

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-002

HEARING DATE: February 2, 2015

DECISION DATE: February 5, 2015

FILE NO.: PCUP14-029

SUBJECT: A Conditional Use Permit to establish an indoor volleyball practice and training facility in an existing 27,520 square foot building within the Transpark Industrial Center, located at 3008 East Inland Empire Boulevard, within the Garden Industrial land use designation of the Transpark Specific Plan.

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

FORZA ONE PERFORMANCE, LLC, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP14-029, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 10.61 acres of land located at 3008 East Inland Empire Boulevard, and is depicted in (**Exhibit A: Aerial Photograph**), attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Retail – Furniture	Office Commercial	SP – Transpark	Garden Industrial
<i>North</i>	Undeveloped Land	Mixed Use	SP – Ontario Festival	Garden Commercial II
<i>South</i>	Undeveloped Land	Mixed Use	SP – Guasti Plaza	Office Commercial
<i>East</i>	Leisure Parks	Office Commercial	SP – Wagner Properties	Urban Commercial
<i>West</i>	Retail – Furniture	Office Commercial	SP – Transpark	Garden Commercial

Approved By: _____
Senior Planner

(b) Project Analysis:

(1) Background— On December 22, 2014, the Zoning Administrator approved a Determination of Use (**PDET14-005**) allowing indoor recreational facilities with a Conditional Use Permit within the Garden Industrial District of the Transpark Specific Plan. The Determination of Use explained that an indoor recreation facility such as an indoor volleyball training facility is similar to, and of no greater intensity than other light industrial uses permitted within the Garden Industrial District of the Transpark Specific Plan. However, a CUP was imposed to evaluate that parking requirements, circulation, and daily operations are adequately met and to ensure that existing business are not negatively impacted.

(2) Proposed Use— Forza One Performance, LLC is a volleyball club that provides an avenue for student-athletes to train for and participate in the Southern California Volleyball Association (SCVA) league. The applicant is requesting a Conditional Use Permit to allow a 27,520 square foot youth indoor volleyball practice and training facility to be established within the Garden Industrial land use designation of the Transpark Specific Plan (**Exhibit B: Site Plan**). The proposed facility is divided into 2 general areas: a 25,190 square foot area dedicated to five volleyball courts, weight and stretch area; and the remaining 2,330 square feet encompasses four offices, one lounge area, four unisex restrooms, and an equipment storage closet (**Exhibit C: Floor Plan**).

The facility will be staffed with approximately ten employees, with a maximum of 95 total attendants at any given time. Hours of operation will be Monday thru Friday from 4:00 p.m. to 12:00 a.m. and Saturday and Sunday from 8:00 a.m. to 10:00 p.m. A typical team practice will run for 1½ to 2 hours long with practice times scheduled from 4:00 to 5:30 p.m., 6:00 to 8:00 p.m., 7:00 to 9:00 p.m. and 7:30 to 9:30 p.m. The business operations include individual private training that is scheduled by appointment only. The volleyball training facility is intended for team practices and individual development and will not be open to the public for open/free play sessions.

In addition to regular training operations, the applicant is also requesting to hold weekend tournaments, approximately six to ten times a year at the facility. A typical tournament will include a range of 80 to 140 participants, not including employees or spectators. To ensure future tournaments do not negatively impact surrounding uses, staff is requiring a Temporary Use Permit (TUP) for all tournaments held at the facility.

(3) Land Use Compatibility— The proposed indoor volleyball court would operate within an industrial business park with shared parking among other tenants. Uses in the area include, warehousing and wholesale distribution facilities such as KC Cabinets, US Air Conditioning Distributors, Buddy's Flooring Outlet, and Hose-Man fittings and tubing (**Exhibit D: Surrounding Businesses**). These light industrial uses are primarily engaged in the moving of products to and from their corresponding warehouses. There is absolutely no outdoor storage permitted and all work is performed

within enclosed buildings. The low intensity uses described above are compatible with and are determined to not be hazardous or detrimental to the surrounding area.

Typical hours of operation for businesses within the Transpark Industrial Center are from 7:00 a.m. to 5:00 p.m. Monday thru Friday, Saturday 8:00 a.m. to 12:00 p.m., with most businesses closed on Sunday with the exception of Buddy's Flooring Outlet that is open from 10:00 a.m. to 5:00 p.m. As previously mentioned, the volleyball facility would operate in the evening on weekdays from 4:00 p.m. to 12:00 a.m. and weekends from 8:00 a.m. to 10:00 p.m. The average age of participants range from 9 to 18 and are typically dropped off and picked up by their parents at the beginning and end of practice. The differing business hours of operations between the proposed volleyball facility and light industrial uses would mitigate parking and other related impacts to the existing surrounding businesses.

(4) Parking — The Transpark Industrial Center has 285 parking spaces available on site. The proposed application does not include the elimination of any parking stalls and parking is shared throughout the center. The table below shows the parking requirements for the center in relation to the existing and proposed uses.

Address/ Business Name	Land Use	Building S.F.	Parking Ratio	Required Parking
3002 (East Penn Deka Batteries)	Warehouse	27,180	1:1,000	27
3008 (Proposed Use – Forza One Performance Volleyball Club)	Gymnasium/ Health Club	27,520	1:200	138
3062 (US Air Conditioning) & 3072 (RE Michel Company)	Wholesale	37,752	1:1,000	38
3030-A (DB&S Corp) & 3030-B (Buddy's Flooring)	Wholesale/ Warehouse	30,050	1:1,000	30
3022 (Vacant)	Wholesale	35,100	1:1,000	35
3042 (Cabinet & Granite Depot) 3042 (Greif) 3050 (Hoseman)	Wholesale	60,800	1:1,000	61
Total				329
Parking Deficit				(- 44 spaces)

As shown on the parking table, the parking requirements for gymnasiums/health clubs is 1 space per 200 square feet of floor area, requiring 138 spaces for the proposed use. The other uses within the center include wholesale and warehouse that has a parking ratio of 1 space per 1,000 square feet of floor area. The proposed use creates a greater parking demand that would potentially create a parking deficit of 44 parking spaces if all users were operating within the same business hours. However, the proposed use has operating hours in the late afternoon and evening, at which time other businesses within the center are closed. In addition, the average age of participants range from 9 to 18 and are typically dropped off and picked up by their parents at the beginning and end of practice. Therefore, any potential issues with insufficient parking would be mitigated by the differing business hours of operations between the proposed volleyball facility and

other light industrial uses. Staff has also placed conditions on the CUP requiring restrictions on business hours to minimize any potential impacts associated with on-site parking demands.

(5) **Recommendation**— Based upon the analysis above, staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, the proposed use will be able to coexist in a safe manner with the surrounding industrial uses and will not be impacted beyond those that would normally be associated with any other similarly allowed business in Garden Industrial District of the Transpark Specific.

(c) **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.

(d) **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.

(e) **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.

(f) **Correspondence:** The Planning Department staff received written and verbal communications from the general public, regarding the subject application. The comments received were regarding the safety of volleyball club members throughout the center and the potential for excessive noise disrupting residential uses to the north. Staff, responded to these concerns explaining that all activity would remain indoors alleviating any issues regarding excessive noise to residential uses to the north or safety concerns regarding any outdoor activity. To mitigate any potential impacts regarding the general public's concerns, staff included conditions restricting outdoor activity.

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 February 2, 2015, 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 to include a revision to the project description for maximum number of occupants to be changed from 60 to 95. Staff recommended approval of the proposed use subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Dana Burkholder, the applicant/representing the applicant, explained the business operation 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 finds as follows:
 - (1) The proposed location of the requested Conditional Use Permit, and the proposed conditions under which it will be operated or maintained, will be consistent with the Policy Plan component of The Ontario Plan and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed 27,520 indoor volleyball practice and training facility is located within the Garden Industrial land use designation of the Transpark Specific Plan.
 - (2) The indoor volleyball practice and training facility 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. The proposed use will be able to coexist in a safe manner with the surrounding industrial uses and will not be impacted beyond those that would normally

be associated with any other similarly allowed business within the Garden Industrial land use designation of the Transpark Specific Plan.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and the Garden Industrial land use designation of the Transpark Specific Plan. PDET14-005 determined that an indoor recreational facility such as a volleyball training facility to be similar to, and of no greater intensity than other light industrial uses permitted within the Garden Industrial District.

(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 use will not generate a significant amount of new traffic nor overload the surrounding circulations system. The differing business hours would mitigate parking and other related impacts to the existing and surrounding businesses. In addition, a sufficient amount of parking will be provided on site, the majority of students are typically dropped off and picked up from the facility, minimizing parking needs for the proposed use.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. As determined by PDET14-005, the proposed use, with its operating characteristics, is considered as similar to and of no greater intensity as uses permitted within the Garden Industrial land use designation of the Transpark Specific Plan. Therefore, this Conditional use permit will comply with the applicable provisions set forth in PDET14-005.

(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. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions and is therefore categorically exempt.

(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. PCUP14-029, 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 5th day of February, 2015.



Barbra Millman
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

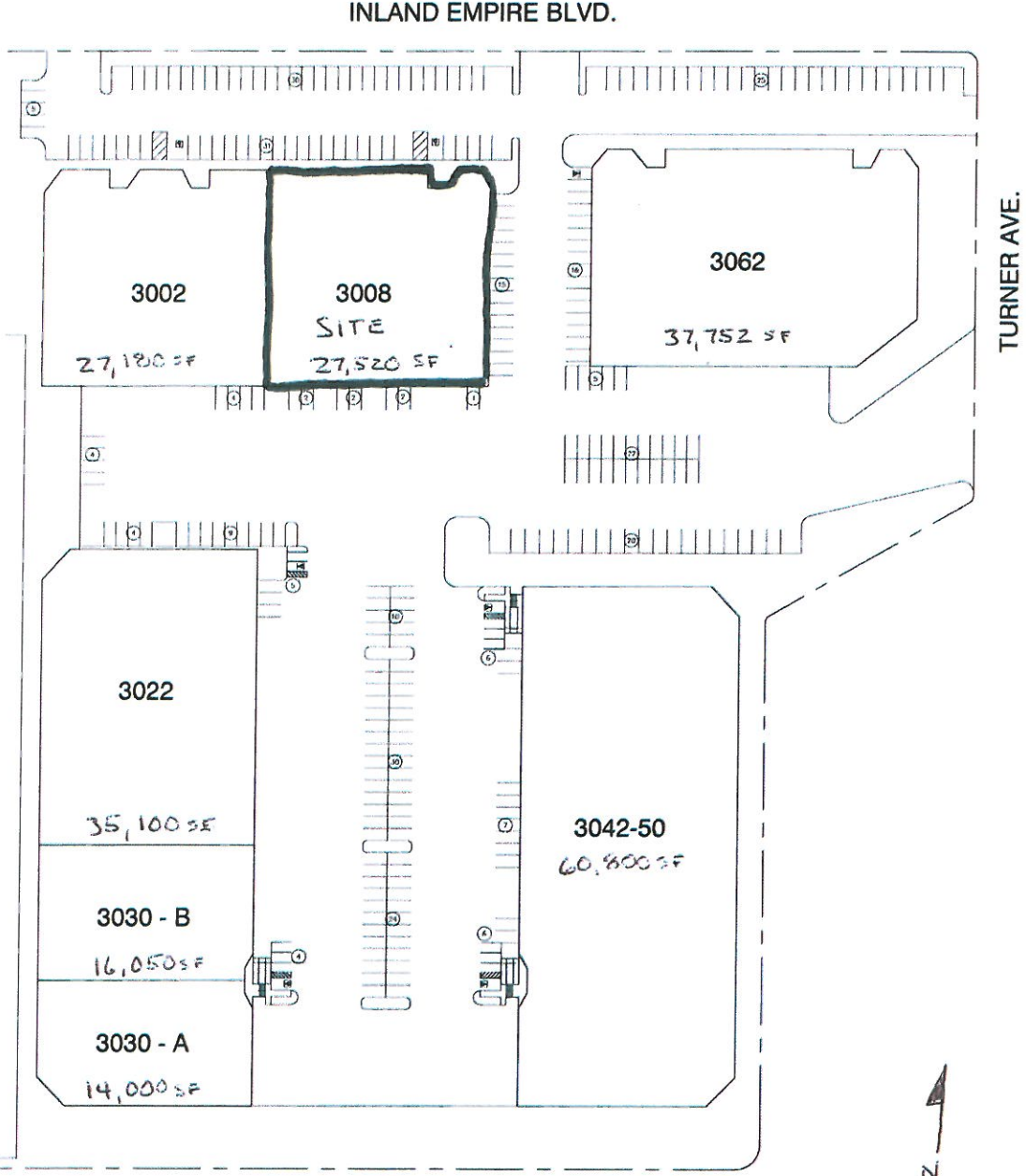


Exhibit C: Floor Plan

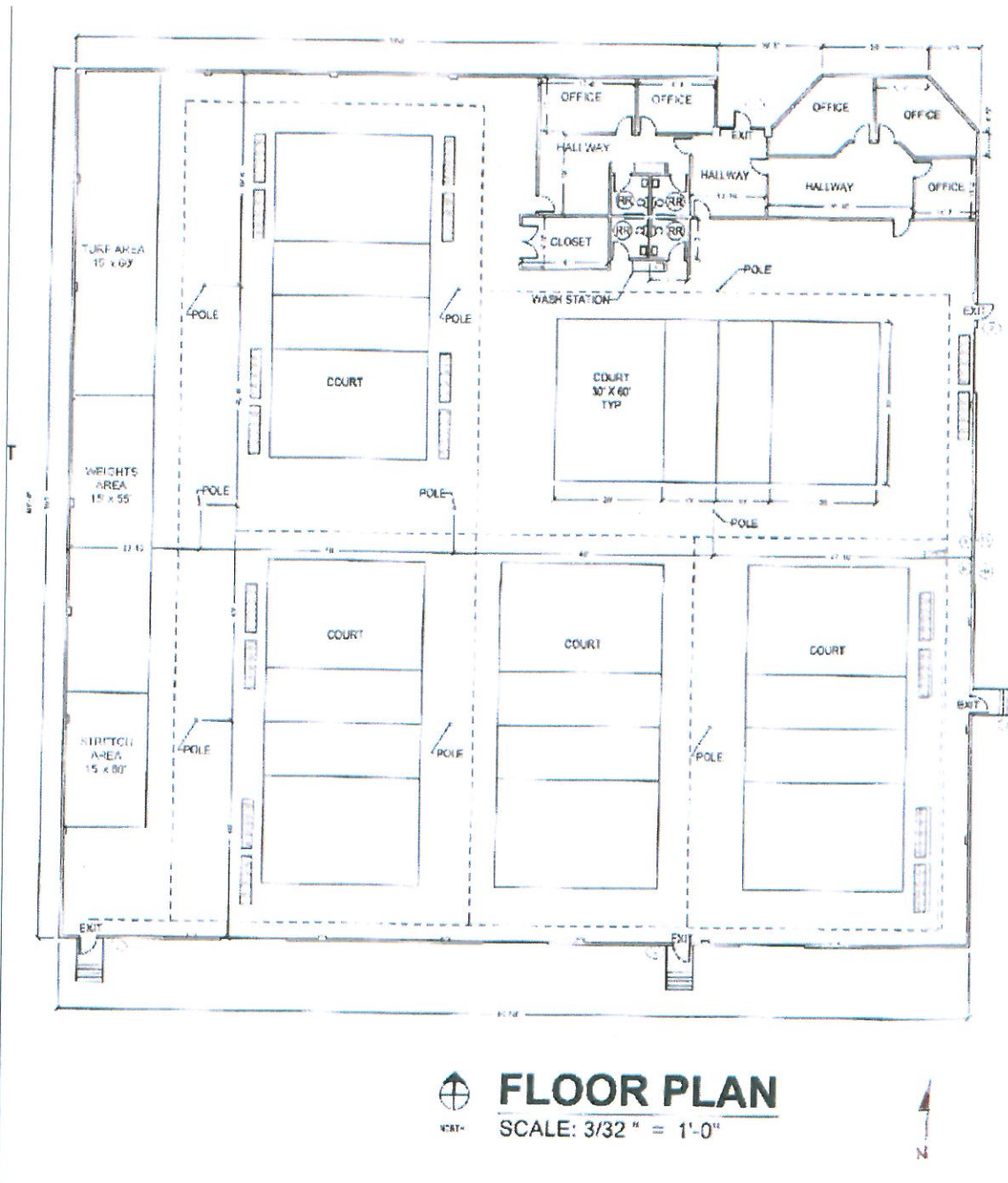


Exhibit D: Site Photos & Surrounding Businesses



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**PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

File No(s). PCUP14-029

Date: February 2, 2015

Project Description: A Conditional Use Permit to establish an indoor volleyball practice and training facility in an existing 27,520 square foot building within the Transpark Industrial Center, located at 3008 East Inland Empire Boulevard, within the Garden Industrial land use designation of the Transpark Specific Plan. (APN: 210-191-16); **submitted by Forza One Performance, LLC**

Reviewed by: 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, existing facilities, of the California Environmental Quality Act Guidelines.

1.2 Additional Fees.

(a) After project's entitlement approval and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

(b) 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.

(c) All volleyball tournaments or special events associated with the proposed use will require a Temporary Use Permit (TUP). The applicant will be required file a Temporary Use Application with the City of Ontario 30 days prior to the event and provide a description of the event, the number of people anticipated to attend, event dates, event hours and a site plan/floor plan showing the location of all described activities to include the location of vehicle/bus parking for the event on-site or off-site.

(d) Hours of operation will be Monday thru Friday from 4:00 p.m. to 12:00 a.m. and Saturday and Sunday from 8:00 a.m. to 10:00 p.m.

(e) Any changes in the hours of operation, floor plan, activity/operations will require the applicant to apply for a Conditional Use Permit Modification.

(f) There will be no outdoor activity or storage allowed for the proposed use.

(g) There will be no loitering allowed outside the building after or before practice sessions by attendees.

(h) Prior to occupying the building and operating the proposed business, plans must be submitted to the Building Department for a change of occupancy to A-3. Building improvements required as a result of the change of occupancy must also be completed and approved by the Building Department prior building occupancy and commencing operations.



CITY OF ONTARIO MEMORANDUM

TO: Lorena Mejia, Planning Department

FROM: Michelle Starkey, Senior Fire Safety Specialist
Bureau of Fire Prevention

DATE: December 4, 2014

SUBJECT: PCUP14-029 A request for a Conditional Use Permit to establish a 27,520 square foot indoor volleyball recreational facility on approximately 10.6 acres of land located at 3008 East Inland Empire Blvd., located within the Garden Industrial land use district of the Transpark Specific Plan.

The plan **does** adequately address the departmental concerns at this time.

No comments

Report below.

1. A fully supervised automatic fire sprinkler system is required.
2. All fire protection and detection systems/equipment shall be serviced and maintained in accordance with the California Fire Code and NFPA Standards.
3. Hand-portable fire extinguishers are required to be installed **PRIOR** to occupancy. Contact the Bureau of Fire Prevention during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Said numbers shall contrast with their background.
5. Facility shall not exceed the maximum occupant load as determined by the Ontario Building Department and/or Ontario Fire Department. Maximum occupant load sign to be placed in a visible location.
6. All exit doors, aisles and corridors shall remain unobstructed at all times.
7. Exit doors shall swing in the direction of egress and must be equipped with panic hardware.
8. Exit signs and emergency lighting shall be in working order and equipped with battery back-up.
9. All tenant improvements are subject to Fire Department review and approval.

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
LANDSCAPE PLANNING DIVISION
303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

1/12/15
Date

Reviewer's Name:

Carolyn Bell, Sr. Landscape Planner

Phone:

(909) 395-2237

D.A.B. File No.:

PCUP14-029

Case Planner:

Nathan Castillo

Project Name and Location:

Indoor Volleyball Facility

3008 East Inland Empire Blvd

Applicant/Representative:

Forza One Performance – Peter Whittingham

PO Box 4011

Mission Viejo, CA 92690

<input checked="" type="checkbox"/>	A Preliminary Site Plan (dated 12/1/14) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

1. Contact the property maintenance company to repair the damaged landscape:
 - a. Install 2 trees missing at front NE and SE of the building planters: Match existing site trees or use a narrow upright tree such as *Tristania conferta*.
 - b. Install street trees missing in parkway; 3- 24" box *Koelreuteria paniculata*, Goldenrain Tree 30' apart
 - c. Install trees missing along north side of building: 3-24" box *Eucalyptus microtheca* Coolibah tree 30' apart.
 - d. Install and stake per landscape standard or city standard detail. Add heads or repair irrigation to provide 1 stream spray head / tree within 3' of trunk.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: December 3, 2014
SUBJECT: PCUP14-029

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

Conditions of Approval

1. Plans and permits are required for the change of occupancy A-3.

KS : kb



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Lorena Mejia, Planning Department
FROM: Scott Melendrez, Police Department
DATE: January 15, 2015
SUBJECT: FILE NUMBER PCUP14-029 - A Conditional Use Permit to establish
an indoor volleyball facility at 3008 E. Inland Empire Blvd.

This permit application is approved with the following conditions:

1. Attendance and parking figures for regular use shall include overlap of teams playing/practicing and those waiting to play/practice.
2. All tournaments and other special uses shall be handled through the Temporary Use Permit (TUP) process.

The Applicant is invited to call Scott Melendrez at (909) 395-2292 regarding any questions or concerns.