

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2011-21

HEARING DATE: October 17, 2011

DECISION DATE:

FILE NO.: PCUP11-018

SUBJECT: A Conditional Use Permit to establish a vocational school (bartending) within a 1,500 square foot suite in an existing shopping center on 0.30 acres of land located at 326 East Holt Boulevard, Unit "B," within the C2 (Central Business Commercial) zoning district.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

ROYAL BARTENDING SCHOOL, LLC, 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 vocational school (bartending) within a 1,500 square foot suite in an existing shopping center on 0.30 acres of land located at 326 East Holt Boulevard, Unit "B," within the C2 (Central Business Commercial) zoning district.
- (b) TOP Policy Plan Land Use Map Designation: MU1 – Mixed Use 1- Downtown
- (c) Zoning Designation: C2, Central Business District
- (d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	PUD Planned Unit Development	Multifamily Residential
South:	M3 General Industrial	Ice Rink
East:	C2 Central Business District	Flooring Store
West:	C2 Central Business District	Auto Repair

Approved By: _____
 _____ CM Senior Planner

(e) Site Area: 0.30 acres

(f) Assessor's Parcel No(s).: 1049-065-11

(g) Project Analysis:

- Operations: The applicant intends to operate the school between the hours of 10:00 a.m. and 10:00 p.m. Classes will consist of up to 6 students on site at any one time, with both day and evening programs available. There will be up to 2 employees at the school as well, including an enrollment director and an instructor. Alcohol is simulated for training purposes using water and food dye.
- Land Use Compatibility: Conditional Use Permit reviews are required to ensure the compatibility between adjacent uses, and limit exposure of nearby businesses and property owners to potential nuisance activities. The zoning for the subject property is C2 (Central Business District). A vocational school is conditionally permitted in the C2 zone. The school is located in an existing shopping center, which has multifamily residential uses to the north, and an ice rink to the south. To the east of the shopping center is a flooring store and to the west is an auto repair business. The impacts of the school on the surrounding neighborhood are not anticipated to be different than the impacts of other existing uses within the Shopping Center.
- Parking: Schools can impact parking in the surrounding area because schools can have significant parking needs that are higher than the parking needs for retail or office uses. The proposed vocational school will occupy a tenant space within the existing shopping center, of approximately 1,500 square feet. If the space was occupied by a retail or office tenant, the parking requirement would be 1 space for each 250 square feet of gross floor area, or 6 spaces. For the school, the parking requirement is 1 space per employee plus 1 space per 1.6 students. Since the school would accommodate 2 employees and 6 students, 6 parking spaces would be required for the school. Thus, the parking requirement for the school is met by the existing parking.
- Airport Land Use Compatibility Plan (ALUCP) Consistency: The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.
The proposed project is for a new use (vocational school for bartending) that will be located within an existing building. The project site is located outside of the safety zones but is located within the 60-65 CNEL noise contour. Adult Educational uses such as vocational schools are allowed within the 60-65 CNEL noise contour. Airspace Protection policies and Overflight Notification policies do not apply to this project since the proposed

project does not include any new construction that would affect Airspace Protection or require Overflight Notification. Therefore, the proposed project is consistent with the ALUCP for ONT.

- Department Review: The Conditional Use Permit request for the proposed vocational school (bartending) was forwarded to the various City departments for comment. The Police, Fire, Landscape, and Planning Departments have requested the placement of conditions of approval on the use, which are designed to mitigate anticipated impacts from the school and requiring maintenance of the Shopping Center.

(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 17th day of October, 2011, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Associate Planner Clarice Burden, 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) Edward Williams, the applicant, explained the business operation and spoke in favor of the application.

(c) The Deputy Zoning Administrator asked if the school established a bar like environment and if music would be played. The applicant responded that they do play music but it is not loud and would not disturb the neighbors or businesses in the shopping center and that they direct students to parking locations which will not conflict with the needs of other tenants.

(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 vocational school (bartending) lies within the C2 land use designation.

(2) Vocational schools are allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety.

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

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

(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP11-018, 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 17th day of October, 2011.



Scott Murphy
Deputy Zoning Administrator

Exhibit A
Aerial



Exhibit B
Site Plan

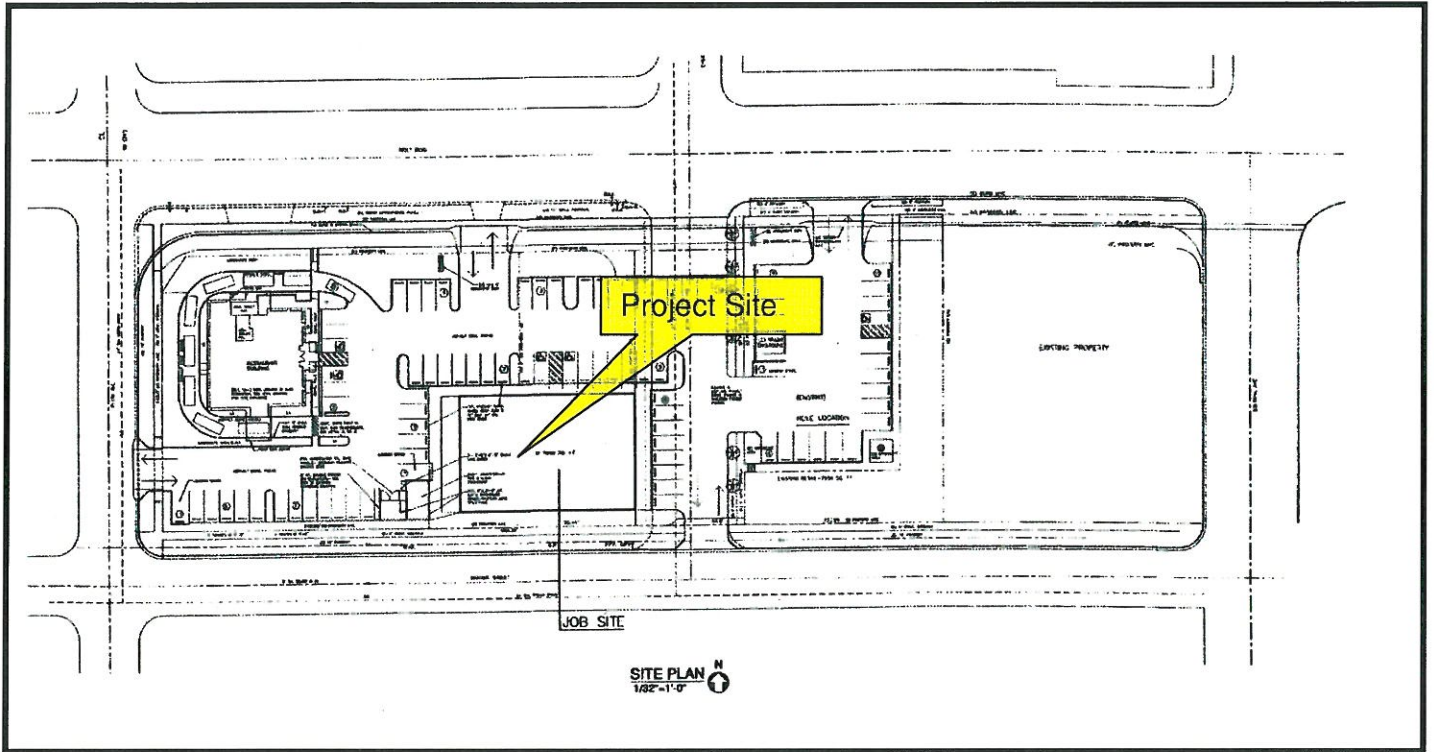


Exhibit C
Floor Plan

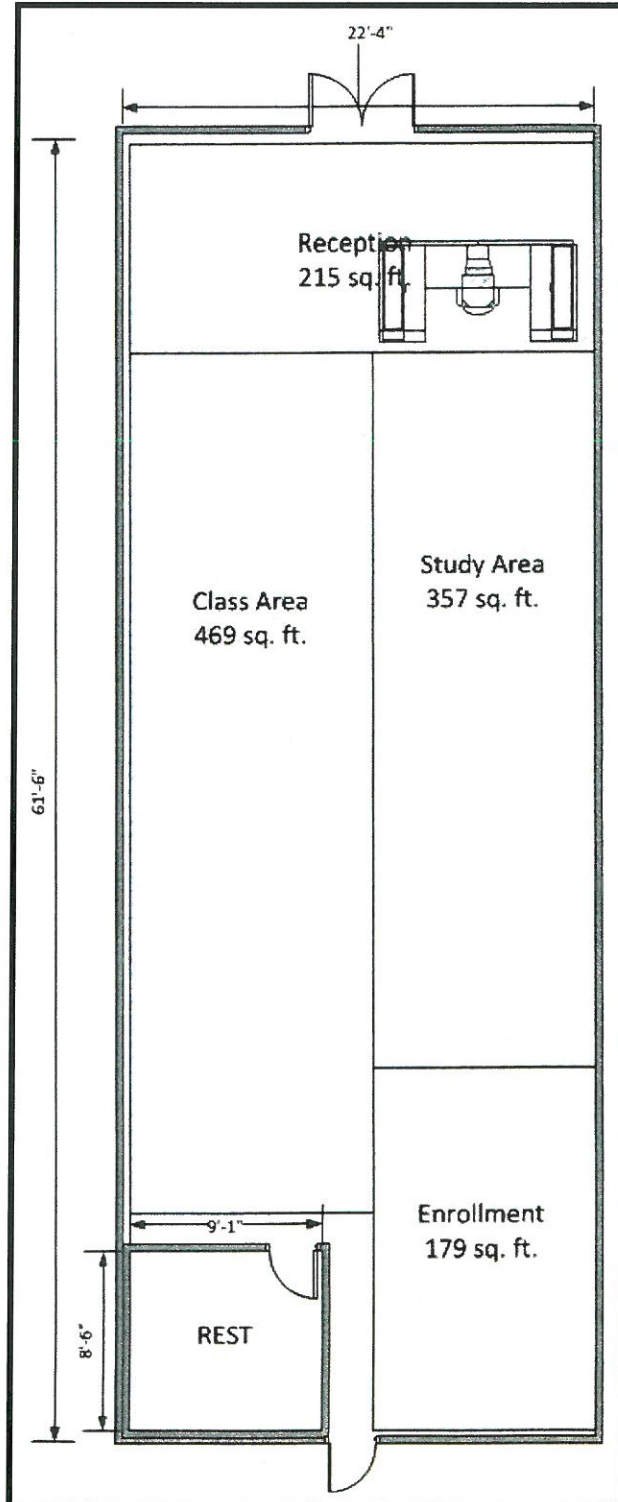


Exhibit D
Site Photos



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

DATE: October, 17, 2011

FILE NO.: PCUP11-018

SUBJECT: A Conditional Use Permit to establish a vocational school (bartending) within a 1,500 square foot suite in an existing shopping center on 0.30 acres of land located at 326 East Holt Boulevard, Unit "B," within the C2 (Central Business Commercial) zoning district.

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

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- LANDSCAPE

- BUILDING

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



CONDITIONS OF APPROVAL

DATE: October 17, 2011

FILE NO.: PCUP11-018

SUBJECT: A Conditional Use Permit to establish a vocational school (bartending) within a 1,500 square foot suite in an existing shopping center on 0.30 acres of land located at 326 East Holt Boulevard, Unit "B," within the C2 (Central Business Commercial) zoning district.

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>
Vocational School	1,500 SF 2 employees 6 students (at one time)	1 per employee plus 1 per 1.6 students	6
TOTAL			6

4.0 GRAFFITI REMOVAL

- 4.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 4.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.

6.0 ENVIRONMENTAL REVIEW

- 6.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 6.2 The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 No sale or use of alcohol is permitted on site. All "alcohol" for training purposes is to be simulated with water and food coloring.
- 7.2 A business license shall be obtained prior to operation of the Bartending School. All conditions of approval shall be addressed prior to business license approval.
- 7.3 Any proposed wall signs shall comply with the sign program for the center (File No. PSGP08-008). A sign permit from the City is required prior to the installation of any signs.
- 7.4 Window signage shall comply with the requirements of the Development Code. Window signs shall be limited to no more than 25 percent of each window pane or contiguous panes. A sign permit from the City is required prior to the installation of any window sign.
- 7.5 All comments/conditions from other departments shall be addressed.

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
 Carolyn Bell, Sr. Landscape Planner	8/23/11 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP11-018	Related Files:	Case Planner: Clarice Burden
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Project Name and Location: Royal Bartending School 326 East Holt Blvd #B

Applicant/Representative: Duke Williams 326 East Holt Blvd #B Ontario, CA 92501

- | | |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | A conceptual landscape plan (dated 8/1/11) 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 landscape 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.

- Contact the site management/ landscape maintenance company to coordinate the following:
1. Install new trees to replace dead or damaged in parking lot planters with: *Tristania conferta* or equal - 24" box.
 2. Remove weeds and Bermuda grass in planters.
 3. Replace missing shrubs with *Dietes* 5 gallon, & groundcovers *Gazania* or equal in all planters.
 4. Add a 12" wide band of mulch, DG or concrete pad in planters adjacent to parking spaces to allow access from vehicles and protect landscape from foot traffic.
 5. Trim overgrown shrubs and tie up vines on columns for a neater appearance
 6. Repair broken or leaking irrigation heads and adjust to eliminate overspray or run-off onto paving.
 7. Replace or upgrade the existing irrigation controller for a weather-based ET irrigation controller and sensor to conserve water, reduce costs and damage from improper irrigation.
 8. Call this department to set up a landscape inspection when work is completed.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”

TO: Clarice Burden, Associate Planner

FROM: Barbara White, Crime Prevention Specialist

DATE: September 12, 2011

SUBJECT: FILE NUMBER PCUP11-018 – A conditional use Permit to establish a vocational school (bartending) within a 1,500 square foot suite in an existing building on 0.30 acres of land located at 326 East Holt Boulevard, Unit “B”, within the C2 (Central Business Commercial) zoning district (APN: 1049-065-11).

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

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

- 1) No loitering will be allowed on the property. The applicant will have the appropriate signage properly posted to allow for enforcement.
- 2) No truck or commercial parking will be allowed on this site. The applicant will have the appropriate signage properly posted to allow for enforcement
- 3) The applicant will install illuminated address numbers, controlled by a photocell, upon each unit for easy identification for emergency personnel.
- 4) The exterior areas will need to be illuminated during the hours of darkness which is operated by photocells to come on at sunset and go off at sunrise. This is to include walkways, doorways, and other exterior areas of the property. Care will need to be given uniform lighting while not offending adjoining property. A minimum of one (1) footcandle of light is required.
- 5) The applicant shall apply rooftop numbers to the building. The rooftop numbers shall be a minimum of three (3) feet in length and one (1) foot in width and shall be painted in reflective white paint on a flat black painted background, away from

any rooftop obstacles. Such rooftop numbers shall be screened from public view and visible only from aircraft. The numbers shall be painted parallel to the street.

- 6) If an alarm is installed on the building, a blue flashing light shall be installed on the rooftop. This light shall be screened from public view but visible from the air. It shall only strobe during those times the alarm is activated
- 7) No alcohol will be permitted on the premises at any time.
- 8) Law Enforcement will be allowed to inspect the premises for alcohol products during regular business hours (10:00 am to 10:00 pm).

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



CITY OF ONTARIO

MEMORANDUM

TO: Clarice Ramey, Planning Department

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

DATE: September 21, 2011

SUBJECT: PCUP11-018: A Conditional Use Permit to establish a vocational school(bartending) within a 1500 square foot suite in an existing building on 0.30 acres of land located at 326 East Holt Boulevard, unit "B" within the C2 (Central Business Commercial) 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 2010 CFC 906.1
2. Decorative materials and furnishings shall be in accordance with those outlined in Chapter 8 of the 2010 CFC.

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.

