

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-10

HEARING DATE: 06/04/2012

DECISION DATE: 06/19/2012

FILE NO.: PCUP12-004

SUBJECT: A Conditional Use Permit to establish a religious assembly facility, occupying an approximate 8,200 square-foot portion of a 13,715 square-foot existing building on 0.792 acres of land, located near the northwest corner of Philadelphia Street and Grove Avenue, at 1147 East Philadelphia Street, within the M2 (Industrial Park) zoning designation.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

HOME OF CHRISTIANS BETHEL CHURCH, 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 (CUP) to establish a new religious assembly facility within an existing industrial building located near the northwest corner of Philadelphia Street and Grove Avenue, at 1147 East Philadelphia Street, within the M2 (Industrial Park) zoning designation.

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

(c) Zoning Designation: M2 (Industrial Park)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M2 (Industrial Park)	Industrial
South:	C3 (Commercial Service District)	Commercial
East:	Specific Plan (Grove Avenue)	Industrial
West:	M2 (Industrial Park)	Industrial

(e) Site Area: 0.792 acres

(f) Assessor's Parcel No.: 1050-501-17

(g) Project Analysis: The Home of Christians Bethel Church is proposing to establish their church within an existing business park at 1147 East Philadelphia Street, located within the M2 (Industrial Park) zoning district (**Exhibit A: Aerial Map**). The site is surrounded on the west, north, and east by industrial buildings and uses. To the south is the Lowes commercial center.

The church group proposes to occupy an approximate 8,200 square-foot portion of an existing 13,715 square-foot building (**Exhibit B: Site Plan**). The remaining portion of the building, approximately 5,515 square-feet, is currently unused, but is available for industrial uses consistent with the M2 (Industrial Park) district. Tenant improvements include the construction of office space, meeting rooms, and a sanctuary (**Exhibit C: Floor Plan**). Initially, the proposed hours of operation are Wednesday evening meetings, from 8:00pm – 10:30pm, and Sunday services, from 8:30am – 1:00pm. There will be approximately 2-3 administrators during hours of operation. The facility does not include child-care services.

The project site is located within an existing business park, which includes five separate buildings on five separate parcels. The main assembly area within the church is shown on the floor plan as having a dimension of 34-feet x 20-feet, which is 680 square-feet total. Development Code requires religious assemblies to provide parking spaces at 1-space per 40 square-feet of assembly area. As shown, 17 parking spaces are required, however; 26 parking spaces are available for use on the project site, which exceeds the minimum required. In addition, the church administrator has contacted the property owners immediately to the north and west and has acquired written agreements (**Exhibit E: Parking Agreement 1 & Exhibit F: Parking Agreement 2**) which allow the use of their parking spaces as well. The building to the west is 1127 East Philadelphia Street and includes 25 parking spaces. The building to the north is 1141 East Philadelphia and includes 20 parking spaces. As a result, 71 parking spaces total are available for use by the church, which is sufficient to support the use. The size of the church congregation is contingent upon the availability of parking spaces. Should the available number of parking spaces be reduced, the assembly area is required to also be correspondingly reduced. Since the church operating hours are in the evenings and on weekends, there will not be a conflict with the existing businesses and their availability for parking spaces. Typical business hours of the surrounding uses are from 8:00am – 6:00pm, Monday – Friday.

(h) Land Use Compatibility: The intent of a Conditional Use Permit (CUP) application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. The City of Ontario's Development Code describes a CUP as the following: § Sec. 9-1.0900: *Purposes and Authorization* – Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Approval of a CUP first requires making certain findings, which show that the proposed use is consistent with all City of Ontario development codes, land uses and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a CUP is discretionary in nature.

The project site is located within the M2 (Industrial Park) zoning district. Within this district, religious assemblies are a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses within the surrounding area will not be exposed to any impacts resulting from the use, beyond those that would normally be associated with any other use similarly allowed within the M2 (Industrial Park) zoning district.

(i) Airport Influence Area: The project site is located within the Airport Influence Area of Ontario International Airport and has been evaluated and is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan (ALUCP).

(j) Department Review: Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval. The Planning Department supports the proposed use and requests the Zoning Administrator impose each Department's recommended conditions of approval, which are designed to mitigate anticipated impacts related the project

(k) 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 500 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(l) 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 May 2012, the Zoning Administrator, Scott Murphy, of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) John Earle Hildebrand III, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the attached conditions.

(b) The Zoning Administrator asked for clarification regarding the total number of allowed people inside the building. John Hildebrand stated that the California Fire Code (CFC) would allow for 300+ persons; however, Planning is limiting the number of persons based upon the availability of parking spaces. At the time of staff report preparation, 71 parking spaces were available, which included the project site parking spaces as well as the parking spaces in conjunction with the properties to the north and to the east. Signed letters allowing the church to utilize the adjacent parking spaces are included as Exhibits E & F.

(c) Following staff's presentation, the Zoning Administrator opened the public hearing.

(d) Kay Lin, the applicant and pastor at the church, explained the business operation and spoke in favor of the application. She stated that she believed the parking agreements were still valid. She further stated that the church would have 3-4 employees working at the facility on a regular basis. When asked about the church services, Kay Lin stated that there would be a prayer service on Wednesday nights and services on Sundays. The entire congregation consists of approximately 50 people.

(e) Cindy Stockton, 1137 East Philadelphia Street property owner, stated that she hadn't received the notice of public hearing until Thursday prior to the Monday public hearing. She expressed her concerns regarding the proposed church use, primarily the operation of the front security gate and whether there was sufficient amount of parking spaces. She further stated that she believed the M2 zone is not compatible with churches. The Zoning Administrator asked Ms. Stockton about general front gate operations. She replied that the gate is powered and controlled by the project site building. The property has CC&Rs, but that they were basic in nature and did not include anything about gate operations.

(f) Lucy Wang, 1141 East Philadelphia Street Property Owner, expressed concerns about the church use and decided to rescind the parking agreement, removing the ability to utilize any of the parking spaces to the north of the project site.

(g) Dan Lin, applicant and pastor at the church, spoke on behalf of the use, citing that the congregation operates in a quiet fashion and that they would be gracious neighbors. The Zoning administrator stated that he believes the main concern being raised is that of security to the site and the general gate operations.

(h) After hearing the testimony from each speaker, the Zoning Administrator requested of the applicant and the adjacent property owners that they discuss the situation outside of the public hearing. The Zoning Administrator continued the hearing to the following regularly scheduled meeting with the understanding that the applicant would work to address each of the concerns expressed by the surrounding property owners during the hearing.

WHEREAS, on the 4th day of June, 2012, the Zoning Administrator of the City of Ontario reopened the hearing to further discuss File No. PCUP12-004 and heard the following testimony:

- (a) John Earle Hildebrand III, Associate Planner, provided an update to the project and noted for the record, each of the five letters received from the surrounding property owners, as well as the project applicant. The letters are attached to this report as Exhibits H – L.
- (b) Ms. Lin, applicant and pastor at the church, again spoke in favor of the use. She stated that she met with the adjacent property owners and assured them that the church would be respectful.
- (c) Rick Chen, owner of the property at 1127 East Philadelphia Street, stated that he has concerns about people walking around the business park and that it is a liability when mixing people and truck traffic. He also stated that he is rescinding the parking agreement, which now reduces the available parking spaces for the church use to 26.
- (d) Ms. Stockton, owner of the property at 1137 East Philadelphia Street, spoke again, raising similar concerns as mentioned at the May 21, 2012, hearing, with regards to impacts to security, lower property values, and inadequate amount of parking spaces. She state that the gates were installed approximately 8-years ago. There is a gate at the front of the property and another gate at the back of property which isolates her building from the rest of the business park.
- (e) Carl Wang, 1147 East Philadelphia Street property owner, raised concerns about the safety of people walking through the area and restated that he is rescinding the parking agreement. The Zoning Administrator asked Mr. Wang about the concern of people destroying the property and general maintenance issues. Mr. Wang responded that the big trucks often run over the sprinklers, forcing him and other property owners to replace them. Each owner is responsible for the landscape maintenance of their own property.
- (f) Chuck Bouquet, Charles Joseph Associates, spoke on behalf of the surrounding property owners, raising concerns about the proposed church use. Mr. Buquet had a concern about the future growth of the church and how parking would be handled as well as the potential impacts to the adjacent tenants. He further stated that the issues are not about religion but about investment and assurance

that the adjacent property owners would be able to continue operating as they have in the past.

- (g) Mr. Lin, applicant and pastor at the church, spoke again, stating that he appreciates everyone present at the meeting and that he would assure there would be no disorderly conduct from his congregation. He further stated that he would repair any damage to the area caused by his church group.
- (h) Several members of the church, including Benjamin Kwan, Peter Chai, and Ginger King, spoke in favor of the church group, stating they are a small congregation and would respect the other tenants. They further stated that they did not have any problems in their previous location. They are moving because the building was sold and the new owner had different plans for the building's use.
- (i) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing. The Zoning Administrator noted that he didn't hear any significant changes from the first hearing. He also stated that many of the comments were based upon opinion, rather than fact, with the primary factual issue being that of parking space availability. He noted that religious assemblies are conditionally permitted within the M2 zoning district, pursuant to the City's Development Code. Additionally, the Zoning Administrator stated that the review of a religious assembly must also be considered in light of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), federal legislation that prevents religious uses from being subject to over burdensome regulations. The Zoning Administrator noted that the Ontario Development Code provides a 20-day period in which to render a decision but hoped that the decision would be completed sooner than that. He stated that a copy of the decision would be mailed to the applicant as well as each of the other four surrounding property owners.

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 is in accord with the objectives and requirements of the Development Code.

The Ontario Development Code states that the Code is intended “To provide a precise guide for the physical development of the City in such a manner as to preserve the character and quality of existing neighborhoods and to foster a harmonious, convenient and workable relationship among all types of land uses” and “To achieve the proper arrangement of land uses envisioned in the General Plan, maintain the stability of existing neighborhoods, promote the revitalization of areas that require enhancement, and to protect all areas of the community from intrusions by inharmonious or harmful land uses.” The Development Code identifies the fact that some uses have unique operating conditions that require additional review, requiring approval of a Conditional Use Permit application. Religious assemblies are identified as conditionally permitted uses within the M2 (Industrial Park) zoning designation. The proposed location is within a five-lot industrial development. The building is located along Philadelphia Street, at the entry to the development. Some parking is provided on the south side of the building and can be accessed directly from Philadelphia Street. Additional parking for the building is provided on the north side of the building and requires church patrons to pass one industrial building (that sides on to the private drive) before accessing the parking lot. Testimony provided by the applicant indicates that the church may have regular office hours during weekdays with services and prayer meetings being held on Sundays and Wednesday evenings, respectively. While some industrial users operate 24 hours a day, seven days a week, evenings and weekends are typically off-peak hours for industrial users. The hours of operation combined with the physical location next to Philadelphia Street will minimize potential conflicts between church patrons and industrial patrons, consistent with the intent of the Development Code.

(2) 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.

During the public hearing, testimony was provided by several property owners expressing a concern about the adequacy of off-street parking to serve the religious assembly. The original application included letters from the property owners to the north and south of the subject property allowing church parking on their sites. Since that original submittal, the adjacent property owners have rescinded their approvals to use their sites, resulting in the only parking available being the 26 spaces on the subject property. Parking vehicles within the commercial center to the south is not a viable option as it may result in unsafe crossings of Philadelphia Street. The applicant has indicated (through a dashed line on the plans) that the seating area within the sanctuary would be 680 square feet in area. Parking requirements, however, are based on the entire sanctuary area, not an artificial line). As a result, the proposed sanctuary area of 1,905 square feet would require 48 parking spaces. Since the site does not provide the

required parking and there is no reasonable expectation that the additional parking is available, a condition of approval has been added that limits the sanctuary area to that which can be reasonably accommodated based on available parking (1,040 square feet). Further, to avoid parking spilling over onto adjacent properties or vehicles parking across the street, a condition of approval has been included requiring a parking attendant be provided prior to the service to direct church patrons to the assigned parking spaces and prevent parking on adjacent sites.

Public testimony was also directed towards the safety of church patrons who might be walking along the drive private drive aisle. The proposed building is located at the entry to the industrial development with all parking located in close proximity to the building. There is no reason for church patrons to be walking within the balance of the development. While some businesses in the complex may operate seven days a week, evenings and Sundays are typically off-peak hours, thereby minimizing potential conflicts between industrial uses and the church. The requirement for a parking attendant should minimize the likelihood of patrons walking through other portions of the development.

Additionally, public testimony was received concerning the additional maintenance (gate and street maintenance) that might be incurred by the adjacent property owners resulting from proposed use. As an industrial area, the industrial park is subject to deliveries by vehicles of various sizes – from panel trucks to trucks with trailers. Trucks have a far greater impact on street maintenance than the automobiles anticipated for church services. The gates at the south end of the complex are private and controlled by the owners. The gates are typically left open during the day and each owner is provided with the means to open the gates at off hours. Public testimony provided by adjacent owners indicates that several buildings within the complex operate at off hours, including accessing the site 24 hours a day, seven days a week. As a result, it may be difficult to provide a true assessment of the reason for any increased maintenance. It is speculative to say that the church use will result in additional gate maintenance as the gates can be programmed to correspond with the church services. Should the gates require additional maintenance, this is an issue for the owners of the complex.

(3) 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 typical peak hour for traffic on the adjacent streets is between 7:00-9:00 A.M. and 4:00-6:00 P.M. Based on the current Institute of Transportation Engineers (“ITE”) manual, the peak hour trip generation for churches (A.M. peak – 0.56 per 1,000 square feet; P.M. peak – 0.55 per 1,000 square feet) is less than that typically experienced with industrial parks (A.M. peak – 0.84 per 1,000 square feet; P.M. peak – 0.86 per 1,000 square feet). The average daily trip generation for churches is slightly more than two trip ends per 1,000 square feet

per day greater than industrial parks (9.11 and 6.96, respectively), equating to roughly 17 additional daily trips for the religious assembly over the industrial park, a relatively small increase in total daily trips. As a result, the impacts to the adjacent streets are comparable and, in some cases, less than that anticipated with industrial park development.

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

As noted during the public testimony, the parking areas on adjacent properties are no longer available for use by the church. As a result, insufficient parking spaces are available to meet the parking requirement for the proposed assembly area. To address this issue, a condition of approval has been included that reduces the sanctuary from 1,905 square feet to 1,040 square feet. With this reduction, the application will comply with the Ontario Development Code requirements.

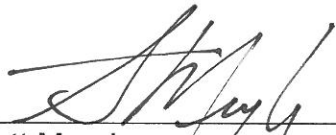
In addition to the provisions of the Ontario Development Code, religious assembly uses are also subject to the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), ensuring that religious assembly uses are treated in a similar manner as other assembly uses and looks at the least restrictive means of furthering the government interest. In considering the application, the religious assembly can meet the required parking through a reduction in the sanctuary area. This would be consistent with the "least restrictive means" of RLUIPA. Also, the City's parking regulations further the compelling government interest in that they are intended to minimize off-site parking, which can result in unsafe street crossings, conflicts between property owners, congestion, noise and pollution when patrons circle the block looking for parking spaces. As a result, compliance with the parking requirements is consistent with furthering the compelling government interest provided for under RLUIPA.

(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. PCUP12-004, 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 19th day of June 2012.



Scott Murphy
Deputy Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

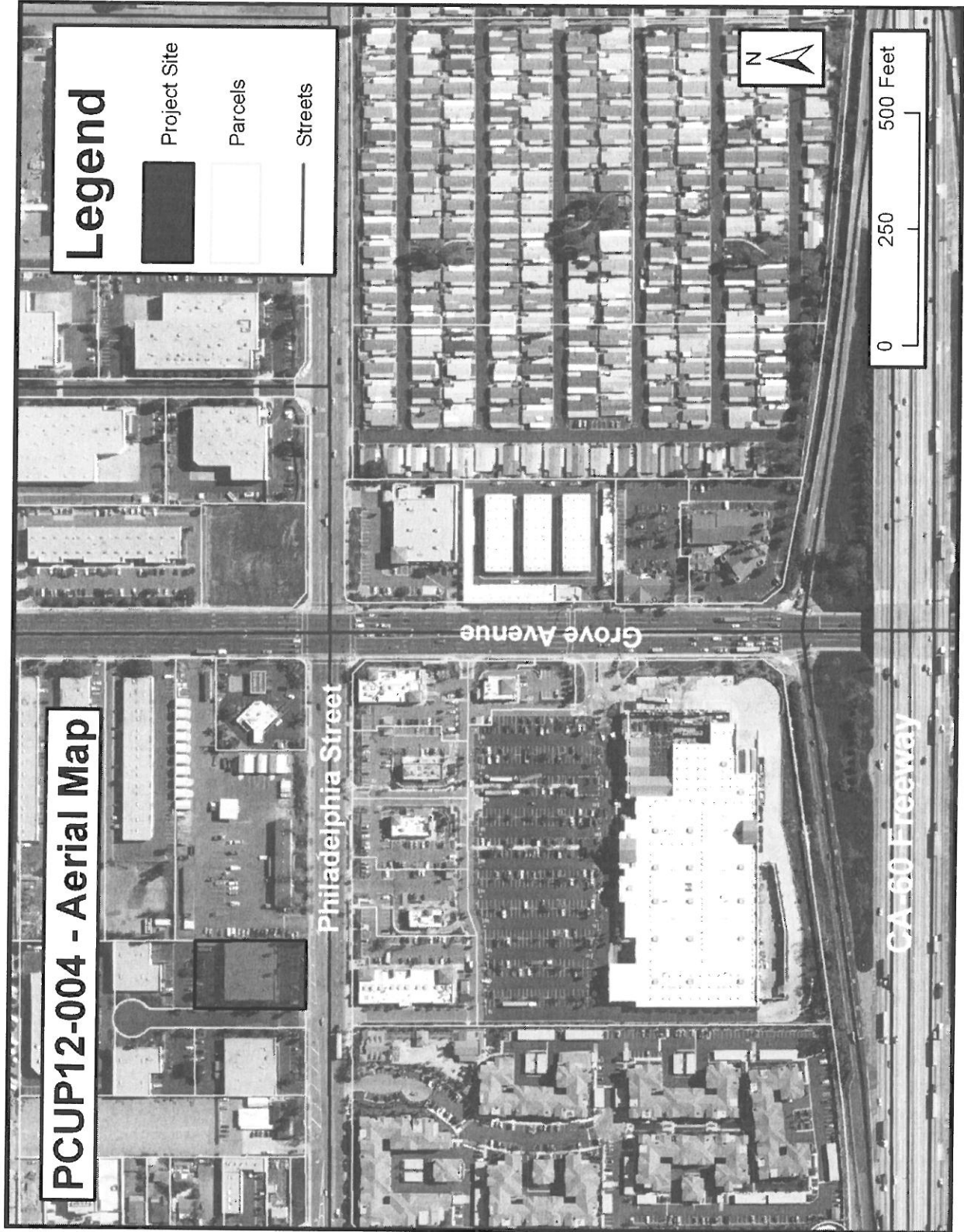


Exhibit B: Site Plan

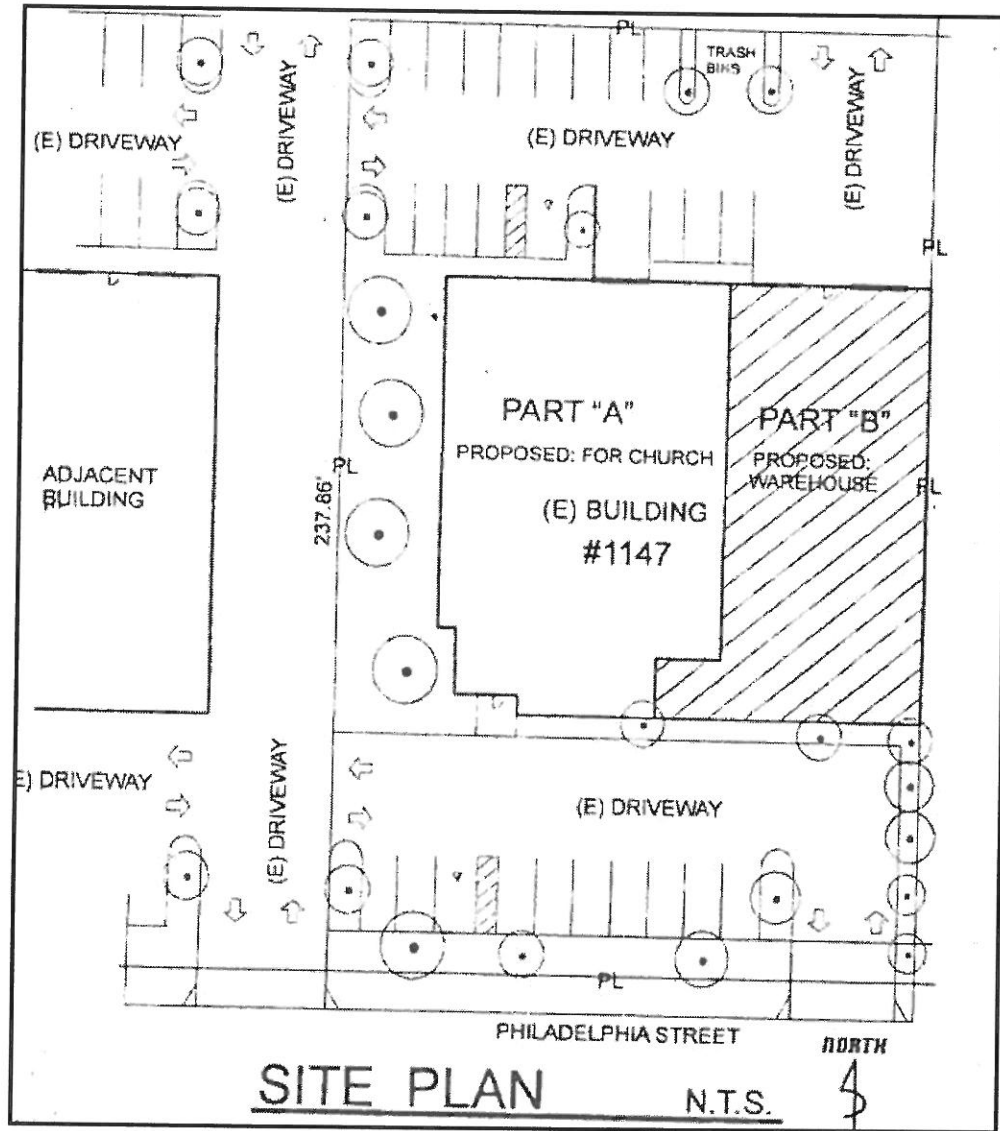


Exhibit C: Floor Plan

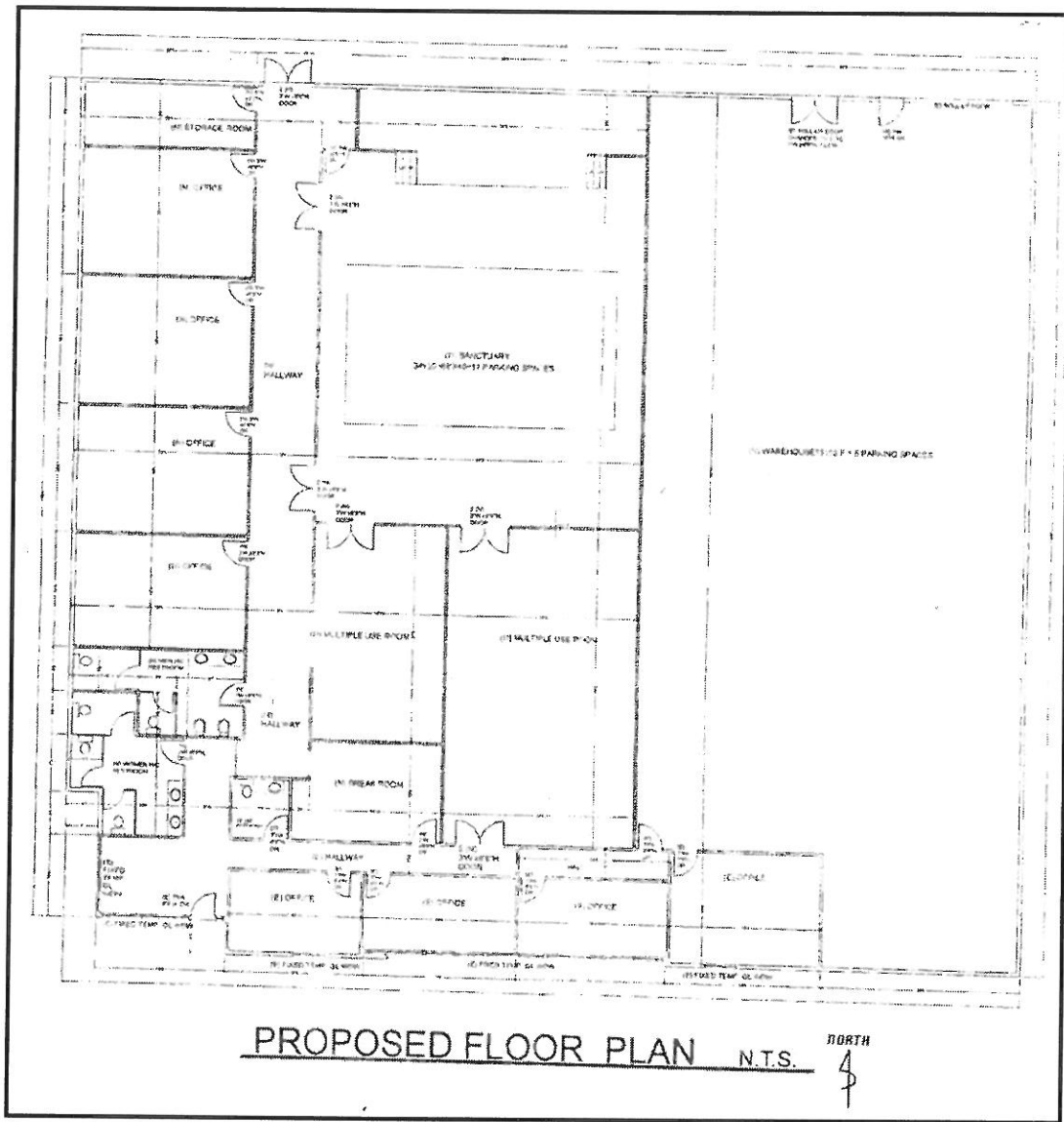


Exhibit D: *Building (Front)*



Exhibit E: Parking Agreement 1

September 14, 2011

Lucy Wang
Bronzage Corp
1141 E. Philadelphia Street
Ontario, CA 91761-5611

Re: Parking Space Use

I am a representative of the Home of Christians Bethel Church. I am writing today seeking permission for use of your parking spaces. Our organization intends to hold weekly meetings on Sundays in your nearby area located at 1147 E. Philadelphia Street, Ontario, CA 91761.

We could potentially need additional parking spaces. We would be grateful if you would allow us use of your parking spaces for a few hours on Sundays.

Regarding your concerns over damage to the sprinkler heads located next to your parking spaces, if your sprinkler head(s) are accidentally damaged by one of our members, Home of Christians Bethel Church will gladly cover the cost to replace the damaged sprinkler head(s).

If you do grant permission, simply fill out and sign the designated area below.

Thank you kindly for your time and consideration.

Sincerely,

Hojeun King


I, <u>Carl Wang</u> , hereby grant the Home of Christians	
Bethel Church use of <u>all</u> parking spaces designated for the property address:	
<u>1141 E Philadelphia, Ontario, CA 91761</u>	
for vehicle parking only on Sundays.	
 Signature	<u>9/15/2011</u> Date

Exhibit F: Parking Agreement 2

September 8, 2011

Re: Parking Space Use

To Whom It May Concern:

I am a representative of the Home of Christian Bethel Church. I am writing today seeking permission for use of your parking spaces. Our organization intends to hold weekly meetings on Sundays in your nearby area. We could potentially need additional parking spaces. We would be grateful if you would allow us use of your parking spaces for a few hours on Sundays.

If you do grant permission, simply fill out and sign in the designated area below.

Thank you kindly for your time and consideration.

Sincerely,



I, RIK CHAN, hereby grant the Home of Christian Bethel Church
use of ALL parking spaces designated for the property address:

1127 E. PHILADELPHIA ST, ONTARIO, CA 91761

for vehicle parking only on Sundays.


Signature

9/12/11
Date

Exhibit G: *Building Address Map*



Exhibit H: Cindy Stockton Letter (1137 E. Philadelphia Owner)

May 27, 2012

To: City of Ontario
Planning Dept., John Hildebrand, Scott Murphy
Zoning Administrator
Re: PCUP12-004

I write this letter in opposition to file number PCUP12-004 applying for a Conditional Use Permit and ask that it be denied. I do not wish to share parking spaces at 1137 E. Philadelphia under this Conditional Use Permit and express concern for sharing the common areas in the association.

Regarding required parking for 1147 E. Philadelphia, the Fire Departments report states 3380.63 s/f to be used for the Sanctuary area with (2) Multipurpose Rooms. This would require approximately 85 parking spaces which is not present at this property nor in this Association. Regardless of the exact square footage, the fire report also states that 1147 E Philadelphia is rated for a total occupant load up to 483 persons despite limited parking. There are not any architectural plans filed with this CUP to review the exact build-out and tenant improvements nor specifics on the remaining warehouse and its ability to operate under this permit today or in the future. The surrounding 4 building owners in this private association have chosen not to share parking due to safety and liability issues for all persons, property, and the association. The existing small business owners rights to have full access to grow and expand their operations any day, at any time will also be restricted under this Conditional Use Permit.

There are several safety issues to patrons walking in the private drive and other common areas. It presents unwanted liabilities for the existing businesses, their employees and their weekend truck/container deliveries which require a wide berth in this industrial park. These areas are not conducive to foot traffic or unfamiliar patrons thereby causing concern for owners insurance and liability coverages for this "other use."

There is also a distinctive flavor or curb appeal that existing and potential commercial building buyers and tenants desire when relocating or up starting new businesses. In addition to our Association and its CC&R's, another great feature of our small complex of 5 buildings is we have added a private gate at the entrance for added security and additional privacy. This very feature, privately funded by us, becomes compromised under this CUP thereby minimizing the very improvement that it was intended for. Loss of these marketable features and added liabilities with this CUP will impact our values and could deter existing tenants from renewing as well as future tenants and buyers from securing.

The existing owners did meet with the new owners who are also the applicants of 1147 E Philadelphia after the hearing, so I thank council for the continuance to meet and converse. Unfortunately there is just not enough time to fully examine and clarify all the externalities associated with this conditional use permit application. I see in the Zoning Administration

Agenda report this use permit meets Airport Act, Ceqa, Growth for the City, etc., under M2 zoning, yet I do not see a department report on how the assessment was made that our businesses and uses are or are not impacted nor is there mention of owners input in this matter. In my opinion, trying to rectify potential problems and concerns after an approval is a no- win situation for all parties.

Sincerely,

Cindy Stockton, Owner, Landlord
1137 E. Philadelphia Street
909-996-6741

Exhibit I: Rik Chan & Cathy Chen Letter (1127 E. Philadelphia Owner)

Rik Y. Chan and Cathy C. Chen
1127 E. Philadelphia Street
Ontario, Ca. 91761

May 30, 2012

City of Ontario, Planning Department
Mr. John Hildebrand
Associate Planner

Re: File No. PCUP12-004

To whom it may concern:

We are writing this letter to oppose above mentioned file number PCUP12-004 that are applying for Conditional Use Permit for several reasons as follows:

1. We are rescinding our previous parking agreement with Home of Christian Bethel Church because of our business activities. We are an import and export used auto parts company as well as wholesaling and retailing in US. Therefore our business hour will not only from 8:30am to 5:30pm five days a week. We always have import and export containers deliver and pick up before or after our operating hours, even on weekends. We also have oversea customers visit us on weekends or off hours. We will not grant permission to use or share all our parking spaces at my property.
2. This "change in use" at this property is not compatible with the industrial businesses located here. It is inherently conflicts with our and other neighbors' ability to grow our business and manage operations on a 24/7 week without restriction and raises safety concerns and liability issues.
3. In regards to safety concerns, church member told us that they have approximately 50 members range from young children to senior citizens. Since this is an M 2 industrial park, traffic is heavy and we can't afford to have any accidents happen here. As we mentioned above, we have 20 or 40 foot containers in and out of our property on weekdays and weekends. If any church member is here while we are in operation, it may cause unexpected safety problem.
4. Since safety concerns is an issue, then liability is also an important issue. Whenever there is accident happens, not during regular operating hours, in the common area of this industrial park, we all have to bear this unnecessary or unwanted liability. This also will cause the increase of our cost of insurance.

At last, we would like to thank you for your special attention to this letter. If you have any question, please feel free to contact us at 909-923-5588.



Rik Y. Chan and Cathy C. Chen Owners

Exhibit J: Carl Wang Letter (1141 E. Philadelphia Owner)

Mr. John Hildebrand
Zoning Administrator
Planning Dept.,
City of Ontario

May 30, 2012

Re: PCUP12-004

Dear Mr. Hildebrand:


This letter is intended to express our concerns about recent application under file number PCUP12-004 for conditional use permit by Home of Christians Bethel Church. Our concerns come from the following aspects:

- 1) Safety and liability issues will be big part of this growing congregation, leaving business community to full exposure of potential risks
- 2) The high maintenance cost will become inevitable to us due to increased traffic, random parking and over trespassing
- 3) Parking lot is strictly reserved for our business and employees 24/7, we do not intend to share our parking facility with the organization
- 4) The real estate value at this industrial complex could be depreciated with the prospect of hybrid tenancy and frequent mass gatherings

Based on all of above we decide to rescind our consent letter to allow
use of our parking lot by the organization.

Regards,

Cari Wang, Landlord



1141 E Philadelphia St.

Exhibit K: Dr. Yungtai Hsu Letter (1131 E. Philadelphia Owner)

Dr. Yungtai Hsu
1131 E. Philadelphia Street.
Ontario, CA 91761

June 2, 2012

To: City of Ontario
Planning Dept., John Hildebrand
Zoning Administrator

Re: PCUP12-004

To Whom It May Concern:

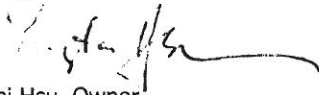
I am writing this letter to oppose file number PCUP12-004; Home of Christians Bethel Church's application for a Conditional Use Permit.

The proposed use is neither consistent nor compatible with our industrial business park. It would not be appropriate to locate a church in this business complex. The potential risks and safety implications is a major concern. With children and seniors wandering the premises, our liabilities would, without a doubt, increase thereby negatively affecting our insurance premiums. Due to the nature and operation of the church, the proposed initial hours of operation may unofficially change to a time which would coincide with our regular business hours. As a result, it is our belief that our businesses will be negatively impacted. With the adjacent property owners rescinding their previous parking agreement, the 26 parking spaces alone would not be sufficient to cover the 50+ church members. Therefore, it would take away from our customers their parking spaces which in effect may be detrimental to our businesses.

To reiterate, I, the property owner of 1131 E. Philadelphia Street, Ontario, CA, am opposed to the establishment of a religious assembly facility in this complex. I, the property owner of 1131 E. Philadelphia Street, Ontario, CA 91761, do not grant the applicant permission to use our parking spaces.

Thank you for your attention to this matter.

Sincerely,



Yungtai Hsu, Owner
1131 E. Philadelphia Street
Ontario, CA 91761

Exhibit L: Kay Lin Letter (1147 E. Philadelphia Owner)

Dear Mr. Hildebrand and Mr. Murphy,

Thank you for informing me of my neighbors concerns. These are the concerns we wished to address and alleviate when we met with them on May 23. But it seems like we were unsuccessful. I do like to address a few things in their letter so that you may gain another perspective.

1. Regarding security, the front gate guarding the entrance to the driveway that you can see from "church1.jpg" was installed not for security reasons but to keep people from dumping their trash into the trash receptacles of the businesses. The key to program the gate was offered to all the business owners on the complex, but none of them wanted to bother with programing the gate. They generally just let the previous owner of 1147 know their needs regarding gate openings. Each of the businesses do have remote controls to the gate which they open at will and even give to their employees at will. It is my understanding that on weekday holidays the gate would remain open due to the programing even though no one is on the premise. Each of the businesses do have their own security gates guarding their properties. When we talked to the business operating out of 1137 in the back of the complex, the managers in there told us that they have no problem with security or the church moving in there. They even volunteer to close the gate so that we can take a picture with Ginger standing in front showing the height of the gate. This took place on Wednesday afternoon during their working hours. See "church7.jpg"

2. Regarding higher maintenance of the joint driveway. First of all, our building is located on the front of the complex. Our use of the the driveway is only to go into our own extra parking lot in the back. Secondly, our congregation do not possess large trucks like the truck you see in "church1.jpg" that will inflict wear and tear on the road if there is constant traffic. If anything we would cause a lot less damage to the roads than a business that is comparable to our neighbors.

3. With respect to trespassing and random parking, we would surely respect our neighbor's wishes when it come to the use of their spaces, but when it comes to communal areas, we only ask that they grant us the same freedom and convenience that they give to themselves. Please see "church4.jpg" That truck was parked there on Wednesday, May 23 around 3 in the afternoon. It was parked there again on Friday, May 25 at 10:30 in the morning. I guess the driveway was wide enough to afford room for all the big trucks to go by even with its presence there.

4. With regards to property value which I think is the main concern of our neighbors. Our church has been operating out of a small space inside of a warehouse these 10 years. There is doorway from the church that opens out to a fully stocked warehouse. Never was there any reports of theft or breach of security. The warehouse was recently sold at a great boost of property value. The owner was very satisfied with their gain in profit. The presence of the church, if anything, only served to bless the building and its owner.

I understand that people are afraid of change and new things. I do sympathize with our neighbors concerns. I hope that in time they will learn to trust us that we are also concerned for their welfare and that we will try to be a good neighbor to them.

Thank you for your patience.

Sincerely,
Kay Lin
Bethel Church

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

DATE: 05/21/2012

FILE NO.: PCUP12-004

SUBJECT: A Conditional Use Permit to establish a religious assembly facility, occupying an approximate 8,200 square-foot portion of a 13,715 square-foot existing building within 0.792 acres of land, located near the northwest corner of Philadelphia Street and Grove Avenue, at 1147 East Philadelphia Street, within the M2 (Industrial Park) zoning designation.

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: 05/21/2012

FILE NO.: PCUP12-004

SUBJECT: A Conditional Use Permit to establish a religious assembly facility, occupying an approximate 8,200 square-foot portion of a 13,715 square-foot existing building within 0.792 acres of land, located near the northwest corner of Philadelphia Street and Grove Avenue, at 1147 East Philadelphia Street, within the M2 (Industrial Park) zoning designation.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 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.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 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.

2.0 GRAFFITI REMOVAL

- 2.1 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").

- 2.2 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.
- 2.3 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.

3.0 ENVIRONMENTAL REVIEW

- 3.1 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 Section § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 3.2 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.

4.0 ADDITIONAL CONDITIONS

- 4.1 Hours of Operation: Church services shall be conducted on Wednesday evenings and Sundays, offset from the typical business/operating hours of the surrounding business.
- 4.2 Assembly Area/Parking: The main assembly area shall be reduced from 1,905 square feet to 1,040 square feet, thereby matching the parking available on-site for the proposal (26 spaces). The construction plans shall be revised to show permanent walls as necessary to achieve the square footage allowed. The plans shall be reviewed and approved by the Planning Department prior to building permit issuance.
- 4.3 Parking Attendant: During church services, a parking attendant shall be provided to ensure church patrons park only within parking spaces designated for their use and not overflow onto adjacent sites or in the private drive aisle.

- 4.4 Parking: The church group is required to utilize their assigned parking spaces. Should the church group require additional parking spaces beyond the allocated 26, evidence of agreement(s) with adjacent property owners to utilize their parking spaces shall be provided to the Planning Department for referral to the Zoning Administrator for review and approval prior to any expansion of the use.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, John Hildebrand
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 2, 2012
SUBJECT: PCUP12-004

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

Conditions of Approval

1. Permits are required for improvements.
2. Building has to meet the current CBC due to change in use.
3. Units can not be occupied until building permits for the tenant improvements are finalized.

KS:cc



CITY OF ONTARIO MEMORANDUM

TO: John Hildebrand, Planning Department

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

DATE: April 23, 2012

SUBJECT: PCUP12-004 - A CONDITIONAL USE PERMIT TO ESTABLISH A RELIGIOUS ASSEMBLY USE WITHIN AN EXISTING LOCATED NEAR THE NORTHWEST CORNER OF GROVE AVENUE AND PHILADELPHIA STREET AT 1147 EAST PHILADELPHIA ST, WITHIN THE M2 (INDUSTRIAL PARK DISTRICT) ZONING DESIGNATION.


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

1. Based upon proposed floor plan this occupancy would be considered a place of assembly (greater than 300 people) Group A-1. Ref 2010 California Fire Code Section 202
2. Based on proposed floor plan the sanctuary square footage is 1957 square feet (41.2 x47.5), multipurpose room#1, 442.75 square feet (16.10x27.5), multipurpose room # 2, 980.88 square feet (24.4x 40.2) providing a total occupant load for the assembly areas of 483 persons (1957+442.75+980.88 = 3380.63/7
3. Based upon proposed floor plan the is 7554.4 square feet (77' x106'.4") with a fire area that exceeds 5000 square feet and is required to have an automatic sprinkler system . Ref 2010 California Fire Code Section 903.2.1.2
4. A fire alarm and Detection system shall be installed as outlined in 2010 California Fire Code Section 907
5. Exit signs shall be required as outlined in 2010 California Fire Code Section 1011.
6. Fire Extinguishers shall be provided in accordance with 2010 California Fire Code 906.1.
7. Decorative materials and furnishings shall be in accordance with those outlined Section 801 of the 2010 California Fire Code.
8. Main Entrance and exit doors located off the foyer shall open in path of exit travel. As outline in Section 10 of the 2010 California Fire Code.

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.

CITY OF ONTARIO
MEMORANDUM

TO: John Hildebrand, Associate Planner

FROM:  Brent Schultz, Housing and Neighborhood Revitalization Director

DATE: February ¹³ 9, 2012

SUBJECT: FILE NO. PCUP12-004

The Housing Department has the following comments on the above mentioned project:

- Rear trash enclosure is without doors. Staff recommends that the property owner re-install trash enclosure doors.
- A sea storage container is being stored at the rear parking area. Staff recommends that the property owner remove the storage container.



CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"

TO: John Hildebrand, Associate Planner

FROM: Barbara White, Crime Prevention Specialist

DATE: March 22, 2012

SUBJECT: FILE NUMBER PCUP12-004 A Conditional Use Permit to establish a religious assembly use within an existing building located near the northwest corner of Grove Avenue and Philadelphia Street at 1147 East Philadelphia Street, within the M2 (Industrial Park District) zoning designation.

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

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

- 1) No loitering will be allowed on the property. The applicant will have the appropriate signage properly posted to allow for enforcement.
- 2) No truck or commercial parking will be allowed on this site. The applicant will have the appropriate signage properly posted to allow for enforcement.
- 3) The 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.
- 4) The exterior areas will need to be illuminated during the hours of darkness which is operated by photocells to come on at sunset and go off at sunrise. This is to include walkways, doorways, and other exterior areas of the property. Care will need to be given uniform lighting while not offending adjoining property. A minimum of one (1) footcandle of light is required.

- 5) The applicant shall apply rooftop numbers to the building if not already done. The rooftop numbers shall be a minimum of three (3) feet in length and one (1) foot in width and shall be painted in reflective white paint on a flat black painted background, away from any rooftop obstacles. Such rooftop numbers shall be screened from public view and visible only from aircraft. The numbers shall be painted parallel to the street.
- 6) If an alarm is installed on the building, a blue flashing light shall be installed on the rooftop. This light shall be screened from public view but visible from the air. It shall only strobe during those times the alarm is activated.

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