

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2011-19

HEARING DATE: September 19, 2011

DECISION DATE: September 29, 2011

FILE NO.: PCUP11-011

SUBJECT: A Conditional Use Permit to establish a martial arts studio, located at 1165 East Acacia Court, within the Business Park land use district of the Grove Avenue Specific Plan.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

GEORGE FULLERTON, 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 martial arts studio, located at 1165 East Acacia Court, within the Business Park land use district of the Grove Avenue Specific Plan. The use is proposed within an approximate 1,350 square foot suite within a 7,850 square foot existing building.
- (b) TOP Policy Plan Land Use Map Designation: Business Park
- (c) Zoning Designation: Business Park land use district of the Grove Avenue Specific Plan.
- (d) Surrounding Zoning and Land Uses:

	<i>Zoning</i>	<i>Existing Land Use</i>
North:	Grove Ave. SP – Business Park	Industrial Building
South:	Grove Ave. SP – Business Park	Industrial Building
East:	Grove Ave. SP – Business Park	Industrial Building
West:	Grove Ave. SP – Business Park	Industrial Building

- (e) Site Area: 0.58 acres
- (f) Assessor’s Parcel No(s): 1050-151-13

(g) Project Analysis:

Operations: Proposed hours of operation for the martial arts studio are from 4:45 to 8:45 p.m., Monday, Tuesday, Wednesday and Friday. Classes would consist of 15 to 20 students with a martial arts instructor. It is anticipated that one-hour children's classes would be scheduled from 5:00 to 7:00 p.m., Monday, Tuesday, Wednesday and Friday. Adult classes would be scheduled from 7:15 to 8:30 p.m., Monday, Wednesday and Friday.

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 martial arts studio relate to parking. The existing 7,850 square foot building is currently occupied by 99 Precision Tools, a business that machines metal parts. At the manufacturing parking standard of 1 space per 500 square feet, the building must provide 16 parking spaces for the current use. Utilizing 1,350 square feet of the building for a martial arts studio increases the parking required for that area to 1 space per 200 square feet. This increases the overall required parking from 16 spaces to 20 spaces. The property provides 25 parking spaces. Therefore, the required parking to accommodate the martial arts studio has been provided on-site.

The proposed location of the martial arts studio is within the Business Park land use district of the Grove Avenue Specific Plan. This district allows light industrial, research and development, and administrative office uses with ancillary retail. Entertainment and recreation uses are allowed upon approval of a Conditional Use Permit. The other on-site use at this location is a machine shop with hours of operation from 6:00 a.m. to 4:00 p.m. No conflict between uses is anticipated. The site is not designed to accommodate large trucks. As such, no significant impacts on the clients of the martial arts studio are anticipated.

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 (martial arts studio) that will be located within an existing building. The project site is located outside of the safety zones but is located within the 65-70 CNEL noise contour. Indoor recreation uses such as a martial arts studio are allowed within the 65-70 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.

Departmental Comments: City departments were given the opportunity to review the subject application and all are recommending approval of the application. The Planning, Building, Landscape, Police and Fire departments have placed conditions on the martial arts studio 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 19th day of September, 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) George Fullerton, the applicant, explained the business operation and spoke in favor of the application. He indicated that he has a 40 year history with martial arts and is a former public school educator and feels that his martial arts program will be positive for the community.

The Zoning Administrator asked Mr. Fullerton about the businesses in the surrounding area and compliance with various conditions of approval including the planting of a tree and installing doors for the trash enclosure. Jerry Blum, Zoning Administrator, asked Ms. Burden to refer to page two of the staff report referring to the surrounding and or adjacent land uses. He asked if the machine shop is located to the west of the building. Ms. Burden stated the other portions of the existing building are occupied by the machine shop.

Mr. Blum asked if the machine shop is a permitted use in the Business Park. Ms. Burden answered that light industrial and manufacturing uses are permitted in the Business park and the only types of businesses that would require a Conditional Use Permit in this Business park are automotive or truck repair and Commercial uses including entertainment, health clubs and spas.

Mr. Blum questioned the type of work that is operating next to the business. Ms. Burden stated the owner of the machine shop next to this business who is also the owner of the building operates a business that machines parts made out of metal.

Mr. Blum referred to page eight of the staff report showing the floor plan. He asked if the public entry into the studio is from the south into the office area. Ms. Burden answered it is located on the east side of the building which faces the parking lot and the entrance to the south is for emergency exits. The hatched area is for the proposed Martial Arts Studio.

Mr. Blum referred to page ten of the staff report, section 2.5. and asked if the term "null and void" be used if they have not yet instituted their use. The actual term should probably be "abandoned." Ms. Burden stated we may want to verify with BB&K for legal consistency of the terms.

Mr. Blum referred to page fifteen of the staff report and asked if building lights complied with the Police Department. Ms. Burden referred the question to the owner for a later time.

Mr. Blum asked if the applicant is proposing an alarm system for the building. Ms. Burden stated the building already has an alarm system.

(c) Applicant, George Fullerton, 1165 E. Acacia Court Suite B Ontario, CA, spoke of their operation and the good it will bring to the community of Ontario. He has been involved in martial arts for over forty years and is a former educator.

Mr. Blum stated this was the most eloquent statement he has heard from an applicant in thirty-six years of experience. Mr. Blum asked what type of impacts may affect the business from surrounding business and asked if the plant tree is still missing near mailboxes.

Mr. Fullerton stated he does not feel the Martial Arts Studio would impact the surrounding uses since his hours of operation are different from the others and their hours will also not be affected his. He had no questions on staff report and no concerns with the conditions. He stated the plant tree issue has been completed. The metal gate is also in progress. They are receiving bids to correct the condition. The parking lot is well lit. Mr. Fullerton requested the decision be expedited if possible due to the amount of rent he is paying out in the meantime.

Mr. Fullerton indicated that the tree has already been planted and that the door for the trash enclosure is in the works. He stated that he does not think there would be an impact with the surrounding uses since his hours of operation are different from the others. He indicated that he had no questions on the staff report and no concerns with the conditions.

(d) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing. Mr. Blum stated he appreciates the comments of Mr. Fullerton. He believes this will be a positive program for the community and the applicant appears to have a good background to help the community.

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 martial arts studio lies within the Business Park land use district of the Grove Avenue Specific Plan.

(2) A martial arts studio 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.

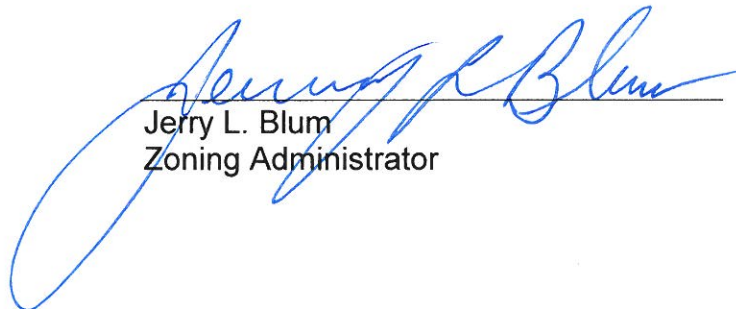
(6) The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(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. PCUP11-011, 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 29th day of September, 2011.



Jerry L. Blum
Zoning Administrator

Exhibit 1
Aerial view

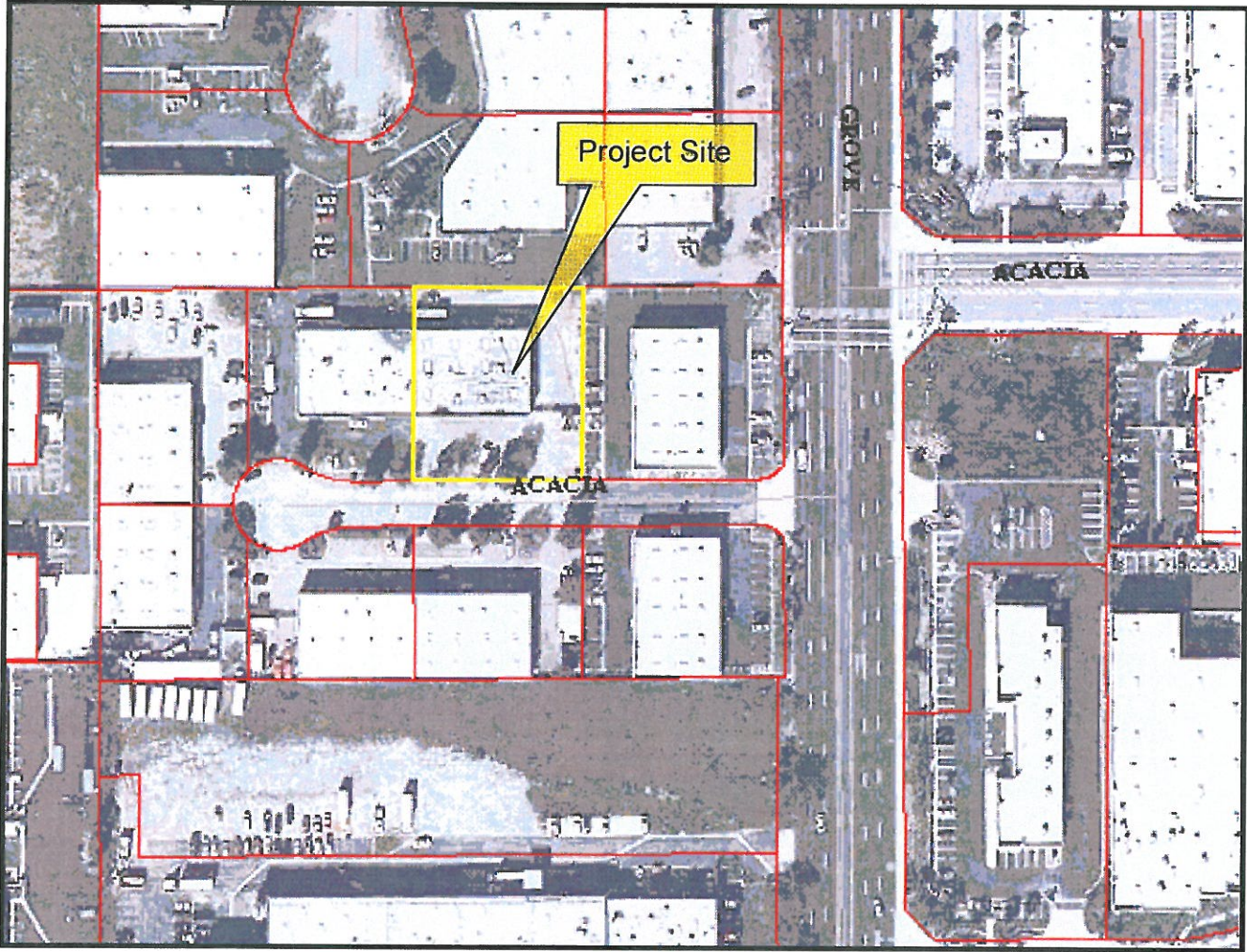


Exhibit 2
Site Plan

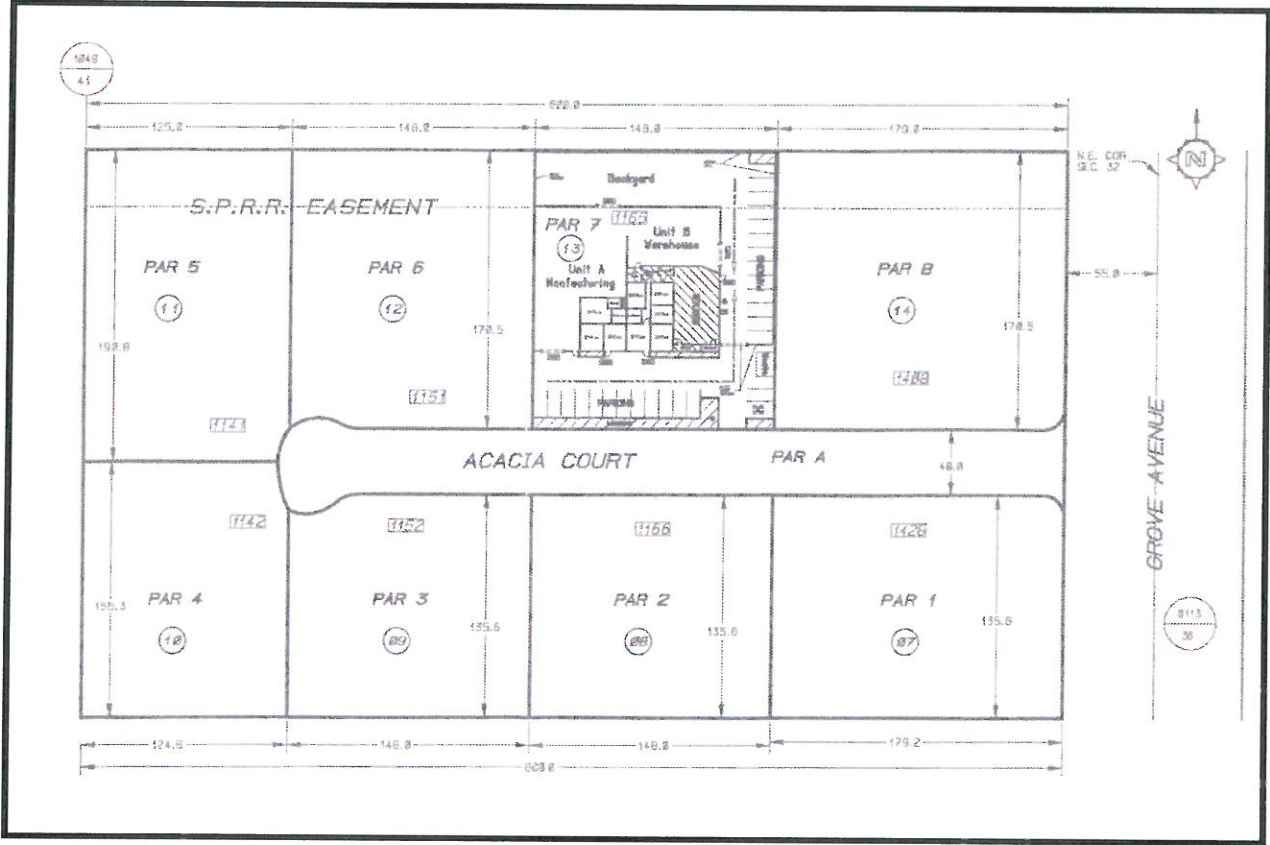
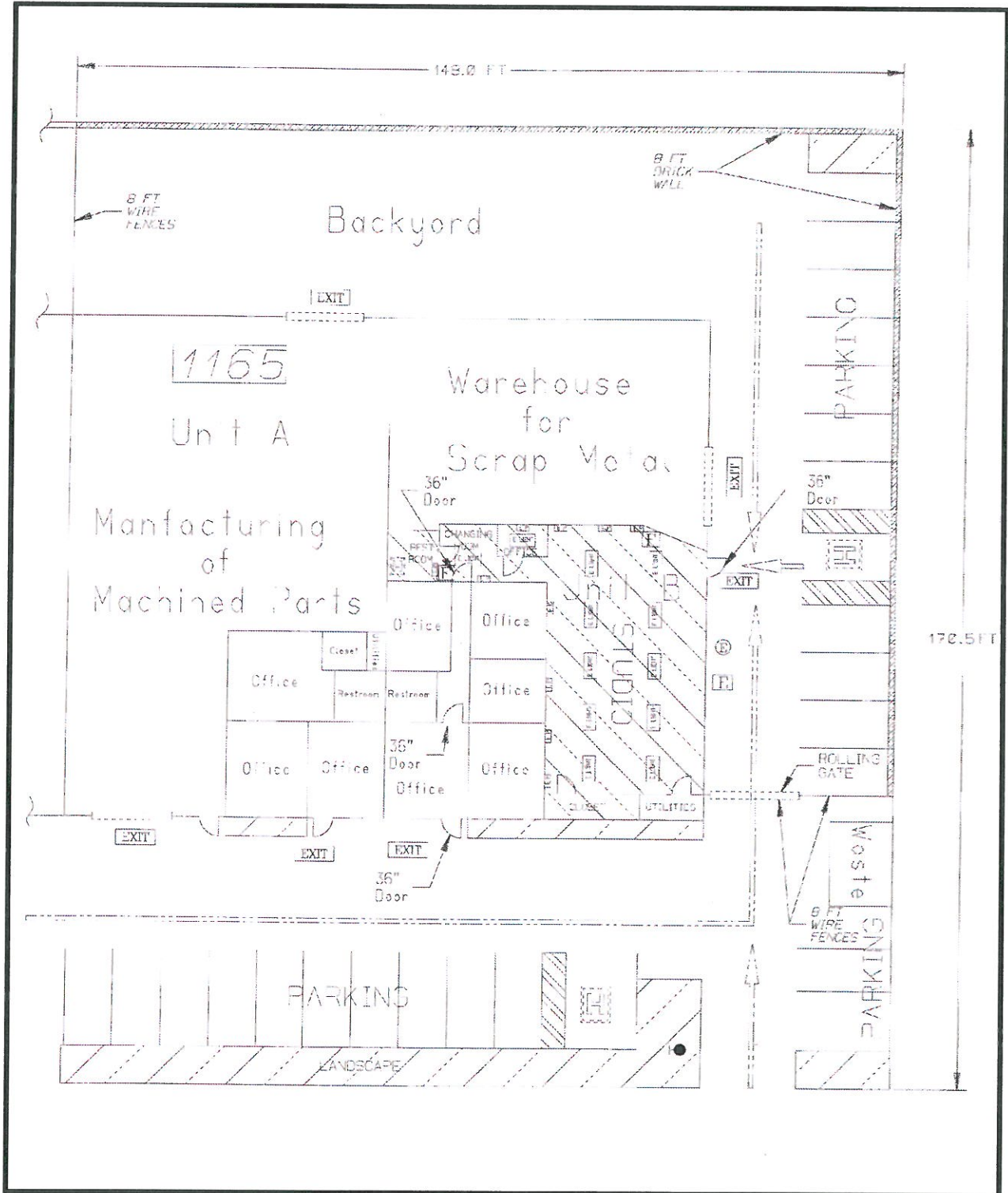


Exhibit 3
Floor Plan



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

DATE: September 19, 2011

FILE NO.: PCUP11-011

SUBJECT: A Conditional Use Permit to establish a martial arts studio, located at 1165 East Acacia Court, within the Business Park land use district of the Grove Avenue 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: September 19, 2011

FILE NO.: PCUP11-011

SUBJECT: A Conditional Use Permit to establish a martial arts studio, located at 1165 East Acacia Court, within the Business Park land use district of the Grove Avenue 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 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>
Martial Arts Studio	1,350	1 space per 200 square feet	7
Machine Shop	6,500	1 space per 500 square feet	13
TOTAL	7,850		20

- 3.2 The property provides 25 existing parking spaces.

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 The conditions required by other City departments/agencies shall be addressed.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Clarice Burden
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: August 30, 2011
SUBJECT: PCUP11-011

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

Conditions of Approval

1. Permit B201101925 must be finalized before occupancy will be granted for tenant.

KS:kc

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

DAB CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

7/29/11
Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner		Phone: (909) 395-2237
D.A.B. File No.: PCUP11-011	Related Files:	Case Planner: Clarice Burden
Project Name and Location: Martial Arts Studio 1165 East Acacia Court		
Applicant/Representative: Ty Romero 99 Precision Tools		

<input checked="" type="checkbox"/>	A conceptual landscape plan (dated) 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.

Contact the site management/ landscape maintenance company and coordinate the following:

1. ok
2. ok
3. Plant tree missing from front planter near mail boxes – Brachychiton populneus 24" box size.
4. ok
5. Adjust and repair all irrigation heads to prevent any overspray or run-off onto paving.
6. ok
7. ok
8. Repair or replace trash enclosure gates so that the bin can be kept inside the closed enclosure.
5. ok

**CITY OF ONTARIO
POLICE DEPARTMENT
SITE PLAN REVIEW AND DAB REPORT
FILE NO. PCUP11-011**

TO: Clarice Ramey, Associate Planner

FROM: Barbara White, Crime Prevention Specialist - DAB

DATE: July 13, 2011

LOCATION: A conditional use permit to establish a martial arts studio, located at 1165 East Acacia Court, within the Business Park land use district of the Grove Avenue Specific Plan (APN: 1050-151-13)

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

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 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.
- Parking lot lights shall remain illuminated one hour past the last scheduled class.
- 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.

Should you have any questions regarding these conditions please call me at (909) 395-2493.



CITY OF ONTARIO MEMORANDUM

TO: Clarice Ramey, Associate Planner

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

DATE: June 14, 2011

SUBJECT: PCUP11-011 A Conditional Use Permit to establish a martial arts studio, located at 1165 East Acacia Ct, within a Business Park Land use District of the Grove Avenue Specific Plan.

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

The following comments apply to this project

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.