

# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2011-04

HEARING DATE: March 21, 2011

DECISION DATE: April 1, 2011

FILE NO.: PCUP10-054

**SUBJECT:** A Conditional Use Permit to establish an adult daycare facility within an existing 4,671 square foot commercial building on 0.20 acres of land located at 214 West "E" Street, within the C2 (Central Business District) zone.

**STAFF**

**RECOMMENDATION:**  Approval  Approval, subject to conditions  Denial

## PART A: BACKGROUND & ANALYSIS

Travel World USA Inc. (dba-Mission Adult Day Health Care Center), herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: Mission Adult Day Health Care Center (Mission ADHC), proposes to establish an adult daycare facility within an existing 4,671 square foot commercial building located at 214 W. "E" Street. The project site is located along the north side of "E" Street, between Palm Avenue to the west and Laurel Avenue to the east.

(b) General Plan Designation: High Density Residential

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

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	C2	Commercial/Residential
South:	C2	Parking Lot
East:	C2	Professional Offices
West:	C2	Vacant Commercial Building

(e) Site Area: 8,554 sq. ft. (0.20 Acres)

Approved By:

\_\_\_LB\_\_\_ Senior Planner

Form Revised: 02/02/2010

(f) Assessor's Parcel No(s).: 1048-352-10

(g) Project Analysis:

**Proposed Use:** Travel World USA Inc., operating under the dba of "Mission Adult Day Health Care Center" (Mission ADHC) is requesting to establish an adult daycare center. Mission ADHC is licensed by the Department of Health Services to serve 40 individuals. The goal of Mission ADHC is to provide a comprehensive program designed for adults ages 18 years and above. Mission ADHC is currently located in the City of Montclair, California, and would like to relocate to the City of Ontario. Mission ADHC has been operating out of Montclair since 2004.

According to the applicant, the proposed use is "a community based health care program designed to provide medical, rehabilitative, social and recreational services for adults who are frail physically or emotionally impaired." The goal of Mission ADHC is to provide care and assistance to keep individuals living long healthy and independent lives. Services that will be provided will include: nursing and personal care, social services, speech therapy, nutritional service, therapeutic activities, transportation, and meals. Physical fitness, social trips and personal grooming will also be part of the social activities provided. Mission ADHC proposed hours of operation are Monday to Friday from 8 a.m. to 5 p.m., with a staff of six.

**Site Plan:** The building is located on zero setback along "E" Street, with parking located at the rear of the building. Parking access is from the rear, through an alley, that extends east to Palm Avenue and west to Laurel Avenue. The existing parking lot has 16 parking spaces.

During the review of this application, the applicant worked with staff to redesign the existing parking lot to improve site circulation and safety. The existing parking facility has 16 parking spaces located within two rows of 60-degree parking, with only one point of ingress and egress. The existing parking lot does not have space for vehicles to maneuver around at the end of the parking lot. These were concerns for staff. To address these concerns, since the use only requires 8 parking spaces per the Community Care Facility parking requirements; staff worked with the applicant to redesign the parking layout. The revised plan has replaced the 60-degree parking with 90-degree parking. The plan has also eliminated one row of parking and is now providing ample back up space. The new layout will allow vehicles to back up safely and maneuver in and out of the parking lot.

**Floor Plan:** The building to be occupied is approximately 4,671 square feet in size. The proposed floor plan will include a kitchen, two activity rooms, storage space, restrooms, office space, and a quiet room. Access to the building will be from the north and south sides of the building. The applicant does not anticipate any alterations to the building, except for adding a fire sprinkler system that has been required as a condition of approval by Fire and Building and Safety.

**Land Use Compatibility:** The subject property is located within the C2 (Central Business District) zone. Within the district, the proposed use is a conditionally permitted use. The project site is within an established commercial area, developed with a mix of office and residential uses. To the east of the project location is an established professional office use and to the west a vacant commercial building. It is staff's belief that the businesses within the immediate area of the proposed use will not be exposed to any impacts beyond those that would normally be associated with office uses that currently exists within the project area. Staff anticipates no land use compatibility problems to result with the proposed adult care facility. Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts with the proposed use.

**Community Meeting:** On February 8, 2011, a community meeting was held for property and business owners located within 300-feet of the site. Three property owners, within the notified area, attended the meeting. They were all in support of the proposed use and indicated that they were glad to see a new use/business wanting to move into the area. They mentioned that they each owned commercial property in the area and that they have had difficulties finding anyone to move in for the past few years. They were glad to see someone wanting to move in.

**Departmental Review:** Each member of the Development Advisory Board (DAB) was provided the opportunity to review and comment on the subject application and recommend conditions of approval. At the time of Decision preparation, conditions of approval were provided from Planning, Fire, Engineering and Police and are attached to this report. As a result of the positive outcome from the community meeting and that no opposition was received from departments, the Planning Department supports the proposed use subject to the attached conditions of approval.

**Public Notification:** The application was advertised as a public hearing item 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 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 21st day of March, 2011, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Denny Chen, *Associate Planner* presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the attached conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Ms. Jane Fidelino, R.N., the applicant's representative, explained the business operation and spoke in favor of the application.
- (c) Scott Murphy, Deputy Zoning administrator, asked the applicant if they had reviewed the conditions of approval, in particular, the condition relative to fire sprinklers. The applicant responded that they were aware of the condition and that would be the responsibility of the property owner to complete.
- (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. Mission ADHC lies within the C2 zone.
  - (2) The proposed use 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. The location of the proposed use is consistent with the objectives 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 addition of the proposed use on an existing commercial building will not significantly increase traffic in the area nor overload the surrounding street system.

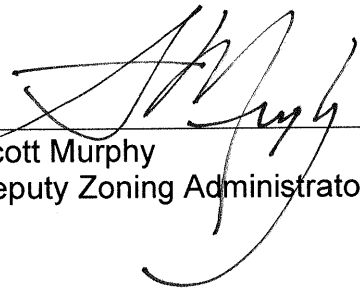
(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The Conditional Use Permit for establishment of an adult daycare center will comply with each of the provisions in the C2 zone.

(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 Section § 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. PCUP10-054, subject to the conditions of approval attached hereto and incorporated herein by this reference.

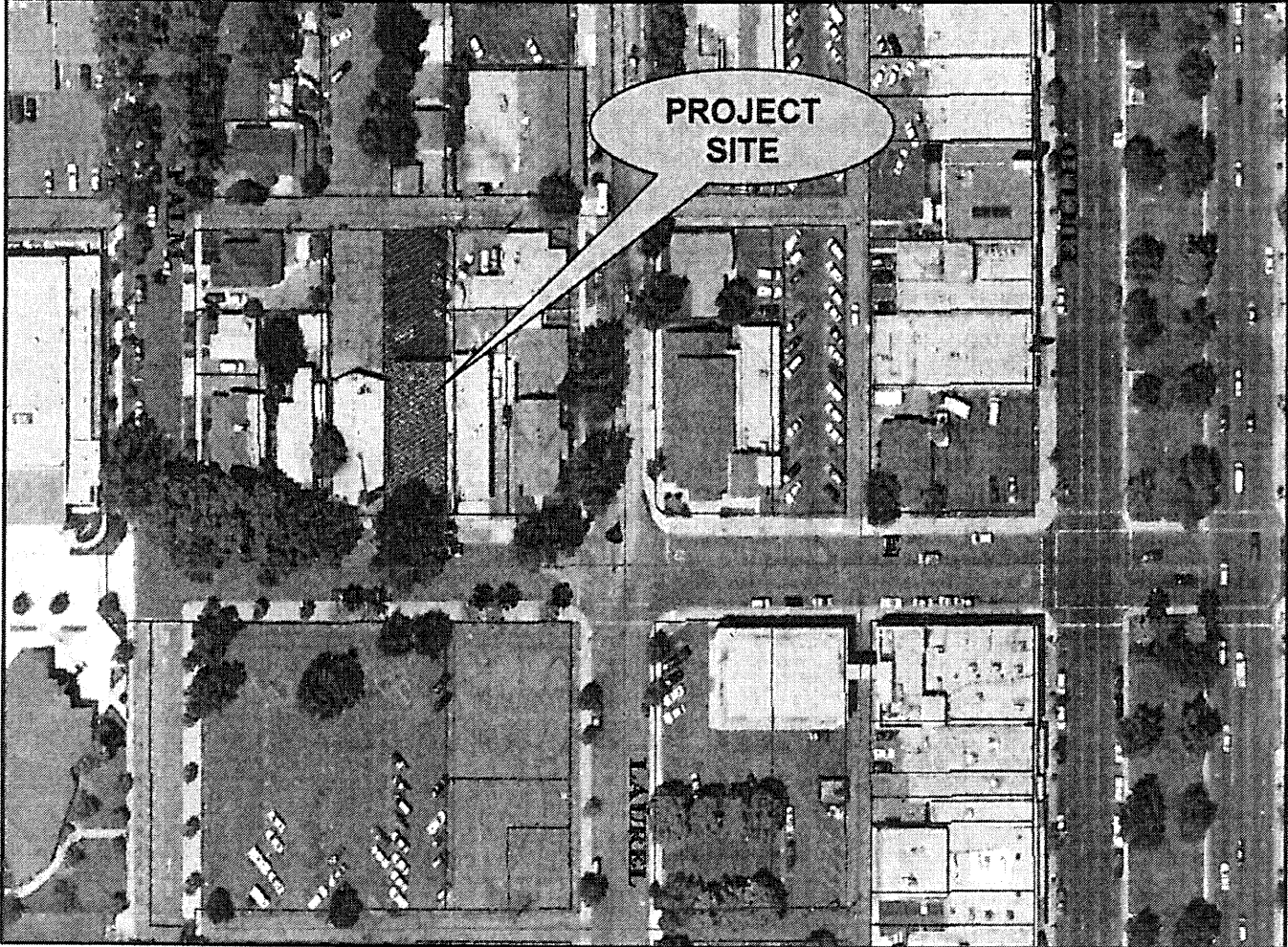


APPROVED by the Zoning Administrator of the City of Ontario on this 1st day of April, 2011.

  
\_\_\_\_\_  
Scott Murphy  
Deputy Zoning Administrator

EXHIBITS

Exhibit A: *Aerial Photo*

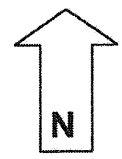
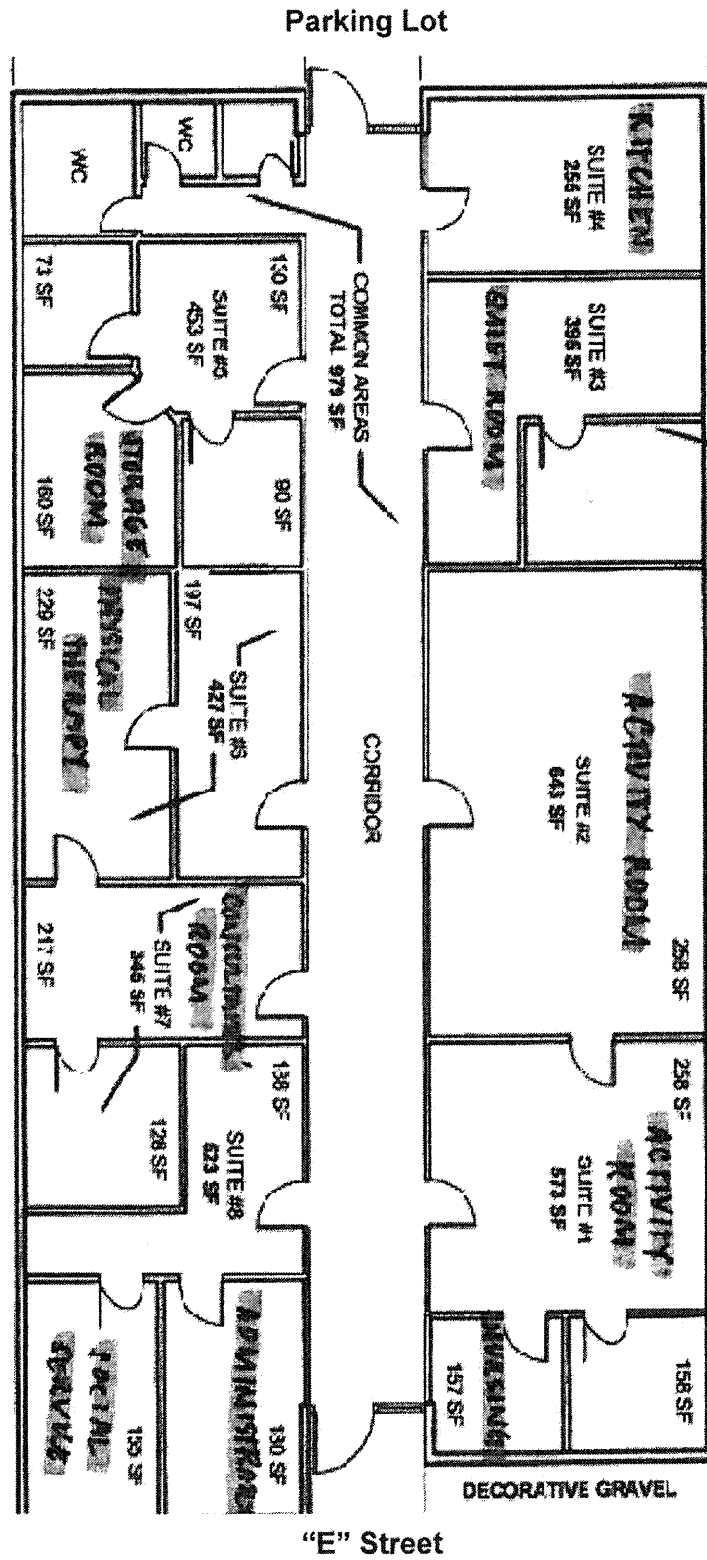




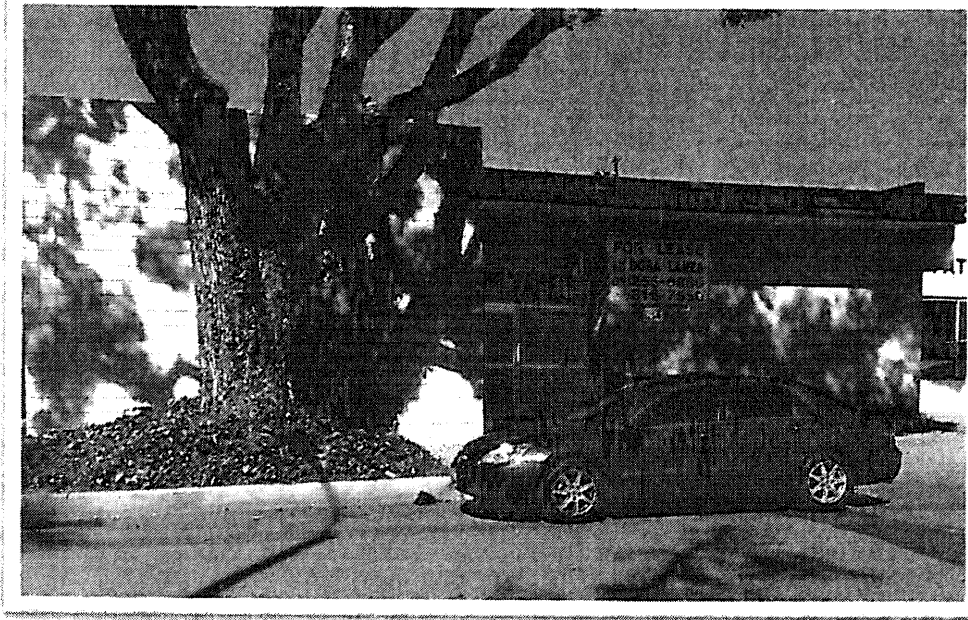




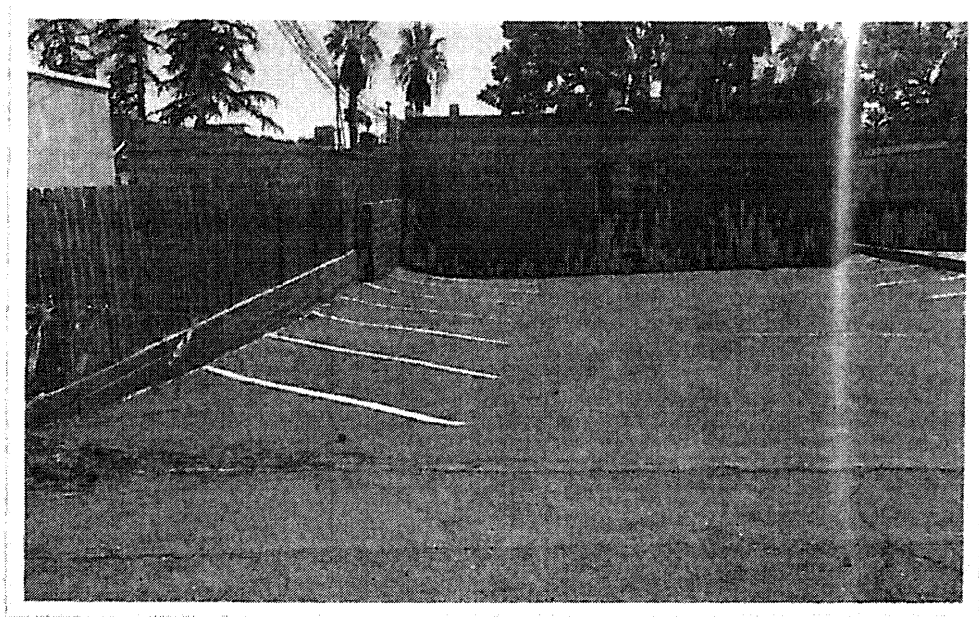
# Exhibit C: Proposed Floor Plan



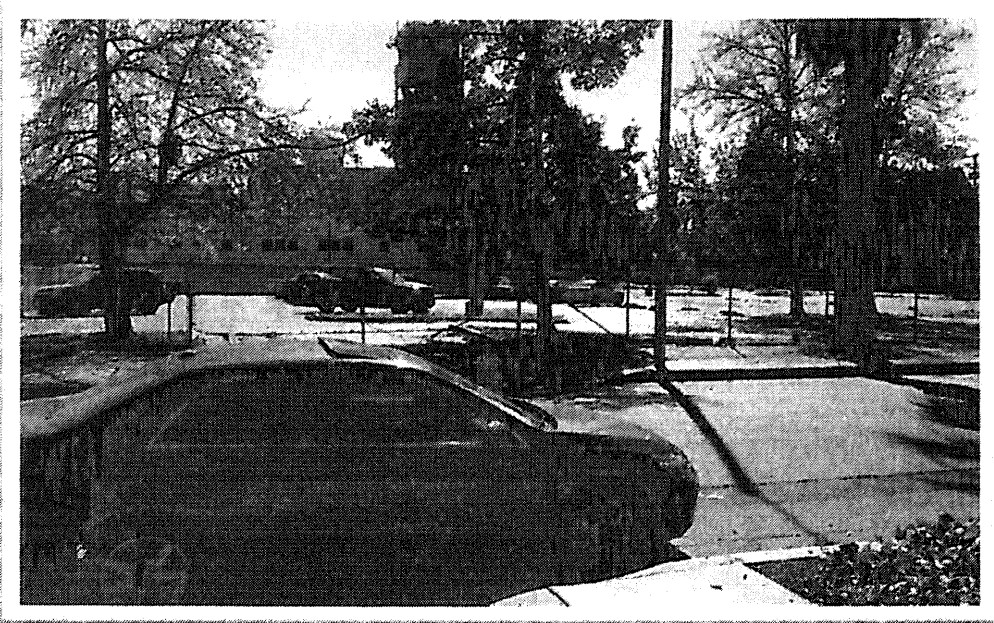
**Exhibit D: Site Photos**



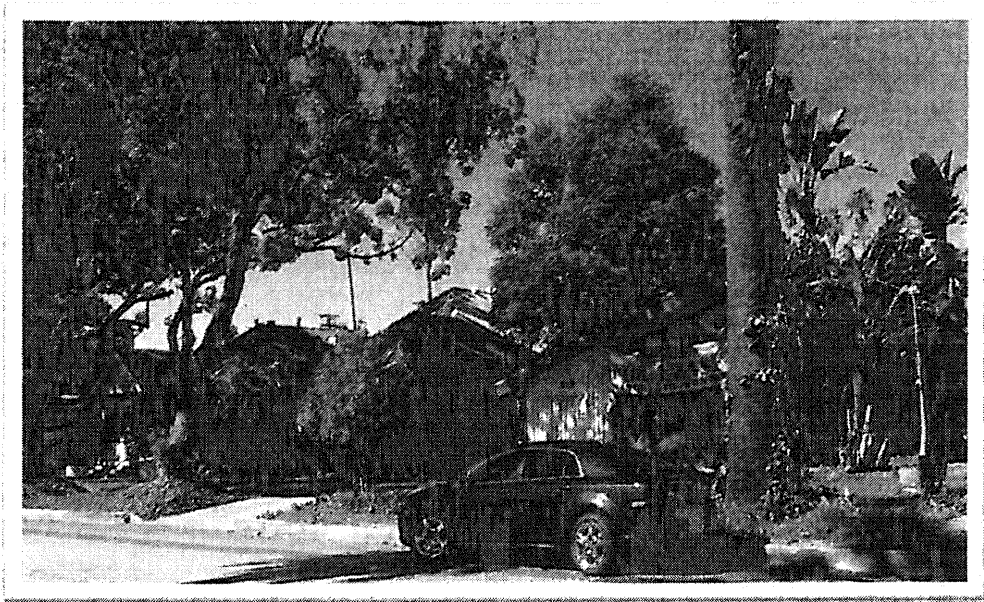
**Front View of Subject Building**



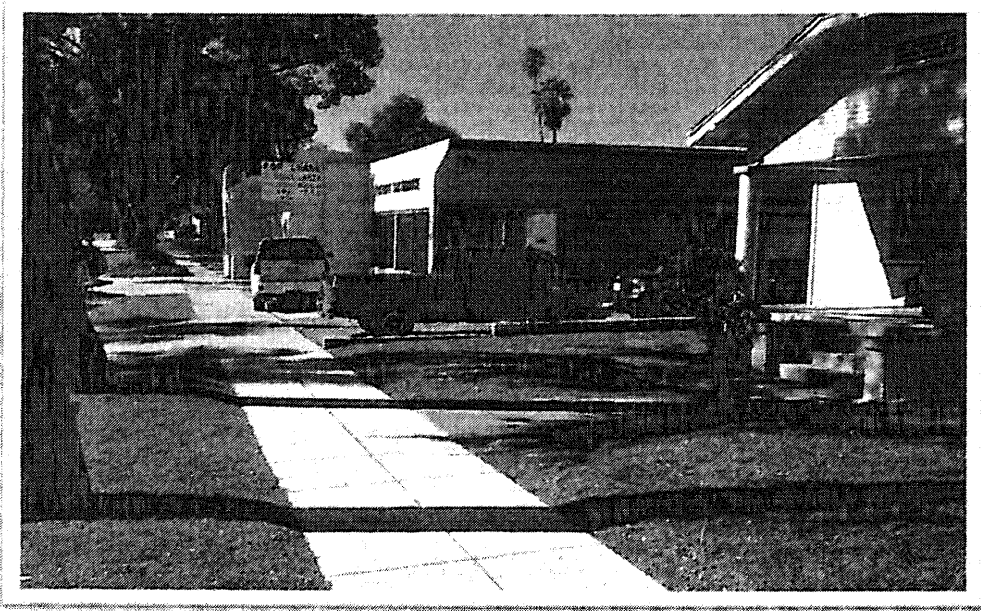
**View of Existing Rear Parking Lot**



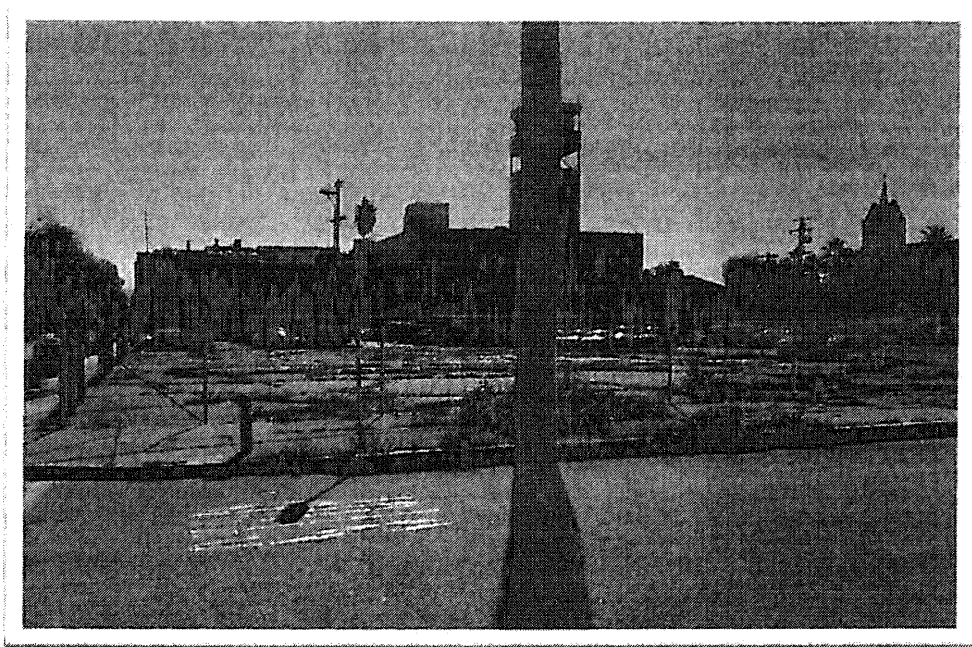
**View Looking South**



**View Looking West**



**View Looking East**



**View Looking Southeast**

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

**DATE:** March 21, 2011

**FILE NO.:** PCUP10-054

**SUBJECT:** A Conditional Use Permit to establish an adult daycare facility within an existing 4,671 square foot building on 0.20 acres of land located at 214 West "E" Street, within the C2 (Central Business District) zone.

---

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:** March 21, 2011

**FILE NO.:** PCUP10-054

**SUBJECT:** A Conditional Use Permit to establish an adult daycare facility within an existing 4,675 square foot building on 0.20 acres of land located at 214 West "E" Street, within the C2 (Central Business District) zone.

---

### 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 Project shall provide a minimum of 8 parking spaces for the approved use.

### **4.0 SITE LIGHTING**

- 4.1 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.

### **5.0 ADDITIONAL REQUIREMENTS**

- 5.1 Business hours shall be limited to 8 a.m. to 6 p.m. Monday to Friday.
- 5.2 The applicant shall repair and repaint the existing fence along the east property line and or replace with new. Minimum height shall be 6 feet.
- 5.3 Building shall obtain a final from Fire, Building, Engineering and Planning prior to occupancy of the building.
- 5.4 Applicant shall provide six (6) large landscape potted plants along the south side of the building next to building to enhance the entrance. Landscaping shall be maintained at all time. Size and location of potted plants shall be approved by the Planning Department prior to occupancy. An automatic sprinkler system shall be incorporated.
- 5.5 Applicant shall designate one of the parking spaces near the building as a loading space.
- 5.6 Any damage to existing parking lot shall be repaired.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Luis Batres, Senior Planner  
Planning Department

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

**DATE:** March 8, 2011

**SUBJECT:** PCUP10-054 A conditional use request to establish an adult health care facility within and existing 4675 square foot building, located on 0.2.0 acres of developed land, at 214 West "E" Street, within the C2 (Central Business District) zoning district (APN:1048-352-10)

---

The plan does adequately address the departmental concerns at this time. Fire Department approval is based upon submittal and approval of plans addressing items 1-3 prior to occupancy.

No comments

Report below.

- 
1. An automatic sprinkler system throughout the building in Group I fire area in accordance with 2007 CFC 903.2.5. Provide sprinkler plans for review and approval.
    - a. Based upon the definitions provided from the California Fire Code and the conversation I had with property manager. The adult health care facility located at 214 West E Street, should classified as a Group I-4 day care facility and be required to have automatic Fire sprinkler system installed as per fire code. Based on the following:
      - i. The clients using the facility will be in a supervised environment, and may have physical limitations because of health or age.
      - ii. The clients using the facility may be non-ambulatory person relying on walkers' wheelchairs or crutches.
      - iii. Supervision of client schedules and activities will occur on site.
      - iv. Facility will require community care license.
  2. A manual fire alarm system shall be installed in Group I occupancies> An electronically supervised, automatic smoke detection shall be provided in accordance with 2007 CFC 907.2.6.1 and 907.2.6.2. Provide fire alarm plans for review and approval.



3. Fire Extinguishers shall be provided in accordance with 2007 CFC 906. Provide a building plan showing the location of the fire extinguishers.

#### **Definitions**

- **Care and Supervision.** Any one or more of the following activities by a person or facility to meet the needs of the clients:
  - Assistance in dressing, grooming, bathing and other personal hygiene.
  - Assistance with taking medication
  - Central storing and/or distribution of medications.
  - Arrangement of and assistance with medical and dental care.
  - Maintenance of house rules for protection of clients.
  - Supervision of clients' schedules and activities.
  - Maintenance and/or supervision of clients cash resources or property.
  - Monitoring food intake or special diets.
  - Providing basic services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a community-care facility license.
- **Clinic – Outpatient.** Buildings or portions thereof used to provide medical care on a less than 24 hour basis to individuals who are not classified as *non-ambulatory or bedridden* or rendered incapable of self-preservation by services provided.
- **Non-ambulatory Persons.** Persons unable to leave a building unassisted under emergency conditions. It included, but is not limited to, persons who depend on mechanical aids such as crutches, walkers, and wheelchairs, and any persons who are unable to physically and mentally respond to a sensory signal approved by the state fire marshal or an oral instruction to fire danger.
- **Business Group B.** Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not limited to, the following:
  - Clinic –outpatient
- **Institutional Group I.** Institutional Group I occupancy includes, among others, the use of a building or structure, or a portion thereof. In which people are cared for or live in a supervised environment, having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or which people are detained for penal correctional purposes, or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3, or I-4. Restraint shall not be permitted in any building except in Group I-3 occupancies constructed for such use. See California Building Code Section 408.1.1.
- **Group I-4, day-care Facilities.** This group shall include buildings and structures occupied by *persons* of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the *person* cared for. A facility such as the above with *six* or fewer *clients* shall be

classified as the Group R-3 or shall comply with the California Residential Code. Places of worship during religious functions are not included.

---

For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us), click on Fire Department and then on forms.

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Luis Batres  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** November 23, 2010  
**SUBJECT:** PCUP10-054

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

---

### Conditions of Approval

1. Existing building is required to be upgraded to current code due to change use.
2. This use is a Group I-4 occupancy.
3. Fire sprinklers are required.

KS:kc



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*

**TO:** Luis Batres, Senior Planner

**FROM:** Barbara White, Crime Prevention Specialist / DAB

**DATE:** December 9, 2010

**SUBJECT:** File No. PCUP10-054 A Conditional Use Permit to request to establish an adult health care facility within an existing 4,675 square foot building, located on 0.20 acres of developed land, at 214 West “E” Street, within the C2 (Central Business District) zoning district.

---

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

### **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.
- Standard Conditions of Approval will apply.
- All planned parking areas shall have a minimum maintained lighting level of one-foot candle (1 F.C.) or greater. The lighting shall be on from sunset to sunrise, and be operated by a photocell. The site plan shall be provided to the Police Department. It shall show all buildings, the parking areas, walkways, detailed landscaping and a point by point photometry calculation of required light levels.
- Foot-candles shall be measured on a horizontal plane and conform to a uniformity ratio of 4 to 1. Landscaping shall not be planted to obscure required light levels. The applicant is required to submit two sets of plans showing photometry's with an overlay of landscaping. The light source utilized to comply with this section to meet parking and drive surface lighting shall have a rated average bulb life of not less than 10,000 hours.

- 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.
- Luminaries utilized to meet the requirements outlined herein shall have vandal resistant light fixtures and shall not be less 8 feet in height from ground level. Luminaries of not less than 42 inches may be utilized to illuminate a walkway if adjacent landscaping is of a variety which does not mature higher than 2 feet. Such luminaries shall not interfere with the required light distribution for a distance of 16 feet along the walkway. Light fixtures shall be deemed accessible if mounted within 15 feet vertically or 6 feet horizontally from any accessible surface or adjoining roof, balcony, landing, stair treads platform, or similar structure.
- Roof top numbers shall be installed on all commercial/industrial buildings if not already installed. 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.
- If an alarm is installed on the building, a blue flashing light (minimum 25 watt) 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
- Block walls or screening walls are required to have climbing plants or anti-graffiti elements such as anti-graffiti paint to prevent walls from being vandalized.
- The trash enclosures will be locked at all times. On the days of trash pickup the enclosures will be unlocked until the receptacle is emptied and then locked again. This will keep transients from living in the enclosure and pilfering trash and recyclable items

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



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Traffic/Transportation Division and Municipal Utilities Agency, and Environmental Section Conditions incorporated)

**DATE:** 03.14.2011

**PROJECT PLANNER:** Luis Batres, Planning Department

**PROJECT:** PCUP10-054, a Conditional Use Permit to establish an adult health care facility within an existing 4,675 square foot building, located on 0.20 acres of developed land, at 214 West "E" Street, within the C2 (Central Business District) zoning district.

**APN:** 1048-352-10

**LOCATION:** 214 West "E" Street

**PROJECT ENGINEER:** Arij Baddour, Engineering Department *AB*

---

**ENGINEERING DEPARTMENT HAS CONDITIONS FOR THE MOST RECENT SUBMITTAL OF THE ABOVE REFERENCED SITE.**

1. Developer is required to remove and replace the damaged existing sidewalk panels along "E" Street per City of Ontario Standards.
2. Developer is required to install backflow prevention assembly to existing domestic water connection per City of Ontario standard # 4206 or 4207.