

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-22

HEARING DATE: 08/19/2013
DECISION DATE: 08/04/2013
FILE NO.: PCUP13-002
SUBJECT: A Conditional Use Permit to establish a religious assembly use, generally located near the northeast corner of Maple Street and San Antonio Avenue, at 540 West Maple Street, within the AR (Agricultural Residential) zoning district.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

Centro Cristiano Shalom-Adonan, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, **File No. PCUP13-002**, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Description: A Conditional Use Permit to establish a religious assembly use within an existing building previously used for childcare services, generally located near the northeast corner of Maple Street and San Antonio Avenue, at 540 West Maple Street, within the AR (Agricultural Residential) zoning district.

(b) TOP Policy Plan Land Use Map Designation: Rural Residential

(c) Zoning Designation: AR (Agricultural Residential)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	AR (Agricultural Residential)	Residential
South:	R1 (Single-Family Residential)	Elementary School
East:	AR (Agricultural Residential)	Residential
West:	AR (Agricultural Residential)	Residential

(e) Site Area: 0.88 Acres

(f) Assessor's Parcel No.: 1050-301-31

(g) Project Analysis: Centro Cristiano Shalom-Adonan is proposing to establish their church within an existing building, previously utilized as a child daycare center, located at 540 West Maple Street, within the AR (Agricultural Residential) zoning district (**Exhibit A: Aerial Map**). The site is surrounded on the west, north, and east by residential dwelling units. To the south is a San Bernardino County children's education center.

The existing building is approximately 8,550 square-feet in floor area (**Exhibit B: Site Plan & Exhibit C: Floor Plan**). The applicant is proposing both site and building modifications, in order to accommodate the new religious assembly use. Site modifications include paving a portion of the property in the back for purposes of providing parking, replacing/adding new plant material, repair and repaint of the perimeter block wall, and general site clean-up. Building modifications include the addition of a 400 square-foot entryway, roof replacement, new stucco and paint as needed, as well as interior modifications to accommodate an assembly area and office space.

The proposed hours of operation for services include Monday, Wednesday, and Friday, from 7:00pm to 9:00pm, and Sunday, 9:30am to 12:30pm. There will be approximately 1-2 employees at the facility on a regular basis to handle the day-to-day operations. The religious assembly group is not proposing daily child-care services.

The main assembly within the building is shown on the floor plan as being 1,827.50 square-feet in floor area. Development Code requires religious assemblies to provide parking spaces at the rate of one-space for each 40 square-feet of assembly area. As shown, 46 parking spaces are required and 46 parking spaces are provided on-site, which meets the Development Code requirement. The size of the religious assembly congregation is contingent upon the availability of parking spaces. Should the congregation size grow in the future and there becomes an insufficient number of on-site parking spaces, the group will need to locate additional off-street parking spaces. The closest source of additional parking spaces is across the street at the San Bernardino County children's education center. There may be an opportunity to utilize the spaces, if both parties enter into a shared parking agreement, which is first required to be reviewed by the City of Ontario.

(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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(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 19th day of August 2013, the Zoning Administrator 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. Mr. Blum, Zoning Administrator, questioned Exhibit A, the aerial map. He asked if the project site was located towards the north of the map. Mr. Hildebrand explained the northern location of the project site. Mr. Blum asked Mr. Hildebrand to approach the dais to show the property boundaries. Mr. Blum asked if Mr. Hildebrand had been to the site. Mr. Hildebrand answered yes. Mr. Blum asked for a report of the site conditions. Mr. Hildebrand explained the improvements to be made to the building and landscaping. Mr. Blum spoke about the cracks in the pavement and the broken wall on the west elevation. Mr. Hildebrand stated the repair is conditioned.
- (b) The Zoning Administrator opened the public hearing.
- (c) Gustavo Gonzales, the project's architect, spoke in favor of the project and elaborated as to the extent of the site improvements. He explained that new landscaping will be installed to replace any dead material as well as fill in missing areas. A new parking area towards the back will be built and all existing parking area cracks will be fixed. The entire parking area will be restriped and the block wall repaired. He

further stated that the building façade renovations have been designed. The design will be more consistent with a residential district than a commercial development.

(d) The applicant and congregation's priest, Marco Plascencia, also spoke in favor of the project.

(e) The Zoning Administrator asked the applicant if they had read the staff report and conditions of approval. The architect stated that he had read the reports and was in agreement with each of the conditions.

(f) 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 religious assembly use lies within the AR (Agricultural Residential) land use designation.

(2) Religious assemblies 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 religious assembly use will be operated in accord with the Ontario Development Code and the use meets the objectives and purposes as required in Article 9: *Conditional Use Permits* and Article 13: *Land Use and Special Requirements* of the Ontario Development Code.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public

safety. The religious assembly use will not create a source of significant amounts of new traffic nor negatively impact the surrounding circulation system.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The religious assembly use is consistent with uses allowed in the AR (Agricultural Residential).

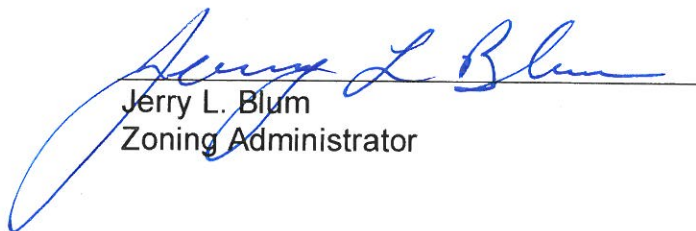
(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to State CEQA Guidelines Section § 15301 (Existing Facilities).

(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. PCUP13-002, 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 4th day of September, 2013.


Jerry L. Blum
Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

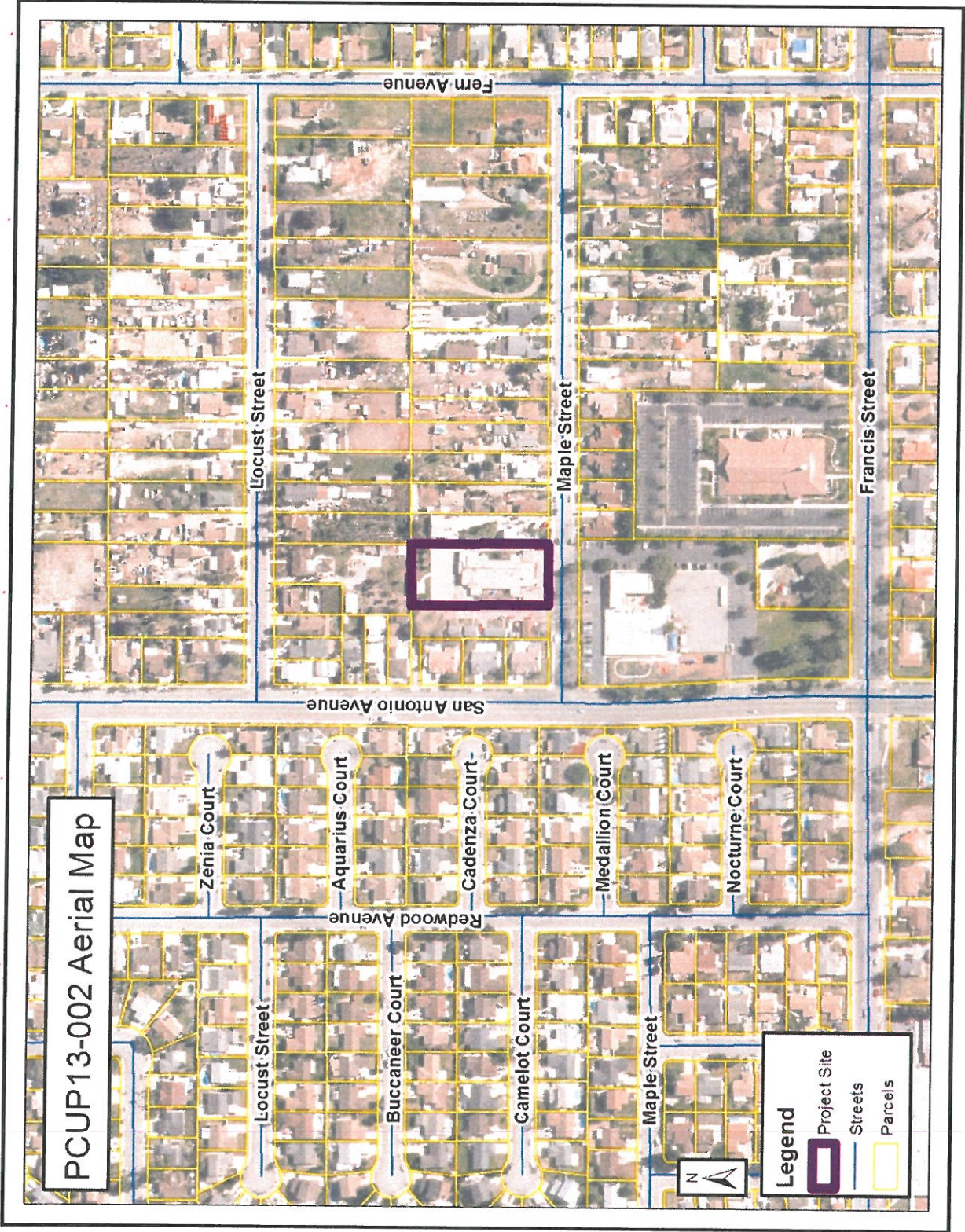


Exhibit B: Site Plan

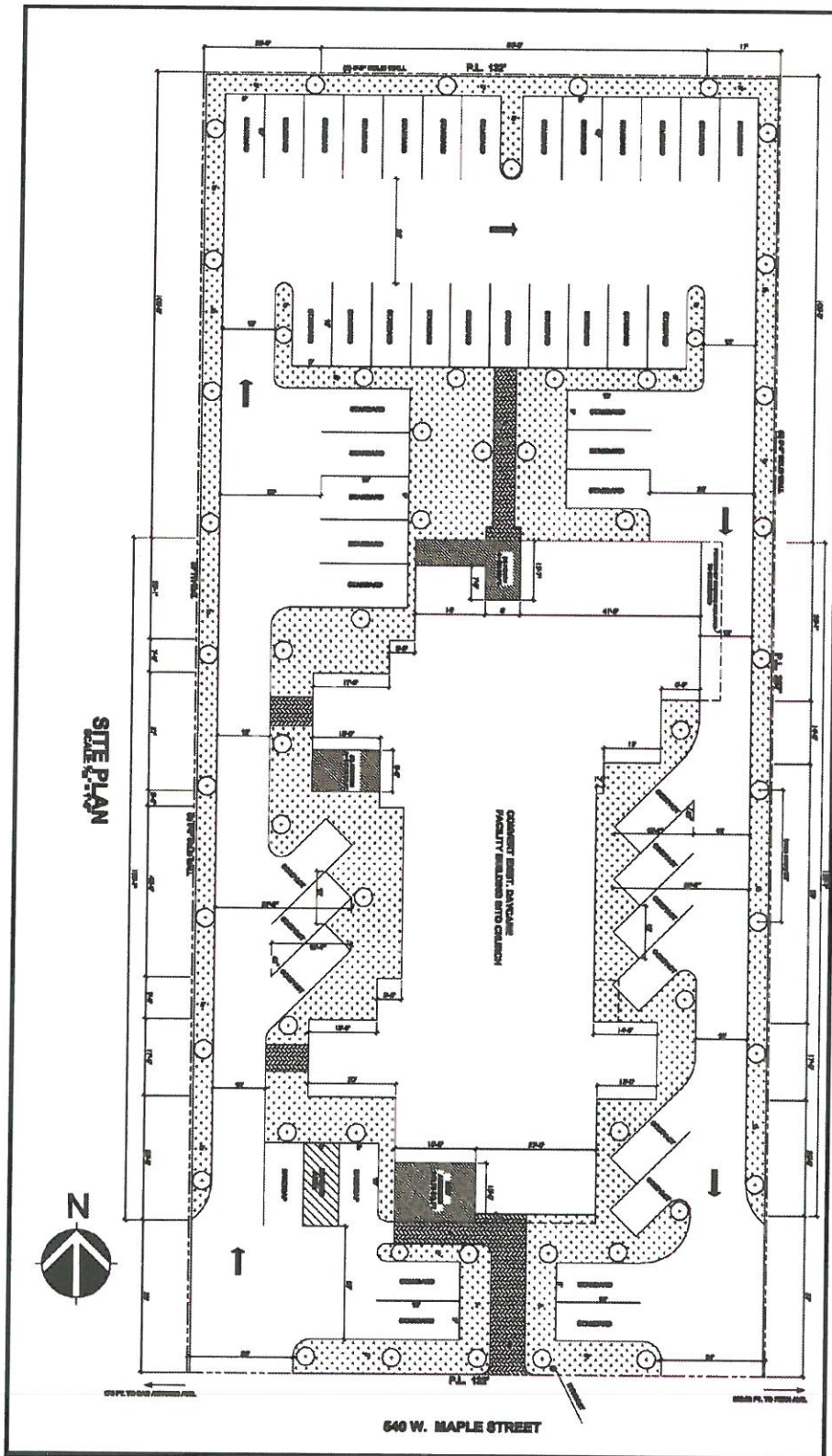


Exhibit D: Elevations

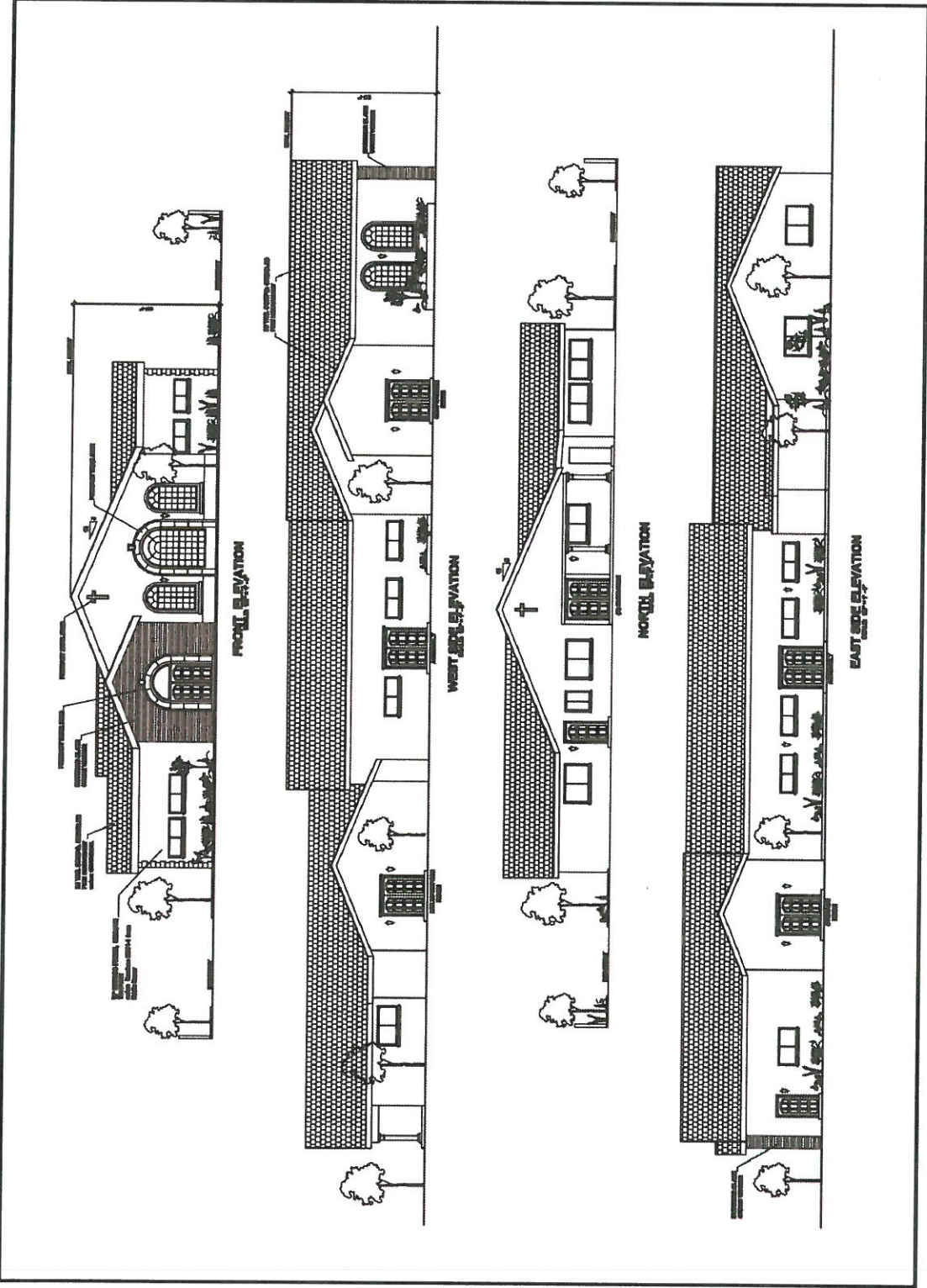


Exhibit E: Site Photos



Front Elevation – From Maple Street



East Elevation

Exhibit E: Site Photos (continued)



West Elevation



Inside – Main Hallway

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

DATE: 08/19/2013

FILE NO.: PCUP13-002

SUBJECT: A Conditional Use Permit to establish a religious assembly use, generally located near the northeast corner of Maple Street and San Antonio Avenue, at 540 West Maple Street, within the AR (Agricultural Residential) zoning district.

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.

- | | |
|--|---|
| <input checked="" type="checkbox"/> PLANNING | <input type="checkbox"/> ECONOMIC DEVELOPMENT |
| <input checked="" type="checkbox"/> LANDSCAPING DIVISION | <input type="checkbox"/> HOUSING |
| <input type="checkbox"/> ENGINEERING | <input checked="" type="checkbox"/> FIRE |
| <input type="checkbox"/> UTILITIES/SOLID WASTE | <input checked="" type="checkbox"/> POLICE |
| <input type="checkbox"/> BUILDING | |



CONDITIONS OF APPROVAL

DATE: 08/19/2013

FILE NO.: PCUP13-002

SUBJECT: A Conditional Use Permit to establish a religious assembly use, generally located near the northeast corner of Maple Street and San Antonio Avenue, at 540 West Maple Street, within the AR (Agricultural Residential) zoning district.

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 SIGNAGE

- 2.1 The location, quantity, size, and design of all signage shall comply with the Ontario Development Code, Specific Plan, or applicable sign program, pursuant to the zoning district for which the project site is located within.

3.0 GRAFFITI REMOVAL

- 3.1 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").
- 3.2 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.
- 3.3 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.

4.0 SITE LIGHTING

- 4.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 4.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on the adjacent residential properties.

5.0 PARKING

- 5.1 The religious assembly group shall maintain all 46 onsite parking spaces, as approved under the site plan. The required spaces shall not be used for long-term storage of material or vehicles.
- 5.2 Should there become an insufficient number of onsite parking spaces to support the religious assembly group; whereby members are parking street-side or within the adjacent residential areas, another source of parking spaces will be required.
 - (a) The church group will need enter into an agreement with an adjacent business for a shared parking space arrangement.
 - (b) The agreement will need to be provided to the City of Ontario for review.

6.0 ADDITIONAL REQUIREMENTS

- 6.1 The religious assembly group is required to obtain and maintain a City of Ontario business license.
- 6.2 Provide a landscape plan to Planning Department's Landscape Division. Contact Carolyn Bell (909) 395-2237 for information regarding plan preparation.
- 6.3 Final building/site inspection from Planning and Landscaping is required prior to occupancy.
- 6.4 The perimeter block wall shall be repaired where needed and shall include replacing all missing/broken blocks. The wall shall be repainted.
- 6.5 All parking areas and drive-aisles shall be repaved/repared as necessary to fix all cracks and chipping.

7.0 ENVIRONMENTAL REVIEW

- 7.1 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 State CEQA Guidelines Section § 15301 (Existing Facilities).
- 7.2 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.

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

DAB CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

4/23/13
Date

Reviewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.: PCUP13-002
Related Files:

Case Planner:
John Hildebrand

Project Name and Location:
Religious Assembly
540 West Maple Street

Applicant/Representative:
Xavier Lino Gonzalez
4077 Rigali Ave
Los Angeles, CA 90039

<input type="checkbox"/>	A site plan (dated) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input checked="" type="checkbox"/>	A site plan (dated 3/15/13) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Show the sidewalk, curb, and parkway on the plan.
2. Provide a landscape plan showing the existing and proposed landscape. Include a legend and identify plant genus, species, sizes and installation details. Show and identify existing trees to be removed or protected in place. Screen parked cars with 3' high shrubs.
3. Designated street trees are 2- Lagerstroemia indica, Crepe Myrtle. Replace with 24" box size if missing or damaged.
4. Provide shade trees adjacent to parking spaces such as Ulmus parvifolia, Pistachia chinensis, and Koelreuteria paniculata. Use tall narrow evergreen trees along perimeter planters such as Tristania conferta, Brachychiton populneus, and Callistemon viminalis.
5. Provide an irrigation plan that provides 100% coverage and is efficient with no on off or overspray per AB 1881, (hydrozones; heads set back 12"-24"; drip irrig. in planters less than 8' wide; etc.)



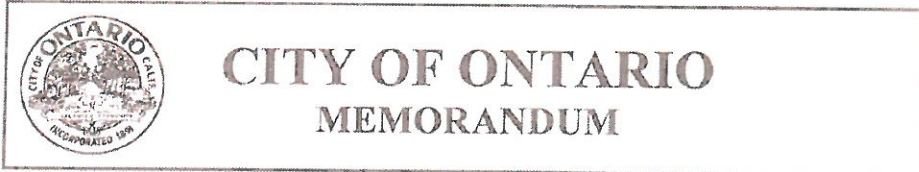
CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"

TO: John Hildebrand, Planning Department
FROM: Scott Melendrez, Police Department
DATE: May 10, 2013
SUBJECT: FILE NUMBER PCUP13-002 A Conditional Use Permit to establish a religious assembly, located at 540 W. Maple Street

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

- 1) All exterior/parking lot lighting shall be repaired and maintained in proper working order and shall provide a minimum of one foot-candle in all areas.
- 2) All trees shall be properly trimmed to eliminate obstruction of parking lot lighting. Recommended undertrim height is 7' except where such trimming may damage the health and/or aesthetic appearance of the tree.
- 3) All shrubs shall be trimmed and maintained to a height not to exceed 3'.
- 4) Building alarm, if installed and operational, shall be registered with the Police Department and shall have a blue rooftop light as per the Standard Conditions of Approval.
- 5) Rooftop shall have address numbers as described in the Standard Conditions of Approval.
- 6) All graffiti shall be removed.

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



TO: John Hildebrand, Associate Planner
FROM: Shannon Sanders, Fire Safety Specialist
DATE: April 4, 2013
SUBJECT: PCUP13-002 540 W Maple Street

The following is a list of conditions

1. Automatic Fire Sprinkler system shall be provided
2. Fire Alarm system shall be provided
3. Occupant load sign shall be provided
4. Exit signs shall be illuminated
5. Knox Box shall be provided
6. Address must be clearly visible on the building front
7. If cooking appliances are present you must have a Type I hood system

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-23

HEARING DATE: August 19, 2013

DECISION DATE: September 4, 2013

FILE NO.: PCUP13-015

SUBJECT: A Conditional Use Permit request to establish a private college (Charis Bible College) in an approximate 3,750 square foot suite within an existing 62,000 square foot building on 2.42 acres of land within the C4 (Airport Related Services) zone, located at the southwest corner of "D" Street and Vineyard Avenue, at 337 North Vineyard Avenue, Suite 101.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

CHARIS BIBLE COLLEGE, herein after referred to as the "Applicant," has filed an application requesting Conditional Use Permit approval, File No. PCUP13-015, 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 private college (Charis Bible College) in an approximate 3,750 square foot suite within an existing 62,000 square foot building on 2.42 acres of land within the C4 (Airport Related Services) zone, located on the southwest corner of "D" Street and Vineyard Avenue, at 337 North Vineyard Avenue, Suite 101.
- (b) TOP Policy Plan Land Use Map Designation: Hospitality
- (c) Zoning Designation: C4 (Airport Related Services)
- (d) Surrounding Zoning and Land Uses:

	<i>Zoning</i>	<i>Existing Land Use</i>
North:	C4	Multi-tenant restaurants and commercial center
South:	C4	Hotel
East:	C4	Hotel
West:	C4	Commercial Buildings

Approved By:

CM Senior Planner

- (e) Site Area: 2.42 acres
- (f) Assessor's Parcel No(s): 110-022-12
- (g) Project Analysis:

Proposed Use: Charis Bible College is a private, non-accredited college with over 40 campuses worldwide, and with another 5 campuses projected to open in the next 2 years. Charis Bible College offers a 2 year program to prepare students for Christian ministry. At the Ontario campus, the school proposes to offer day and night programs. Daytime classes would be from 10:30 a.m. to 1:30 p.m., Monday through Thursday, and the school anticipates an enrollment of 20 to 40 daytime students. Night classes would be offered from 6:30 p.m. to 9:30 p.m., Monday through Thursday, with an enrollment of up to 60 students. Approximately 4 to 8 employees or volunteers would be present to operate the school at any given time. The applicant proposes to use an approximate 3,750 square foot suite on the ground floor of an existing 4-story office building to operate the private college. (See Exhibit B—Site Plan and Exhibits C1 and C2 – Floor Plan).

Land Use Compatibility: The Conditional Use Permit review is required to ensure the compatibility between adjacent land uses, and limit exposure of nearby residents, businesses and property owners to potential nuisance activities. The 4-story office building is located at the south west corner of Vineyard Avenue, and is zoned C4 (Airport Service Commercial) (See Exhibit A—Aerial Map). The properties surrounding the project site to the north, south, east, and west are zoned C4. The property to the north is developed with a multi-tenant restaurant and commercial center, the properties to the south and east are developed with hotels, and the properties to the west are developed with a business park.

The major potential impact from the proposed private college is the lack of an adequate number of on-site parking spaces, which has been addressed through a shared parking agreement, included as Exhibit "D" of this Decision. The parking impacts are discussed in the "Parking" Section below.

Parking: For private college uses, parking spaces are required at a rate of one space for each 1.6 students, plus one space per employee. The applicant estimates that the daytime enrollment would be between 20 and 40 students and nighttime enrollment could be up to 60 students with between 4 and 8 employees or volunteers present at any given time. The daytime parking need is 25 spaces for students (40 students divided by 1.6 = 25), plus 4 spaces for employees, for a total of 29 parking spaces needed. For nighttime, 38 parking spaces are needed to accommodate approximately 60 students, plus 8 spaces for employees, for a total of 46 spaces needed.

The project is proposed within a 3,743 square foot suite in a 4-story office building. Pursuant to the Development Code, office development requires parking at a rate of one space for each 250 square feet of gross floor area; therefore, 15 parking spaces have been allocated for the suite. The shortfall of 14 spaces during the day and 31 spaces at night will be accommodated through a shared parking agreement. The existing office building has a total of 201 parking spaces. The hours of operation for the private college are of short duration (3 hours during the day and 3 hours in the evening) and are, at least partially, during times of low parking needs for other tenants.

Accommodating the additional parking needs of the private college during off-peak hours can be accommodated on-site. Therefore, a shared parking agreement is appropriate for this location. Implementation of the parking agreement will provide an adequate number of parking spaces for the private college use during its hours of operation (See Exhibit D—Parking Agreement).

Staff believes the proposed use of the property as a private college to be consistent with the surrounding land uses, and the potential adverse parking impacts have been adequately addressed and mitigated.

(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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(i) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommends 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 19th day of August, 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Clarice Burden, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions. The Zoning Administrator asked staff about the current parking situation for the existing office building. Staff responded that the parking area for the office building is generally less than half full during the day and acknowledged that the building is not fully occupied.

(b) The Zoning Administrator opened the public hearing.

(c) Ryan May, representing the applicant, explained the business operation and spoke in favor of the application. The Zoning Administrator asked Mr. Ryan May about the parking situation and degree to which the building is occupied. Mr. May indicated that the building is about 75 percent occupied. Mr. May also indicated that the college will have a 2 year lease and does not anticipate the daytime enrollment to reach 40 until the second year. He also noted that University of Phoenix and Cambridge College had previously occupied portions of the building.

(d) Jeff May spoke in favor of the application and indicated the entire first floor used to be Cambridge College and that Charis Bible College would only take up about a quarter of the space.

(e) 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 private college lies within the C4 land use designation.

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

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The parking needs for the private college use, beyond those parking spaces provided for the occupied suite, will be accommodated within the on-site parking facilities through a shared parking agreement.

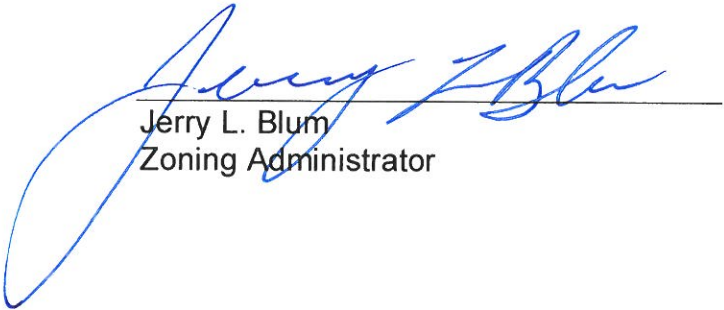
(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) 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. PCUP13-015, 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 4th day of September, 2013.



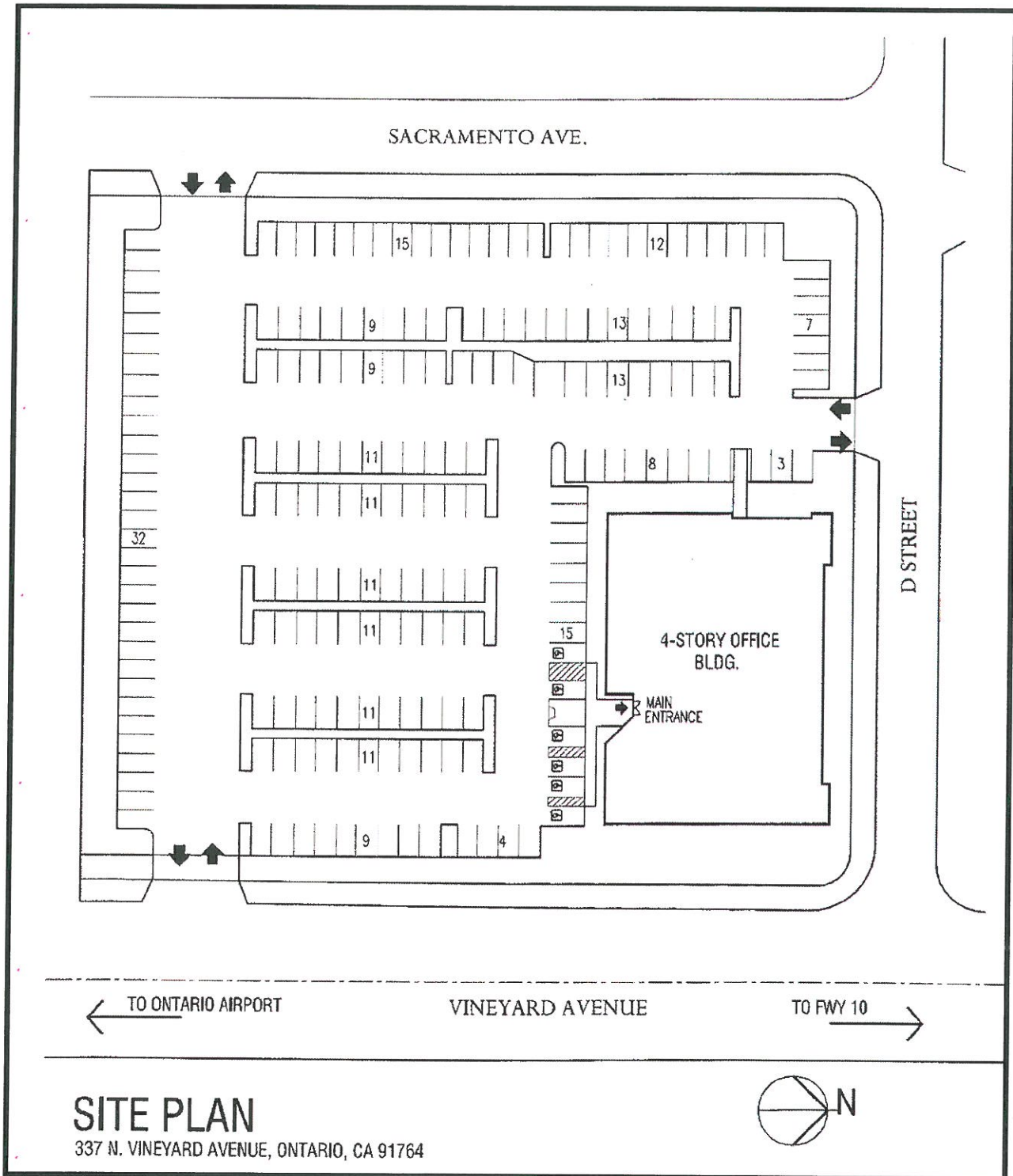
Jerry L. Blum
Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map



Exhibit B: Site Plan



SITE PLAN

337 N. VINEYARD AVENUE, ONTARIO, CA 91764

Exhibit C1: Building 1st Floor Plan

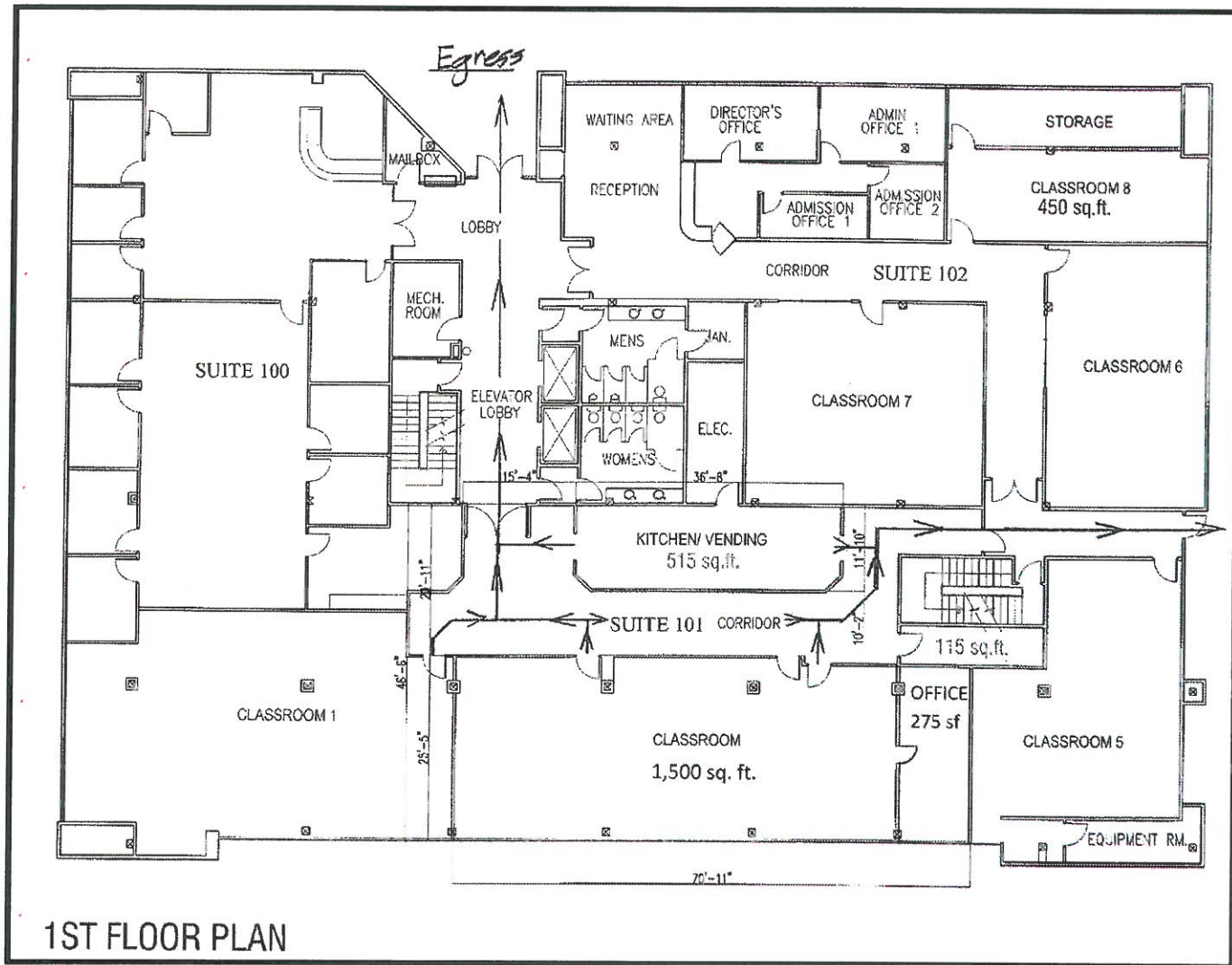


Exhibit C2: Suite 101 Floor Plan

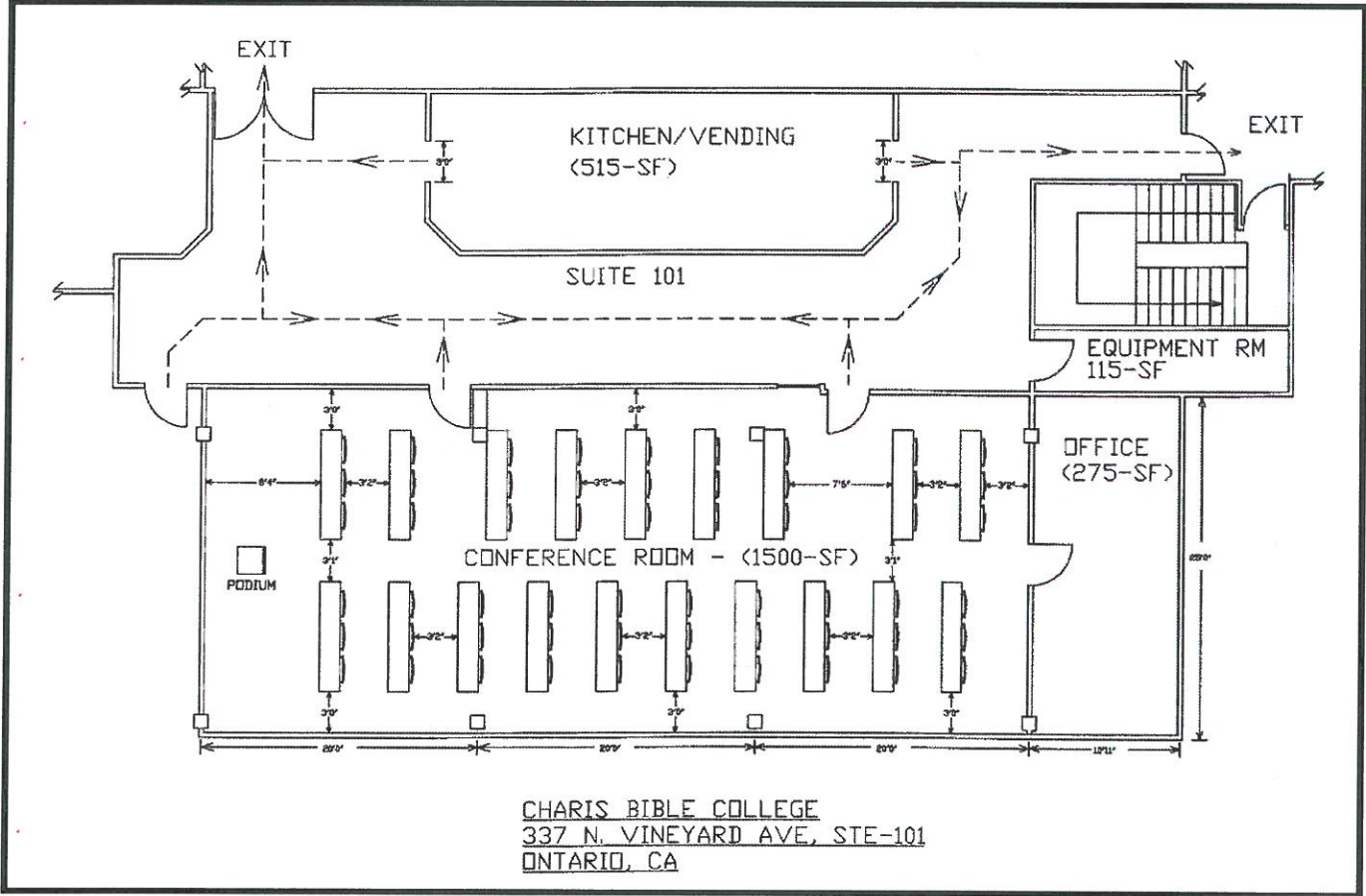


Exhibit D: Shared Parking Agreement

RECIPROCAL PARKING AGREEMENT

This Reciprocal Parking Agreement ("Agreement") is made and entered into this 24th day of July, 2013, in San Bernardino County, California, by and between B.H. Properties, LLC ("Owner") and Andrew Wommack Ministries, Inc. dba Charis Bible College ("Tenant"). This Agreement is entered into on the basis of the following facts, understandings, and intentions of the parties:

A) Owner is the fee owner of that real property located at 337 North Vineyard Avenue in Ontario, California 91764, identified as APN 0110-022-12-0-00 ("Property")

B) Andrew Wommack Ministries, Inc., dba Charis Bible College is the tenant of Suite 102 on Property ("Leased Premises"); Tenant proposes to use the Leased Premises for school purposes and other related activities (collectively, "Bible College Activities").

C) In order to meet the parking requirements of City of Ontario ("City") for Tenant's proposed use of the Leased Premises, Owner is willing to allow Tenant to utilize thirty (30) in daytime and Sixty (60) at nighttime, parking spaces on the Property in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the covenants and agreements contained herein, the parties agree as follows:

1. Grant of Reciprocal Parking

Owner grants Tenant as well as Tenant's agents, officers, employees, licensees, permittees, and invitees, an irrevocable license to use the Property's number of parking spaces as specified below on a non exclusive basis subject to the terms and conditions contained herein.

2. Use of Parking Spaces.

The purpose of this Agreement shall be for the temporary parking of passenger motor vehicles. The use of the Property's parking spaces shall be limited of the following:

From 10:30am to 1:30pm - Thirty (30) parking spaces; From 6pm to 9pm - Sixty (60) parking spaces by Tenant as well as Tenant's agents, officers, employees, licensees, permittees, and invitees.

3. Term.

The Term of this Agreement shall be for the entirety of the time Tenant remains a tenant occupying the Leased Premises on the Property, commencing on the date of execution of this Agreement, contained herein, and terminating when Tenant vacates the Leased Premises.

4. Modifications of Agreement.

This Agreement shall not be amended or modified, if such amendment or modification would materially affect the parking rights of the parties hereto, without first obtaining the written approval of the City's Planning Director and City Attorney.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

B.H. Properties, LLC.



Arsalan Gozini, Member

Andrew Womack Ministries, Inc. dba Charis Bible College

By: 

Representative Name RYAN MAY

Its: Director

Representative Title

Attach notary acknowledgements for signatures

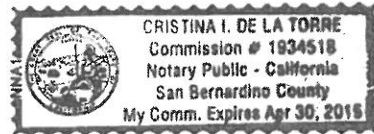
ACKNOWLEDGMENT

State of California
County of San Bernardino

On August 12, 2013 before me, Cristina I. De La Torre, Notary Public, personally appeared Ryan May, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Cristina De La Torre (Seal)

OPTIONAL

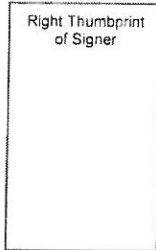
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraud and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Reciprocal Parking Agreement
Document Date: 7-24-2013 Number of Pages: 2
Signer(s) Other than Name Above: _____

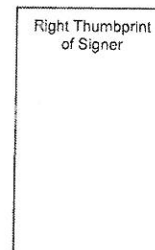
Capacity(ies) Claimed by Signer(s)

Signer's Name: Ryan May
 Individual
 Corporate Officer Title(s): Member
 Partner - Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
APN: 0110-022-120
Signer is Representing: _____
Andrew Wommack Ministries, Inc.
dba Charis Bible College



Signer's Name: _____
 Individual
 Corporate Officer Title(s): _____
 Partner - Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

 Signer is Representing: _____



ACKNOWLEDGMENT

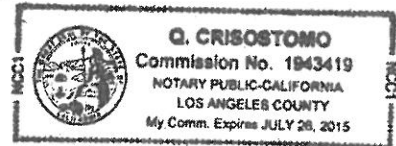
State of California
County of Los Angeles

On July 24, 2013 before me, Q. Crisostomo, Notary Public, personally appeared ARSACAN GORDON who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



MINUTES OF SPECIAL MEETING AND
RESOLUTIONS BY UNANIMOUS CONSENT OF
THE SOLE MEMBER OF
B. H. PROPERTIES, LLC

A special meeting of the sole member of B.H. Properties, LLC, a California limited liability company ("Company") was held on the 29th of July, 2013.

The matter of the reciprocal parking agreement relating to the property located at 337 North Vineyard Avenue in Ontario, California 91764 ("Property") was discussed. It being found in the best interest of the Company to enter into such agreement, the following resolutions were duly made, seconded and adopted.

RESOLVED, that the Company may execute the reciprocal easement agreement (the "Document").

RESOLVED, that the Company may take any other actions which it deems reasonably necessary to protect the rights of the Company and to take other necessary steps that are in the best interest of the Company, including execution of the Document.

RESOLVED, that Arsalan Gozini, as sole member of the Company, is authorized to sign such documents on behalf of the Company, including the execution of the Document.

The undersigned hereby certifies that Arsalan Gozini is the sole member of the Company; that Arsalan Gozini is in possession of the books and records of the Company; and that the foregoing resolutions were duly made and adopted by the undersigned on the 29th of July, 2013.



Arsalan Gozini

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

DATE: August 19, 2013

FILE NO.: PCUP13-015

SUBJECT: A Conditional Use Permit request to establish a private college (Charis Bible College) in an approximate 3,750 square foot suite within an existing 62,000 square foot building on 2.42 acres of land in the C4 (Airport Related Services) zone, located on the southwest corner of "D" Street and Vineyard Avenue, at 337 North Vineyard Avenue, Suite 101.

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.

- | | |
|---|---|
| <input checked="" type="checkbox"/> PLANNING | <input type="checkbox"/> ECONOMIC DEVELOPMENT |
| <input type="checkbox"/> LANDSCAPING DIVISION | <input type="checkbox"/> HOUSING |
| <input checked="" type="checkbox"/> ENGINEERING | <input type="checkbox"/> FIRE |
| <input type="checkbox"/> UTILITIES/SOLID WASTE | <input type="checkbox"/> POLICE |
| <input type="checkbox"/> BUILDING | |



CONDITIONS OF APPROVAL

DATE: August 19, 2013

FILE NO.: PCUP13-015

SUBJECT: A Conditional Use Permit request to establish a private college (Charis Bible College) in an approximate 3,750 square foot suite within an existing 62,000 square foot building on 2.42 acres of land in the C4 (Airport Related Services) zone, located on the southwest corner of "D" Street and Vineyard Avenue, at 337 North Vineyard Avenue, Suite 101

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 SIGNAGE

- 2.1 The location, quantity, size, and design of all signage shall comply with the Ontario Development Code, Specific Plan, or applicable sign program, pursuant to the zoning district for which the project site is located within.
- 2.2 No more than 25% of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so

that there is clear and unobstructed view of the interior of the premises from the building exterior.

- 2.3 View obscuring material that is applied to any window, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.

3.0 PARKING AND CIRCULATION

- 3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Students/ Employees</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Private College Daytime	40 students/ 4 Employees	1 space per 1.6 students 1 space per employee	29
Private College Nighttime	60 students/ 8 Employees	1 space per 1.6 students 1 space per employee	46

- 3.2 The project provides 15 parking spaces for the 3,743 square foot suite to be occupied by the private college use. The balance of the parking spaces (14 daytime and 31 evening parking spaces) are to be provided through a parking agreement that will be recorded on the property. (See Exhibit D: Parking Agreement). The approval of the private college use is contingent upon provision of adequate parking.

4.0 GRAFFITI REMOVAL

- 4.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 4.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a

period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.

6.0 ENVIRONMENTAL REVIEW

- 6.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 6.2 The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 The Parking Agreement shall be signed, notarized, and recorded prior to commencement of the private college use.
- 7.2 Upon approval the applicant shall obtain a business license prior to commencement as a private college.
- 7.3 Sign permits shall be obtained for any signage prior to installation.
- 7.4 The use, and its impacts on parking, shall be reviewed in 2 years. Parking agreements with surrounding property owners may be required to supply adequate parking, if needed, as determined by the Planning Department.
- 7.5 The comments and conditions from all other departments shall be addressed prior to the establishment of the approved land use.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

DATE: 08.12.2013 (1st review)

PROJECT PLANNER: Clarice Burden, Planning Department

PROJECT: PCUP13-015, A Conditional Use Permit application to establish a bible college (DBA: Charis Bible College) within an existing 3,743 SF building on 2.42 acres, generally located on the southwest corner of D Street and Vineyard Avenue, at 337 North Vineyard Avenue, Suite 101, within the C4 (Airport related Services) zone.

APN: 0110-022-12

LOCATION: 337 North Vineyard Avenue

PROJECT ENGINEER: Miguel Sotomayor, Engineering Department

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

1. Replace two uplifted sidewalk panels; one is located west of the driveway approach on D Street. Second is located on the southwest corner of Vineyard Avenue and D Street (uplifted sidewalk panel contains a street lighting vault). Sidewalk panels shall be constructed per City Standards.

