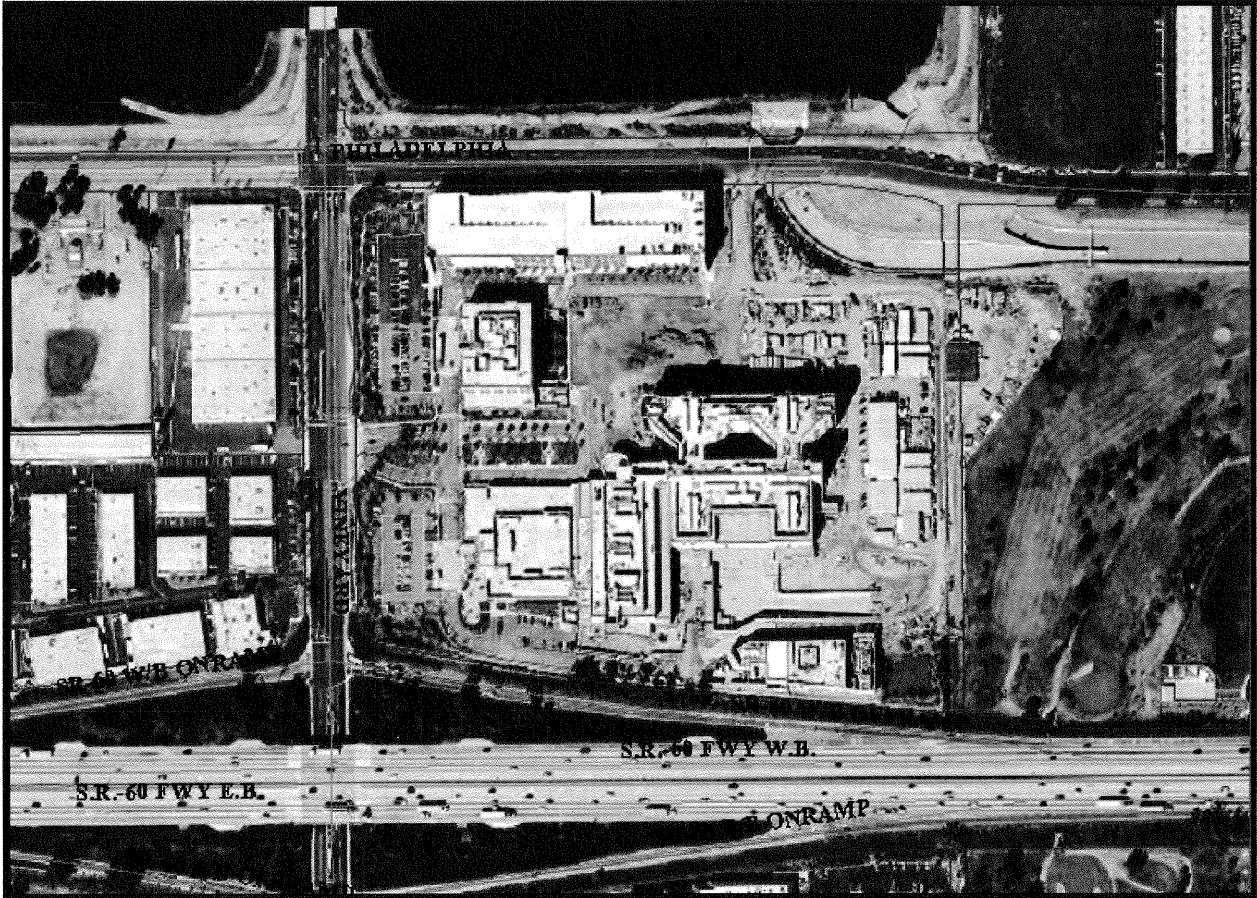


Exhibit B – Overall Site Plan

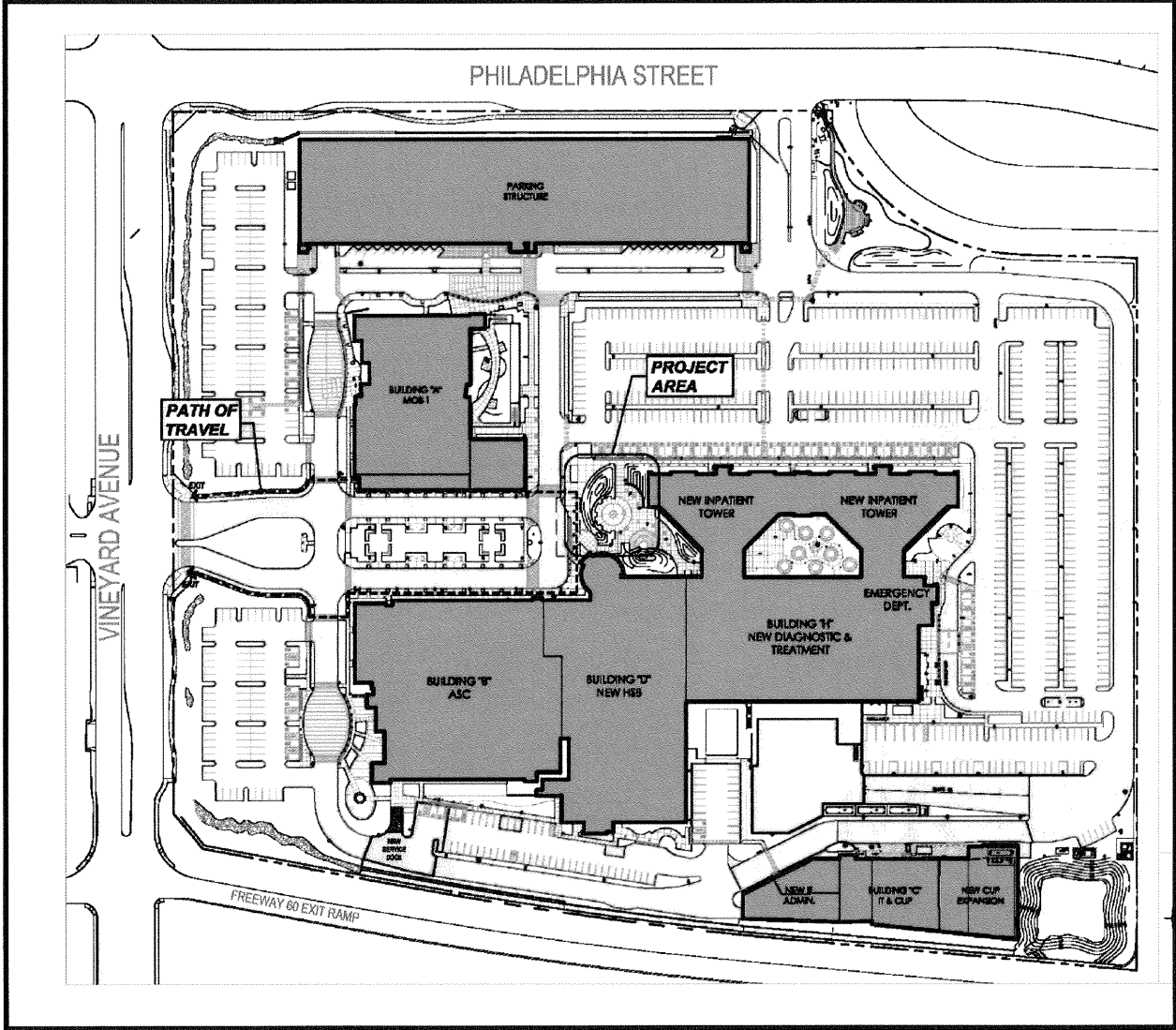
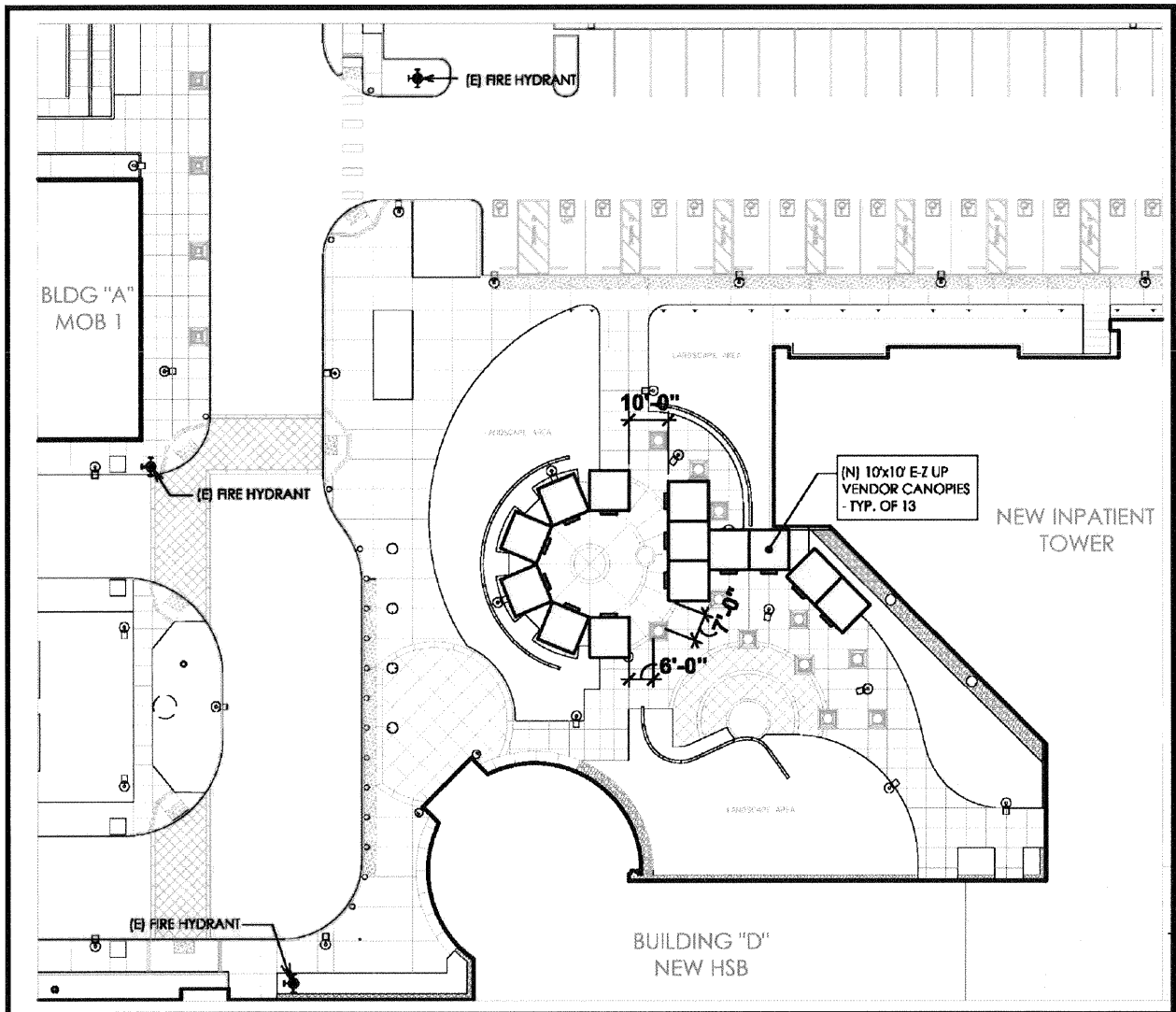


Exhibit C – Enlarged Site Plan



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

DATE: April 4, 2011

FILE NO.: PCUP10-031

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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: April 4, 2011

FILE NO.: PCUP10-031

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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 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010.
- 3.2 The Farmers Market use is incidental to the medical facility and will be operated in a courtyard area of the facility. The farmer market shall not block or reduce driveways or parking areas. Adequate access and parking shall be maintained for all on-site uses at all times.

4.0 ENVIRONMENTAL REVIEW

- 4.1 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.
- 4.2 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.

5.0 ADDITIONAL REQUIREMENTS

- 5.1 The farmers market may be operated one day per week. Initially, the farmers market will be operated on Wednesdays between the hours of 10:00 am and 2:00 pm (with 1 hour for setup before hand and 1 hour for tear down afterwards). The day and hours of operation may be changed upon approval of a written request to the Zoning Administrator.
- 5.2 All vendors shall have a valid City of Ontario business license (which must be available upon request).
- 5.3 Only the sale of fresh food items (such as fruits, vegetables, dried fruits and nuts, honey and fresh baked goods), flowers, small health related items, and books are allowed. No sales of craft items or non-health related manufactured goods are allowed.
- 5.4 No sale or serving of alcoholic beverages is allowed.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Clarice Ramey, Associate Planner

FROM: Barbara White, Crime Prevention Specialist / DAB

DATE: July 19, 2010

SUBJECT: FILE NUMBER PCUP10-031-A Conditional Use Permit to establish a weekly farmer’s market within a court yard area of Kaiser Permanente Hospital, located on 27.8 acres of land, at 2295 S. Vineyard Avenue, within the Medical/Administrative Facilities land use district of the Kaiser Permanente Specific Plan.

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) Adequate (at least one officer) on site security will be provided by Kaiser Permanente during the hours of the farmer’s market.
- 3) There will be no alcohol served or sold during farmer’s market

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



CITY OF ONTARIO

MEMORANDUM

TO: Clarice Ramey, Planning Department

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

DATE: April 13, 2011

SUBJECT: File No.: PCUP10-031 A conditional Use Permit request to establish a weekly farmers market within the court yard area of Kaiser Permanente Hospital, located on 27.8 acres of land at 2295 S Vineyard, within the Medical/Administrative Facilities land use district of Kaiser Permanente Specific Plan.

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

No comments

Report below.

1. Maintain egress as described in plan at all times.
2. Fire Extinguishers shall be provided in accordance with 2007 CFC 906.1
3. Should the total square of gang locked canopies exceed 700 sq ft a fire department operational permit will be required. Current plan is 700 sq ft or less.

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.