

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2014-17

HEARING DATE: September 15, 2014
DECISION DATE: September 16, 2014
FILE NO.: PCUP14-015
SUBJECT: A Conditional Use Permit request to establish a 1,728 square foot Used Vehicle Dealership and Brokerage Office located at 2324 South Vineyard Avenue, Suite A, within the M2 (Industrial Park District) zone.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

GIOVANNI & JULIE LYNN PRASLIN, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, File No. *PCUP14-015*, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Description: A Conditional Use Permit request to establish a 1,728 square foot Used Vehicle Dealership and Brokerage Office located at 2324 South Vineyard Avenue, Suite A, within the M2 (Industrial Park District) zone. The projects site is generally located on the northwest corner of Vineyard Avenue and the SR-60 Freeway. (***Exhibit A – Project Vicinity***).

(b) TOP Policy Plan Land Use Map Designation: Office-Commercial

The TOP land use designation and existing zone are inconsistent. A zone change has been proposed for this project site which would change the zoning to be consistent with the current TOP land use designation. The proposed use is consistent with the TOP Office commercial land use designation, since the primary function of the business is administrative professional as it relates to auto brokerage and used vehicle sales and the site will not be used as a typical commercial auto dealership.

(c) Zoning Designation: M2 (Industrial Park District)

Approved By:

-1-

 RZ Principal Planner

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M2 (Industrial Park District) M2 (Industrial Park District)	Water Utilities Manufacturing
South:	- C3 (Commercial Service District)	SR-60 FWY Commercial Shopping Center
East:	M2 (Industrial Park District)	Specialized Construction
West:	M2 (Industrial Park District) M2 (Industrial Park District)	Service – Warehousing Manufacturing – Fab. Metal Prod.

(e) Site Area: 4.69 acres

(f) Assessor's Parcel No(s): 113-286-10

(g) Project Analysis:

Proposed Use: The applicant is requesting a Conditional Use Permit to establish a used vehicle dealership and vehicle auto brokerage office within an existing 1,728 square foot industrial business park suite (***Exhibit B: Site Plan & Exhibit D: Site Photos***). The applicant will be utilizing the location for administrative professional purposes and conduct business meetings with clients, bankers, vendors and other administrative functions as it relates to auto brokerage and used vehicle sales. Unlike traditional auto dealerships where customers visit the site and view the on-site vehicle inventory, this business operates by consulting with individuals or companies to identify their vehicle needs and then researches and locates a vehicle(s) for the client and in some cases assists with acquiring loans for vehicle purchase. After vehicles are secured or purchased by the applicant, they are kept at an off-site secure location at 15014 Valley Boulevard in Fontana, California.

To operate as a used vehicle dealership and vehicle auto broker, the State of California Department of Motor Vehicles (DMV) requires a “*Property Use and Zoning Verification*” form for each use to be signed and approved by the local jurisdiction. The used vehicle dealership is considered retail sales by the DMV and requires the applicant to have an office space, sign, and one display area. The display area must meet the following DMV criteria:

- The display area must be situated on the same property being licensed.
- The display area must be of a sufficient size to physically accommodate vehicle(s) of a type for which the dealership is licensed to sell (409.00 CA Code of Regulations).

The applicant will have one (1) allocated outdoor parking space for display located in the rear portion of the lot directly behind the warehouse area (***Exhibit B: Site Plan***). There will be a sign added to the space designating the display area. The space will be of sufficient size to physically accommodate the type of vehicles that they are licensed to sell fulfilling the DMV requirement. In order to prevent potential parking issues, conditions have been placed to restrict additional display and/or vehicle storage areas on-site.

Parking: The project site was developed in 1979 and the approved site plan identified a parking ratio of 1 space per 600 square feet requiring 153 to be shared over 7 buildings totaling 91,660 square feet. The approved site plan was developed with 197 spaces resulting in an excess of 44 parking spaces. Since the project was developed, the number of parking spaces has decreased by 16 resulting in 169 parking spaces due to a building addition and cell tower construction.

Type of Use / Building	Parking Ratio	Parking Required 1979	Parking Available 2014
Industrial A	1 / 600ft ²	26	30
Industrial B		23	25
Industrial C		30	32
Industrial D		24	26
Industrial E		24	26
Industrial F		13	15
Industrial G		13	15
Total		153	169

Figure G.1

Building A has ten (10) tenant spaces and the applicant occupies one 1,728 square foot space with approximately 473 square feet devoted to office and 1,255 allocated for storage. The current Development Code requires an office related use to provide parking at minimum of 1 space per 300 SF and 1 space per 1,000 SF for warehouse/storage uses, requiring a minimum of three parking spaces to be provided. The application does not include the elimination of any parking stalls and the use will not create an increase parking demand based on the minimal activity that occurs on site as described earlier in the report. Therefore, staff believes that the proposed use will not adversely affect the parking demand within the industrial park and enough spaces exist on the property to accommodate the proposed use.

Land Use Compatibility: A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within the M2 (Industrial Park District) zone within an industrial business park and surrounding land uses include automotive repair and servicing, home improvements, and business offices (**Exhibit E: Surrounding Land Uses**).

Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed uses. Additionally, the nearby businesses within the industrial park will not be exposed to any impacts resulting from a dedicated display parking stall or additional parking beyond those that would normally be associated with any other similarly allowed industrial land use on the property.

(h) **Airport Land Use Compatibility Plan:** This 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.

(i) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

(j) 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.

(k) 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 15th day of September 2014, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Nathan Castillo, planning intern, 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) Julie Praslin, the applicant/representing the applicant, explained the business operation and spoke in favor of the application. Mrs. Praslin also proposed the vehicle display area be relocated to the rear portion of the property and not make an adjustment to the office suite entrance.

(c) ZA, found their request to be acceptable & directed staff to make a note of relocating the display area.

(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 makes the following Conditional Use Permit findings:

(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 TOP land use designation and existing zone are currently inconsistent. A zone change has been proposed for this project site which would change the zoning to be consistent with the current TOP land use designation. However, the proposed use is consistent with the TOP Office commercial land use designation, since the primary function of the business is administrative professional as it relates to auto brokerage.

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

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. The use will be operated in accordance with the Ontario Development Code and the use meets the objectives and purposes as required in the M2 (Industrial Park District) zone.

(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 specific business operations will not increase traffic beyond those that would normally be associated with any other similarly allowed industrial land use on the property.

(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: Class 1 Existing Facilities of the State CEQA Guidelines.

(d) The Zoning Administrator hereby finds and determines that 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.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP14-015, 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 16th of September, 2014.



Barbara Millman
Zoning Administrator

Exhibit A: Project Vicinity

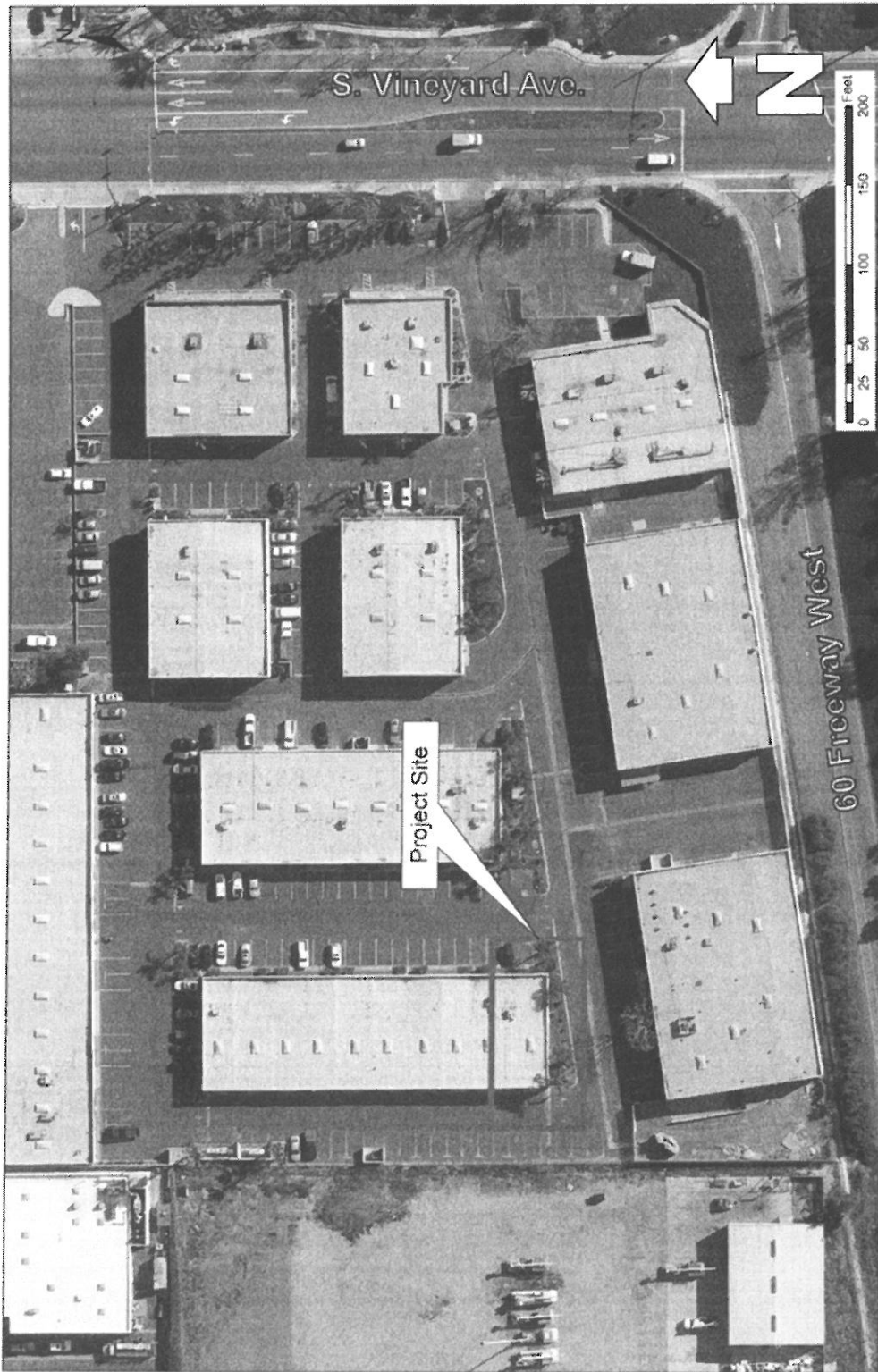


Exhibit B: Site Plan

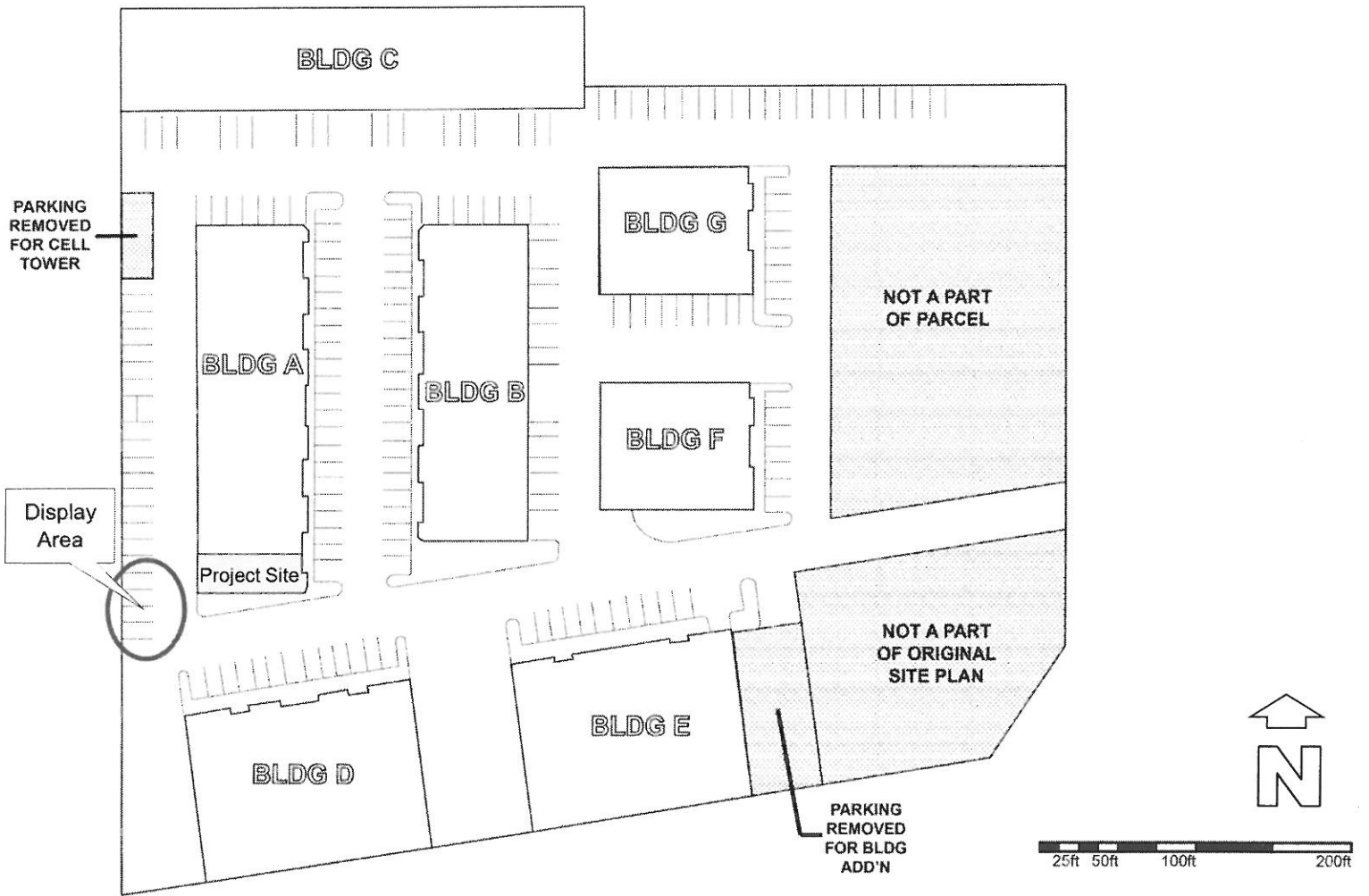


Exhibit C: Floor Plan

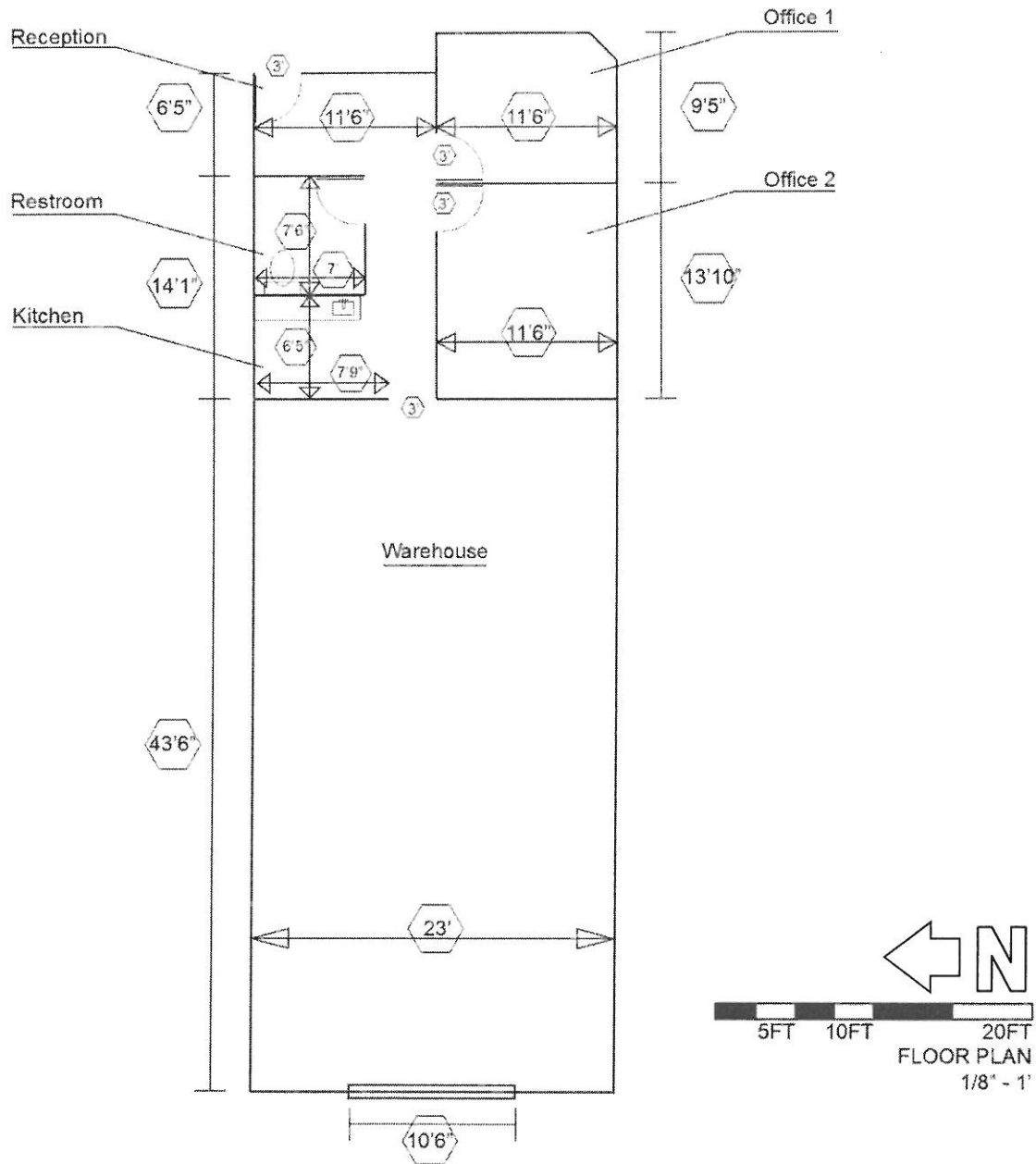
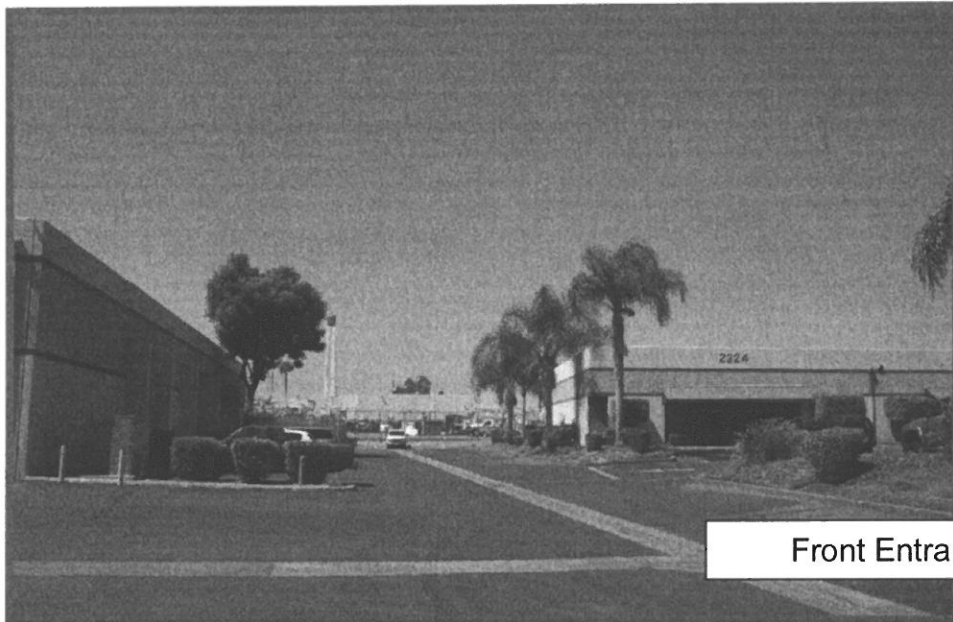
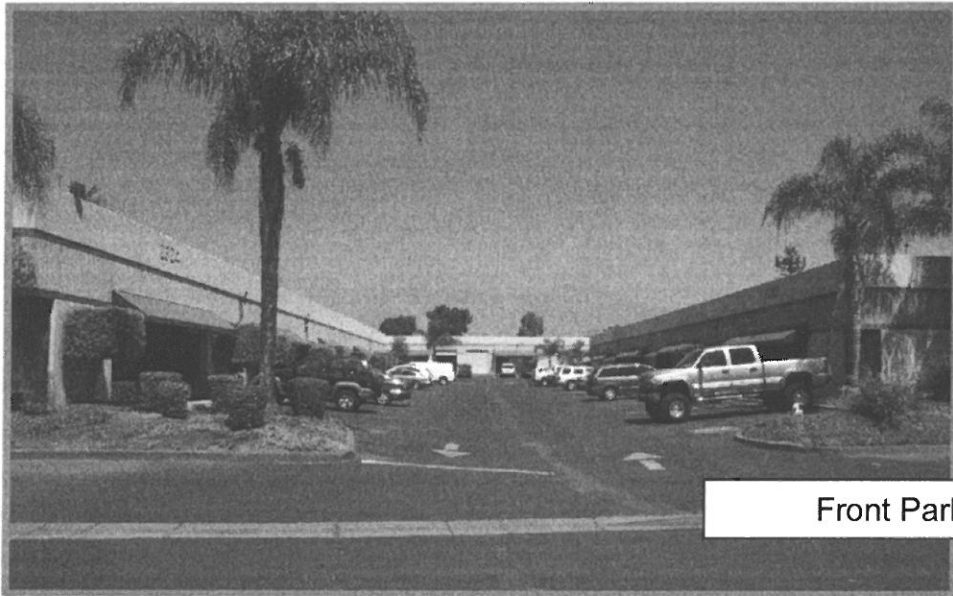


Exhibit D: Site Photos



Front Entrance (Office)



Front Parking Area

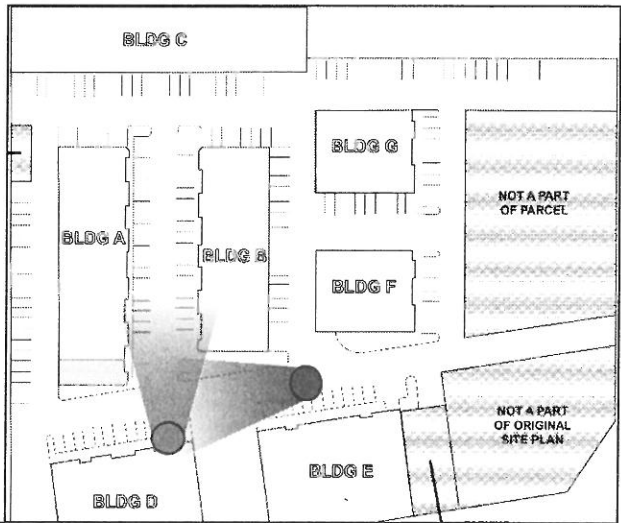
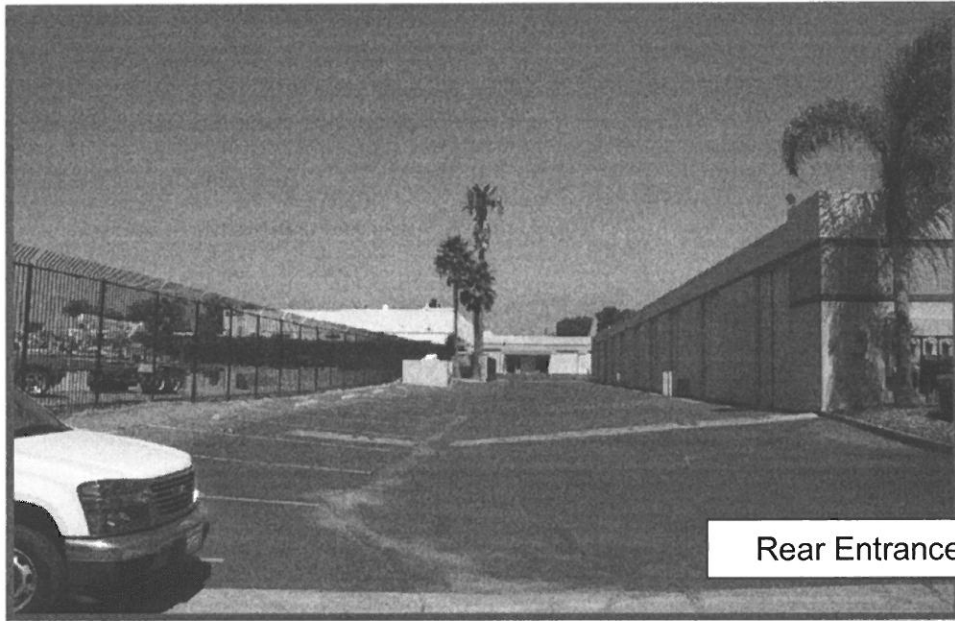
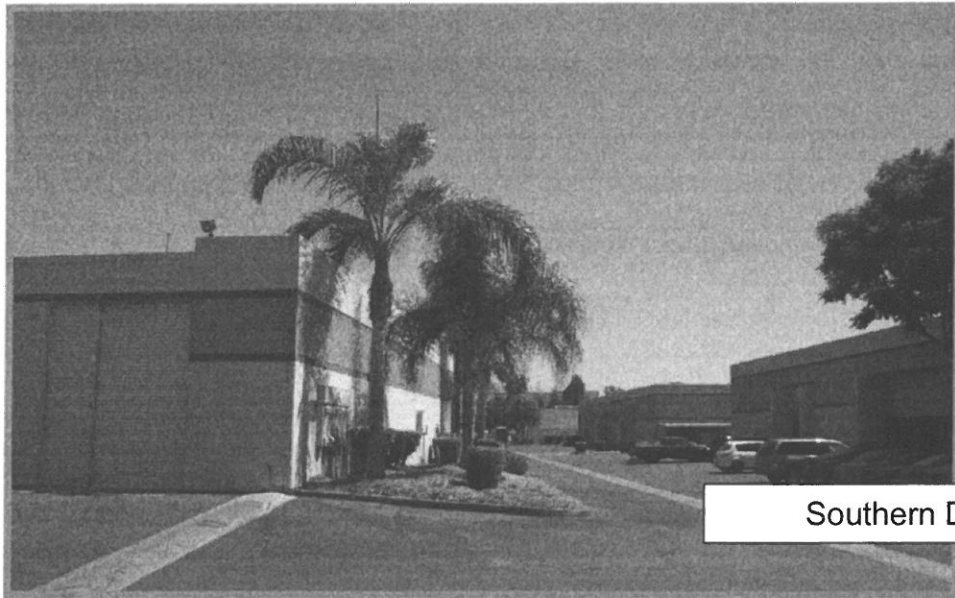


Exhibit D: Site Photos



Rear Entrance (Warehouse)



Southern Drive Aisle

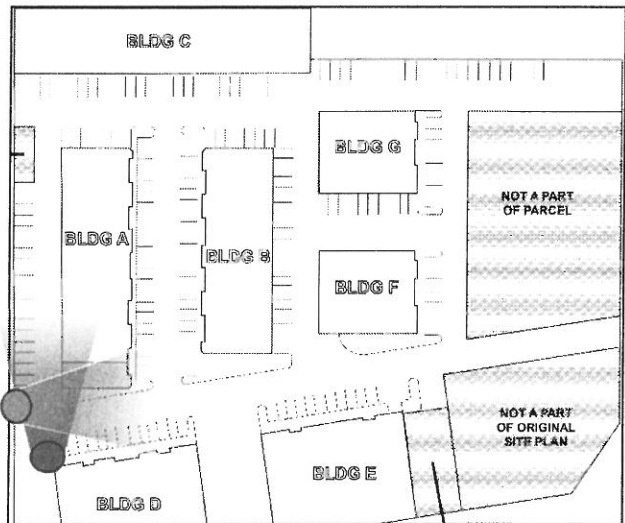
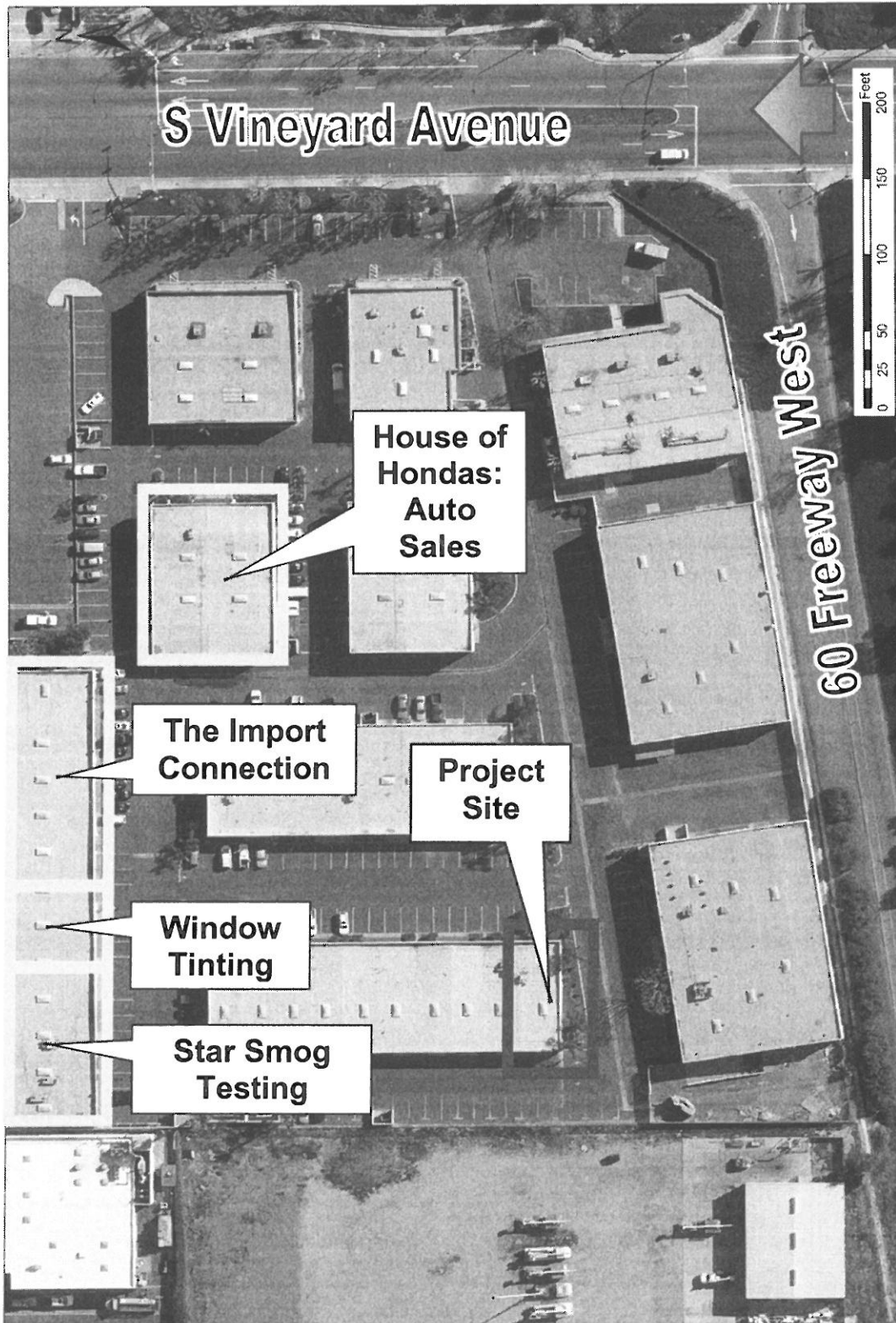
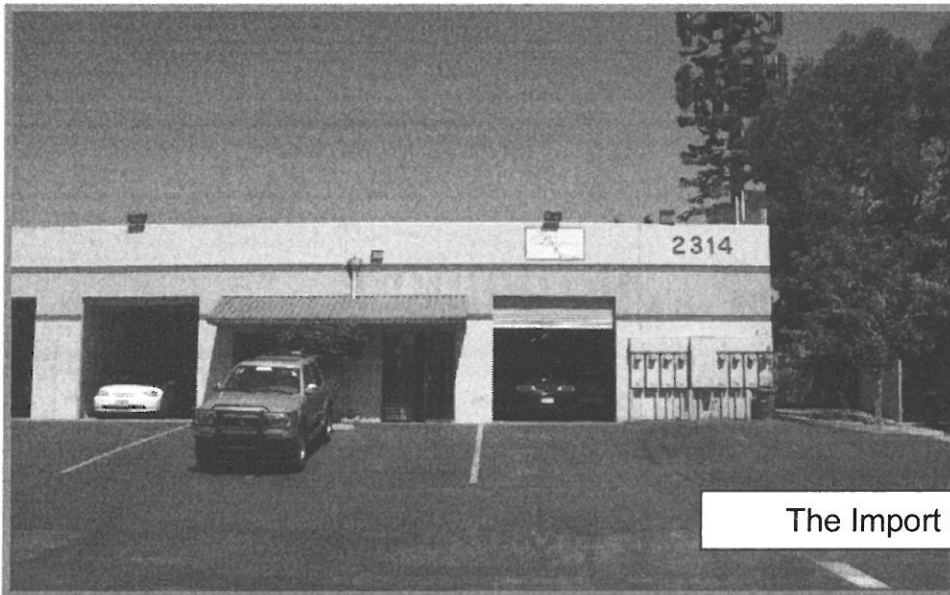


Exhibit E: Surrounding Land Use





Smog Testing & Window Tinting



The Import Connection

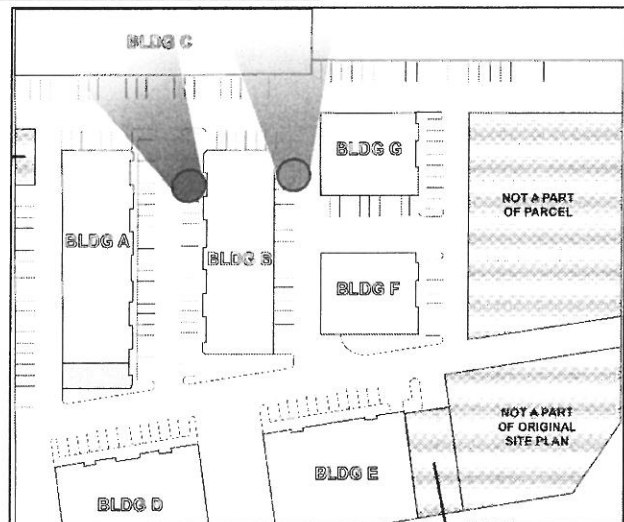
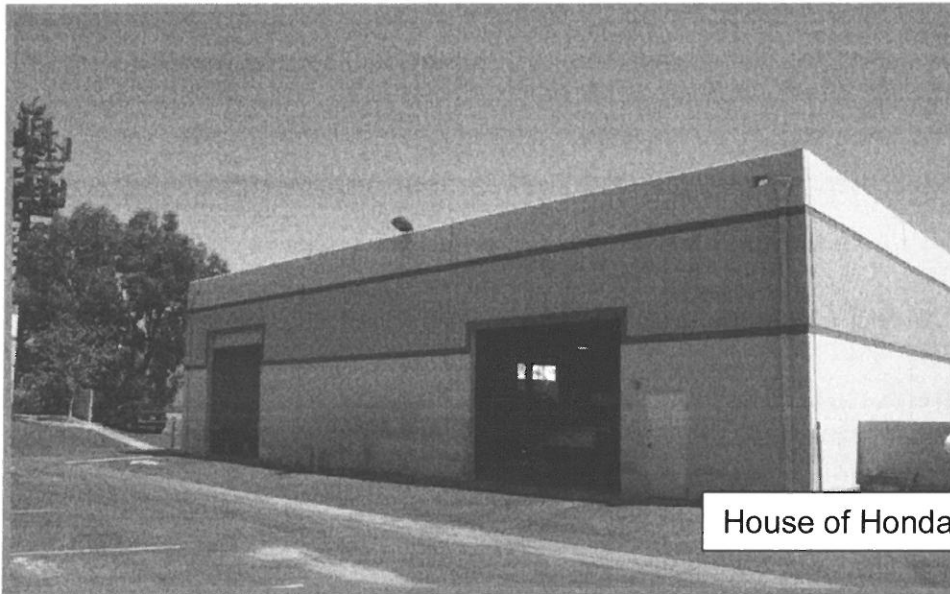


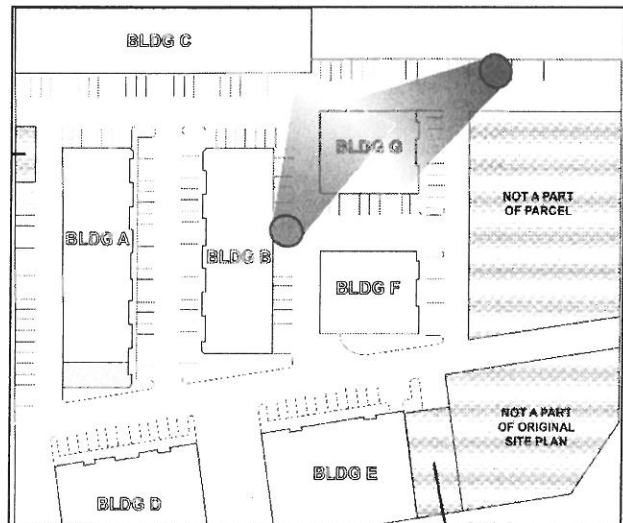
Exhibit E: Surrounding Land Use



House of Hondaz: Auto Sales



House of Hondaz (Warehouse)





**PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

File No. PCUP14-015

Date: September 15, 2014

Project Description: A request for a Conditional Use Permit to establish a 1,728 square foot Used Vehicle Dealership and Brokerage Office within an existing Industrial Business Park located at 2324 South Vineyard Avenue Suite A, within the M2 (Industrial Park District) zone. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section § 15301: Class 1 Existing Facilities (APN: 113-286-10); **submitted by Giovanni & Julie Lynn Praslin.**

Reviewed by: Lorena Mejia (Associate Planner) & Nathan Castillo (Planning Intern)
Phone: (909) 395-2036; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

The above-described Development Plan application shall comply with the following conditions of approval:

1.1 Environmental Review.

(a) The proposed project is categorically exempt from environmental review in accordance with Section 15301: Class 1 Existing Facilities of the California Environmental Quality Act Guidelines.

1.2 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD), Notice of Exemption (NOE), filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

1.3 Additional Requirements.

- (a) There shall be only one (1) outdoor parking stall dedicated for vehicle display allowed on site as marked on the site plan. Any display vehicle kept on-site in the designated display area shall be operable. (**Exhibit B: Site Plan**)
- (b) There shall be no additional vehicle storage on-site.
- (c) The warehouse area shall not be used for vehicle storage or repair.
- (d) Additional vehicle storage for retail sales, shall occur at an off-site location (current location is 15014 Valley Boulevard, Fontana, California 92335).
- (e) Permits are required for temporary and permanent signs of any type.