

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-08

HEARING DATE: May 7, 2012

DECISION DATE: May 7, 2012

FILE NO.: PCUP12-003

SUBJECT: A Conditional Use Permit request to allow retail sales of used auto parts to occupy more than 15 percent of the floor area within two suites totaling approximately 2,900 square feet in an existing building on 2.31 acres in the M3 (General Industrial) zone located at 969 West State Street, Units H and I.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

BANDIT, 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 request to allow retail sales of used auto parts to occupy more than 15 percent of the floor area within two industrial suites totaling approximately 2,900 square feet in an existing building on 2.31 acres of land in the M3 (General Industrial) zone, located at 969 West State Street, Units H and I.

(b) TOP Policy Plan Land Use Map Designation: Industrial

(c) Zoning Designation: M3 (General Industrial)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M3	Industrial
South:	M3	Industrial
East:	M3	Industrial
West:	M3	Industrial

(e) Site Area: 2.3 Acres

(f) Assessor's Parcel No.: 1011-161-03

Approved By:

-1-

CM Senior Planner

Form Revised: 02/02/2010

(g) Project Analysis:

- Operations: The applicant proposes to occupy 2 suites within an existing industrial complex. One suite, which already contains 2 car lifts, will be used for the disassembling of vehicles and the removal of used auto parts. Approximately half of the other suite will be used for storage of the parts, with the other half used for sales of the parts. Approximately 60% of the sales will be handled through the internet, and about 40% will be sold locally.

The business will specialize in BMW, Mercedes Benz and other European auto makers, as well as hybrid and electric vehicles. The business plans to transition to all electric vehicle parts in the future.

The applicant proposes to operate the business between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, and 10:00 a.m. to 3:00 p.m. on Saturday. The applicant plans to employ 3 people – one in the parts removal area, one in the sales area and one that floats between the two areas.

All work will be performed within the enclosed building; and all vehicle and parts storage will also take place indoors only. All scrap and waste fluids will be stored indoors and will be removed from the site by a certified hazardous waste hauler.

- 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 M3 (General Industrial). Within the M3 zone, used auto parts sales businesses with a retail floor area in excess of 15% of the total floor area are conditionally permitted. The proposed business is located within an existing multi-tenant industrial complex, which is largely occupied by auto repair businesses. Railroad tracks with industrial uses beyond are located to the north, and industrial uses are located to the south. Properties to the east and west are also characterized by industrial land uses.

A potential impact of a used auto parts sales business with retail in excess of 15% of the floor area in an industrial zone would be onsite parking. Within the multitenant industrial complex, each unit is assigned 2 spaces. Thus, 4 spaces would be allocated to the two suites for this business. All work on the parts vehicles will be done inside the enclosed building, with no vehicle or part storage allowed outside; thus, all 4 spaces would be available for employees and customers. The retail portion of the business will take up about 600 square feet (about 22 percent of the floor area) requiring 2 parking spaces; the 2,200 square feet of parts removal and storage area requires an additional 2 spaces for a total requirement of 4 spaces. Therefore, the onsite parking appears to be adequate for the use.

The impacts of the used auto parts business on the surrounding neighborhood are not anticipated to be different than the impacts of the other auto related uses within the industrial complex and the M3 zone.

- 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.
 - Department Review: The Conditional Use Permit request for the proposed use was forwarded to the various City departments for comment. The Planning and Police Departments have requested the placement of conditions of approval on the use, which are designed to mitigate anticipated impacts from the proposed use.
- (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 7th day of May, 2012, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) 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) Nassry Bandek, Jr., the applicant, explained the business operation and spoke in favor of the application and indicated that he had read and was in agreement with the conditions of approval.

(c) The Zoning Administrator clarified that all work would be done and all materials would be stored inside the enclosed building including storage of parts, waste fluids, recyclable materials and scrap. Mr. Bandek indicated that about 80 to 85 percent of the vehicle will be sold for reuse and that all materials including scrap will be stored indoors prior to being removed from the site.

(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 retail sales of used auto parts occupying more than 15 percent of the floor area use lies within the M3 (General Industrial) land use designation.

(2) The retail sales of used auto parts occupying more than 15 percent of the floor area 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.

(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. PCUP12-003, 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 7th day of May, 2012.



Barbara C. Millman
Deputy Zoning Administrator

Exhibit A
Aerial

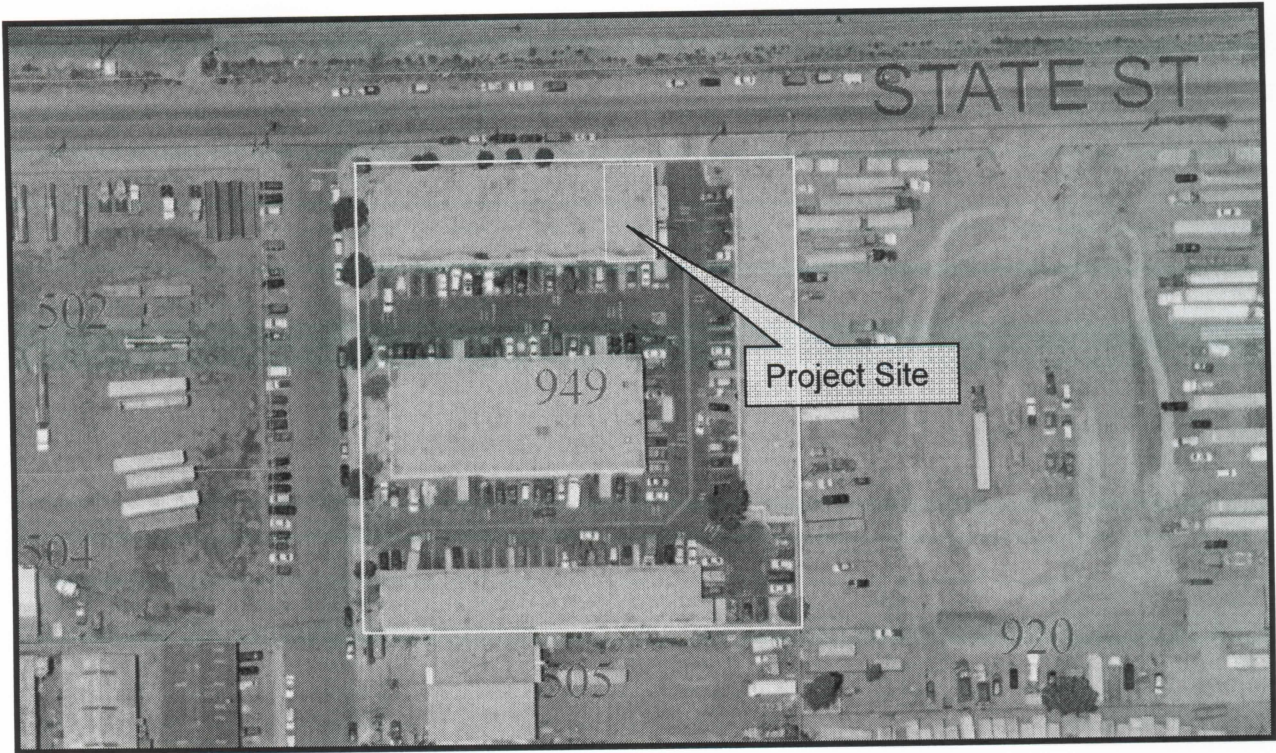


Exhibit B
 Site Plan

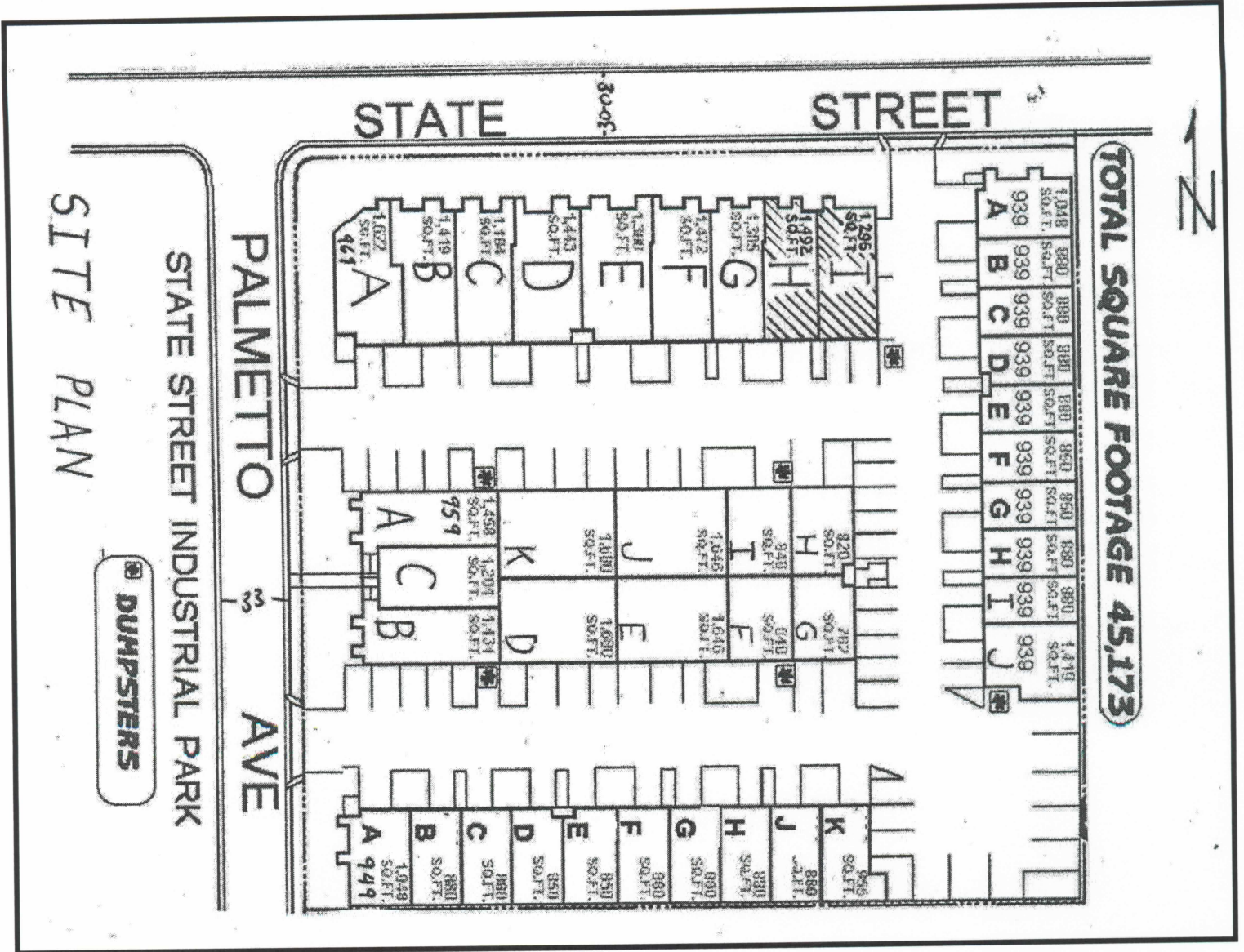


Exhibit C
Floor Plan

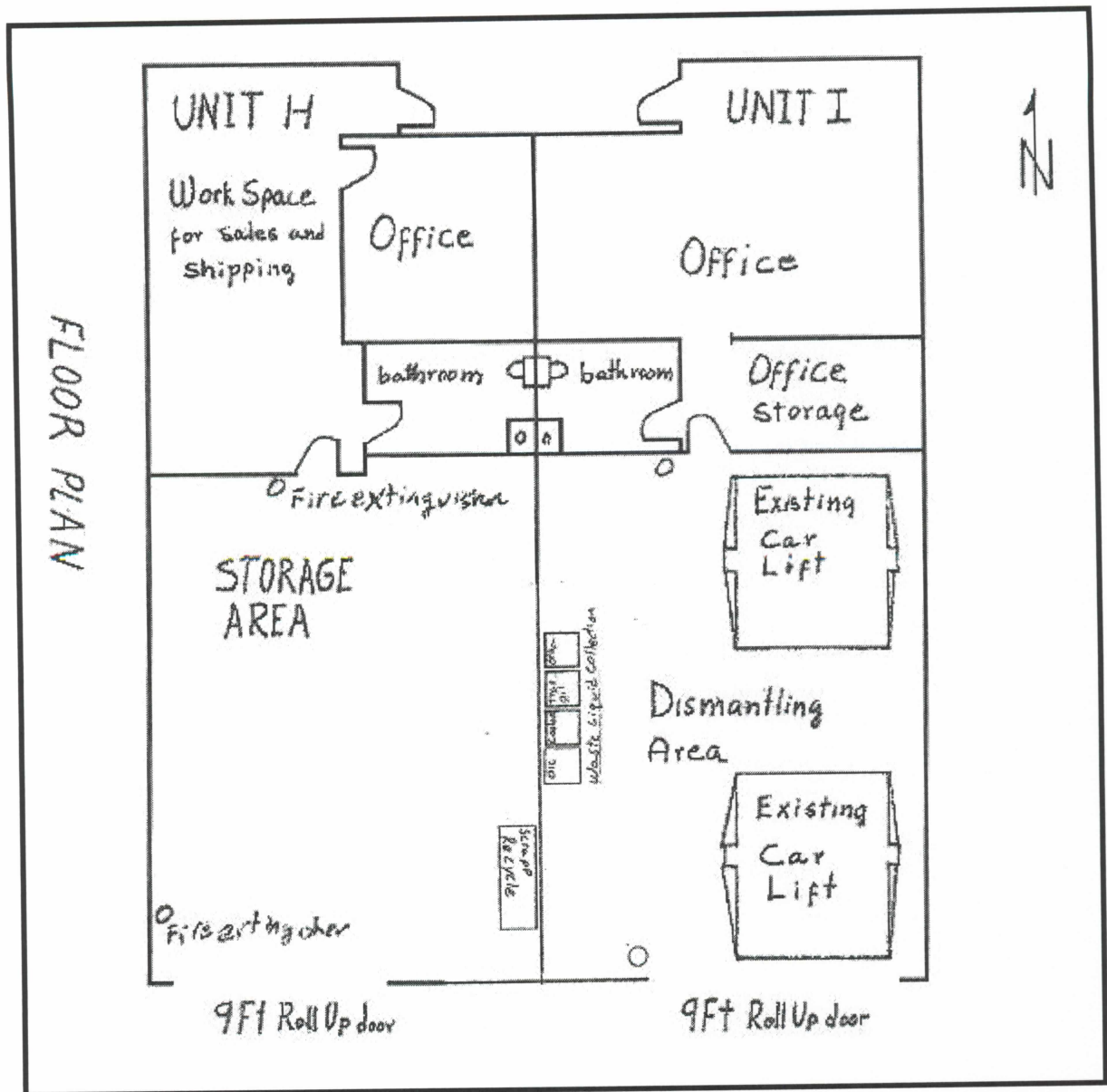
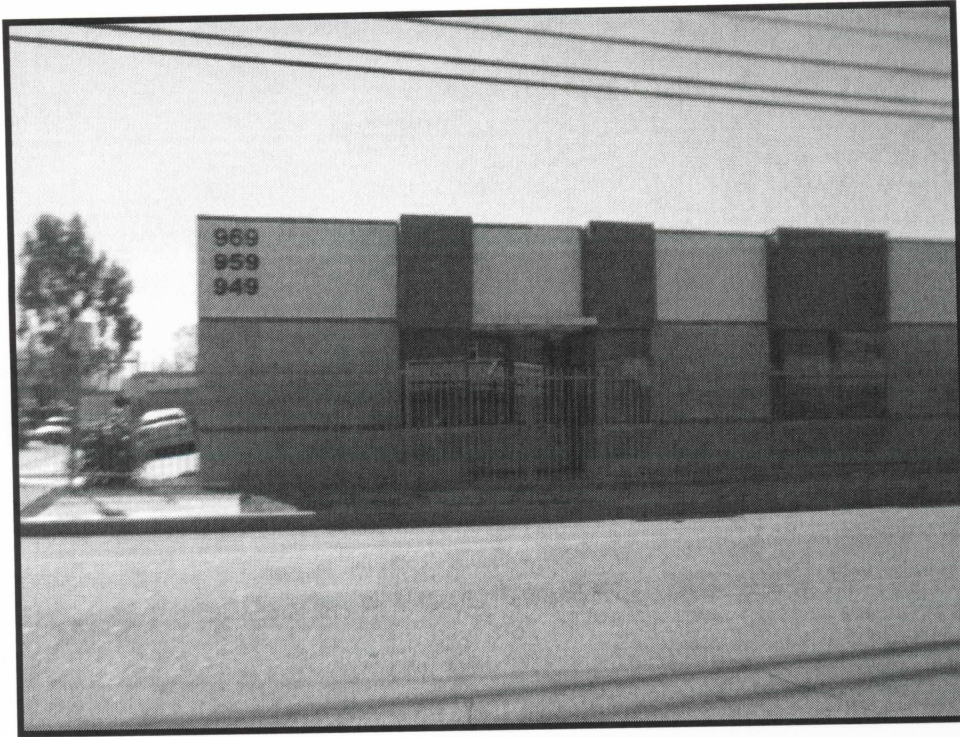


Exhibit D
Site Photos



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

DATE: May 7, 2012

FILE NO.: PCUP12-003

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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: May 7, 2012

FILE NO.: PCUP12-003

SUBJECT: A Conditional Use Permit request to allow retail sales of used auto parts to occupy more than 15 percent of the floor area within two suites totaling approximately 2,900 square feet in an existing building on 2.31 acres in the M3 (General Industrial) zone located at 969 West State Street, Units H and I.

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>
Used auto parts sales area	~600 sf	1 per 250 square feet	2
Storage/parts removal area	~2,200 sf	1 per 1,000 square feet	2
TOTAL			4

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.
- 5.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps,

ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

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 All work shall be performed within the completely enclosed building.
- 7.2 No outdoor work or storage of vehicles or parts is allowed either on-site or on the surrounding streets/shoulders.
- 7.3 All parts vehicles shall be legally obtained.
- 7.4 The operation may remove the parts off of up to two vehicles at a time. No more than two vehicles in the process of parts removal may be on the premises at any one time.
- 7.5 All automotive fluids, hazardous materials, and scrap shall be disposed of properly. No outdoor storage of tanks or drums. Hazardous waste shall be removed from the site by a certified hazardous waste hauler.
- 7.6 A business license shall be obtained prior to commencement of operations.
- 7.7 Any signage for the business shall comply with the requirements of the Development Code including size, design and location and shall have approved sign permits prior to installation.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”

TO: Clarice Burden, Associate Planner

FROM: Barbara White, Crime Prevention Specialist / DAB

DATE: February 7, 2012

SUBJECT: FILE NUMBER PCUP12-003 S A Conditional use Permit to allow retail sales of used auto parts to occupy more than 15 percent of the floor area within two suites totaling approximately 2,900 square feet in an existing building on 2.31 acres in the M3 (General Industrial) zone located at 969 West State Street, Units H and I.

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.
- 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.

- 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
- No dismantled or partially dismantled vehicles will be parked or stored on the exterior of the premises.
- The Police Department will be allowed to make inspections of vehicles and vehicle parts during regular business hours

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

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-09

HEARING DATE: May 7, 2012

DECISION DATE: May 7, 2012

FILE NO.: PCUP12-012

SUBJECT: A request to construct a temporary parking lot on 0.6 acre site in the C2 zoning designation to replace the existing parking lot being eliminated with the construction of the Town Square Park, located at the northeast corner of Euclid Avenue and "C" Street. Staff has determined that the proposed project is categorically exempt from environmental review pursuant to § 15311 (Class 11, Accessory Structures) and § 15332 (Class 32, In-fill Development Projects) of the California Environmental Quality Act Guidelines; **submitted by City of Ontario Housing Authority** (APN: 1048-551-11).

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

THE CITY OF ONTARIO HOUSING AUTHORITY, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: As part of the redevelopment of the downtown, new developments have occurred along Holt Boulevard, increasing the number of residents in the downtown. As part of the overall plan for downtown, the City recognized the need to provide additional park facilities to serve the residents and to provide opportunities for City events. As a result, a park ("Ontario Town Square" or "Town Square") was designed for the block bounded by Euclid Avenue on the west, Lemon Avenue on the east, B Street on the south and C Street on the north. The plans included the retention of the two existing buildings (Bank of Italy and Wells Fargo) within the block and the redesign of on-street parking surrounding the park. The plan also included the removal of the existing on-site parking, a portion of which serves Wells Fargo Bank.

In order to provide parking to meet the needs of Wells Fargo, the City is proposing to construct a parking lot at the northeast corner of Euclid Avenue and C Street. The parking lot will take access off C Street via the existing drive aisle serving the library

parking lot. The parking lot will provide 43 parking spaces. Landscaping will be provided along the street frontages.

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

(c) Zoning Designation: PUD

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	Downtown Ontario PUD	Vacant
South:	Downtown Ontario PUD	Commercial use
East:	Downtown Ontario PUD	Parking lot
West:	C2, Central Business District	Commercial uses

(e) Site Area: 0.68 acres

(f) Assessor's Parcel No(s): 1048-551-11

(g) Project Analysis: At the time of construction of the Wells Fargo Bank and other uses fronting Euclid Avenue, ample parking was provide by the on-street parking and the on-site parking lots bounded by Euclid and Lemon Avenue and B and C Streets. The proposed development of Town Square Park by the City eliminates 89 parking spaces, of which approximately 49 spaces were available for Wells Fargo customers. To provide sufficient parking to meet the needs of Wells Fargo, the City is proposing to construct an interim parking lot at the northeast corner of Euclid. The lot will provide 43 spaces, not equal to those being removed (49) but compliant with the Development Code requirements (37 spaces). The parking lot will remain until the ultimate development of the site, which is envisioned to include commercial uses, residential units, and parking facilities.

As noted previously, the street frontages will be landscaped. The landscaped area along Euclid Avenue is designed as a swale to accept run-off from the parking area and direct it to a basin along the C Street. The basin will allow infiltration of water and water treatment prior to discharging into the street, thus meeting the National Pollutant Discharge Elimination System (NPDES) requirements. Shrubs (Texas privet) will be provided along the street frontages to screen parked vehicles from the street. Light standards will provided within the parking area. The pole design will match the light standards being used within the parking area to the east. The applicant has already initiated discussions and review of the photometric plans with Police Department staff to ensure compliance with City illumination requirements.

(h) Environmental Review: Staff has reviewed the proposed project and determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15311 (Class 11, Accessory Structures) and 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. Class 11 includes the construction of minor structures accessory to commercial uses, including small parking lots. In this case, the proposed parking lot is slightly smaller than the parking lot being removed with the park construction. Class 32 consists of projects

characterized as in-fill development. The proposed lot is the site of previous development, is bounded on three sides by existing development, and is adequately served by existing streets and utilities.

(i) 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.

(j) 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, The Ontario Plan ("TOP") Policy LU3-3 – Land Use Flexibility - states that "We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity." The interim parking lot will provide parking to meet the needs of existing uses, while facilitating the construction of an urban plaza for the downtown; and

WHEREAS, TOP Goal LU4 encourages "Development that provides short-term value only when the opportunity to achieve our Vision can be preserved." The interim parking lot will provide necessary parking while maintaining the necessary designation to require future development to adhere to the vision established by the TOP; and

WHEREAS, TOP Policy LU4-2 – Interim Development – states that "We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision." The interim parking lot provides improvements that improve the aesthetics of the area, area easily removed, and maintains the necessary designation to require future development to adhere to the vision established by the TOP.

WHEREAS, TOP Policy Community Economics 2-3 - Interim Development - states that "We require interim development that does not reflect the long-term Vision, be limited in scale of development so that the investment can be sufficiently amortized to make Vision-compatible redevelopment financially feasible." The interim parking lot will provide improvements to improve the aesthetics of the area while being easily removed upon the ultimate development of the site consistent with the vision established by the TOP; and

WHEREAS, On the 7th day of May, 2012, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Scott Murphy, Assistant Planning Director, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions contained in the attached department reports. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Sigfrido Rivera, Ontario Housing Authority, the applicant, explained the need to relocate the parking lot and spoke in favor of the application.
- (c) 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 interim parking lot lies within the mixed use land use designation.
 - (2) The interim parking lot 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. The parking lot will not generate new traffic but simply provide parking facilities to replace existing facilities slated for removal.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The interim parking lot will provide parking facilities for Wells Fargo compliant with the Development Code requirements.

(6) The need for the parking lot is a result of a government action. The City is removing an existing parking lot currently serving Wells Fargo Bank to construct the Town Square Park.

(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 §15311 and §15332 of the State CEQA Guidelines.

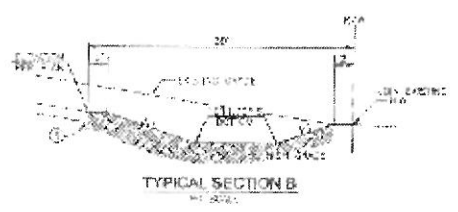
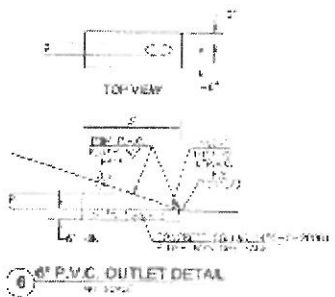
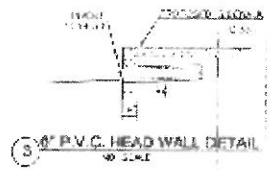
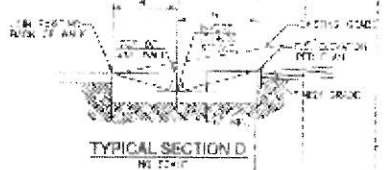
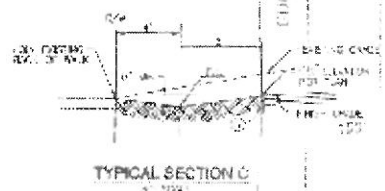
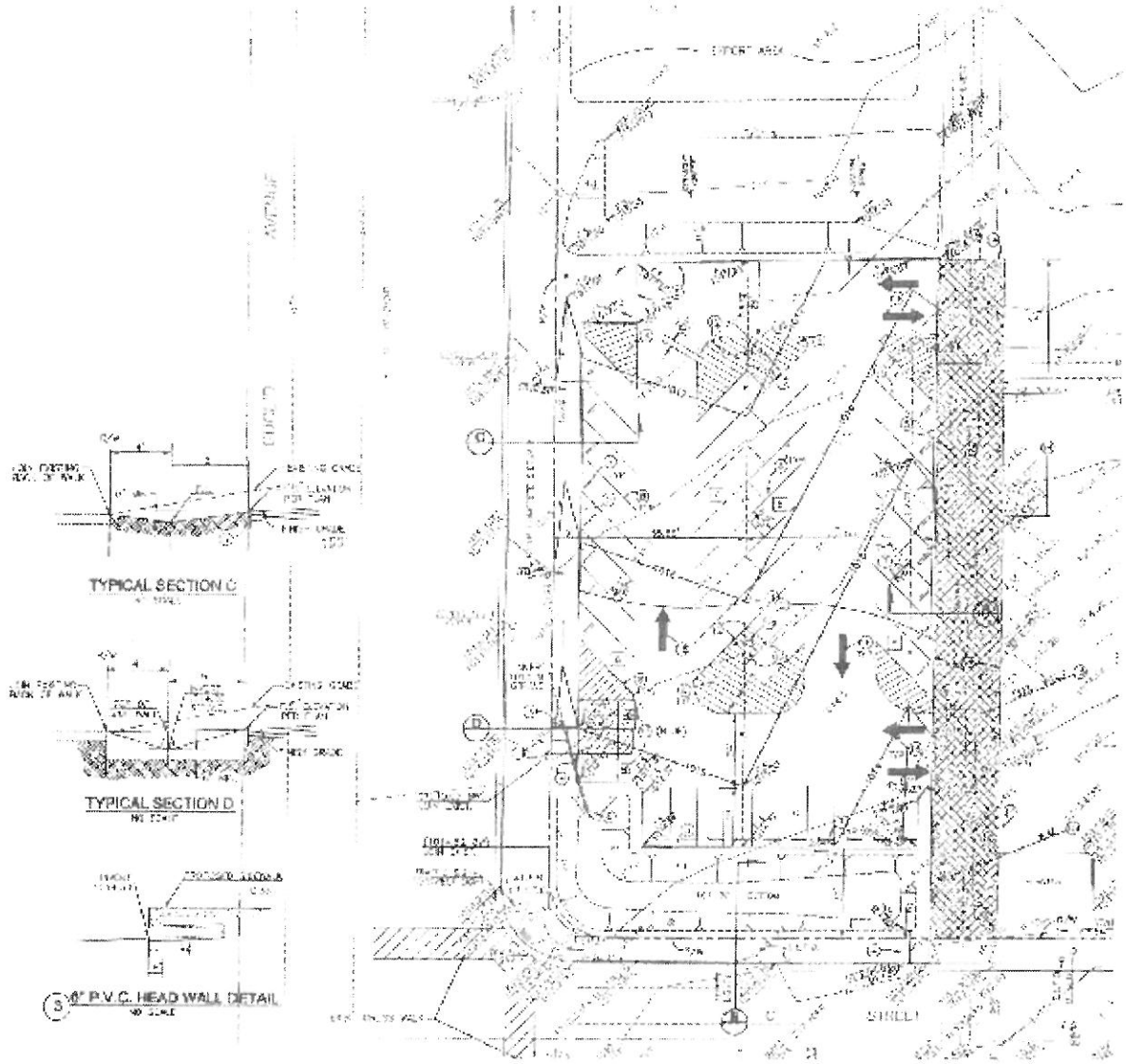
(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP12-012, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this 7th day of May, 2012.

A handwritten signature in blue ink, appearing to read 'M. Millman', written over a horizontal line.

Barbara Millman
Deputy Zoning Administrator



SITE PLAN

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

DATE: May 7, 2012

FILE NO.: PCUP12-012

SUBJECT: A request to construct a temporary parking lot on 0.6 acre site in the C2 zoning designation to replace the existing parking lot being eliminated with the construction of the Town Square Park, located at the northeast corner of Euclid Avenue and "C" Street. Staff has determined that the proposed project is categorically exempt from environmental review pursuant to § 15311 (Class 11, Accessory Structures) and § 15332 (Class 32, In-fill Development Projects) of the California Environmental Quality Act Guidelines; **submitted by City of Ontario Housing Authority** (APN: 1048-551-10).

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: May 7, 2012

FILE NO.: PCUP12-012

SUBJECT: A request to construct a temporary parking lot on 0.6 acre site in the C2 zoning designation to replace the existing parking lot being eliminated with the construction of the Town Square Park, located at the northeast corner of Euclid Avenue and "C" Street. Staff has determined that the proposed project is categorically exempt from environmental review pursuant to § 15311 (Class 11, Accessory Structures) and § 15332 (Class 32, In-fill Development Projects) of the California Environmental Quality Act Guidelines; **submitted by City of Ontario Housing Authority** (APN: 1048-551-10).

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 SITE LIGHTING

- 3.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 3.2 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.

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 § 11 and 32 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 Final landscape and irrigation plans shall be reviewed and approved by the Planning Department prior to the issuance of grading permits.



City of Ontario Memorandum

TO: Otto Kroutil, Development Director
 Jerry Blum, Planning Director
 Cathy Wahstron, Principal Planner (for John Andrews, RDA Administrator)
 Kevin Shear, Building Official
 Louis Abd-Younes, City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utilities Agency
 Chief Eric Hopley, Police Department
 Art Andres, Fire Marshal
 Brent Schultz, Housing & Neighborhood Revitalization Director
 Steve Wilson, Engineering Department
 Tom Danna, T.P., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning

FROM: Scott Murphy
 Asst Planning Director

DATE: 04-13-2012

SUBJECT: FILE No.: PCUP12-012

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 04/23/2012, 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 request to construct a temporary parking lot on 0.6 acre site in the C2 zoning designation, located at the northeast corner of Euclid Avenue and C Street, submitted by the City of Ontario Housing Authority (APN: 1048-551-05)

- 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

<i>Building</i>			
Department	Signature	Title	Date

Revised 1/2011

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Scott Murphy
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 16, 2012
SUBJECT: PCIP12-012

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

cc: File

KS:kb



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Traffic Transportation Division, Ontario Municipal Mutuals Agency and Environmental Section Conditions Interspersed)

DATE: 4/19/2012

PROJECT PLANNER: Scott Murphy, Assistant Planning Director

PROJECT: Proposed Parking Lot at the Northeast Corner of Euclid Avenue and "C" Street.

RELATED FILE: PCLP 12-012

PROJECT ENGINEER: Mike Eskander, P.E., Engineering Department

ENGINEERING DEPARTMENT HAS NO CONDITIONS FOR THE MOST RECENT SUBMITTAL OF THE ABOVE REFERENCED SPECIFIC PLAN AMENDMENT. IT ADEQUATELY ADDRESSES THE ENGINEERING DEPARTMENT'S CONCERNS.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Planning Department

FROM: Kenna Leonard, Fire Safety Specialist
Bureau of Fire Prevention

DATE: May 7, 2012

SUBJECT: A request to construct a temporary parking lot on 0.6 acre site in the C2 zoning designation, located at the northeast corner of Euclid Avenue and C Street; submitted by the City of Ontario Housing Authority (APN: 1048-551-05)

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

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.