

# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

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DECISION NO. 2014-09

HEARING DATE: March 17, 2014

DECISION DATE: March 24, 2014

FILE NO.: PCUP13-026

**SUBJECT:** A Conditional Use Permit to establish religious assembly for Turning Point International Ministries, within a 1,450 square foot suite of an existing building on 5.5 acres of land located at 2000-A South Grove Avenue, Unit #109, within the Business Park land use district of the Grove Avenue Specific Plan.

**STAFF**

**RECOMMENDATION:**  Approval  Approval, subject to conditions  Denial

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## **PART A: BACKGROUND & ANALYSIS**

TURNING POINT MINISTRIES, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, File No. *PCUP13-026*, 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 religious assembly for Turning Point International Ministries, within a 1,450 square foot suite of an existing building on 5.5 acres of land located at 2000-A South Grove Avenue, Unit #109, within the Business Park land use district of the Grove Avenue Specific Plan.

(b) TOP Policy Plan Land Use Map Designation: Business Park

(c) Zoning Designation: Business Park land use district of the Grove Avenue Specific Plan

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	Grove Avenue Specific Plan Business Park	Office & Light Industrial
South:	Grove Avenue Specific Plan Office/Commercial	Office & Light Industrial
East:	Grove Avenue Specific Plan Business Park & Office/Commercial	Office & Light Industrial
West:	M2 (Industrial Park)	Light Industrial

(e) Site Area: 1,450 square foot suite of an existing building on 5.5 acres

(f) Assessor's Parcel No(s): 1050-491-17

(g) Project Analysis:

**Proposed Use:** The project is located within a multi-tenant office park with a total of 6 buildings (See Exhibit A—Aerial Photograph). The project is proposed within one of the buildings that fronts onto Grove Avenue. The applicant proposes to utilize a 1,450 square foot suite within the existing multi-tenant building as a religious assembly facility (See Exhibit B—Site Plan and Exhibit C—Floor Plan). Turning Point International Ministries proposes to hold services on Sundays, from 9:00 AM to 2:00 PM, and hold weekly Bible Study classes on Wednesday evenings, from 6:00 PM to 9:00 PM. Monthly Bible Study classes will be held on Saturday, from 9:00 AM to 2:00 PM, Various other meetings may occur throughout the week. The facility has a main assembly area of 720 square feet with 32 fixed seats.

**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 existing business park is located on the west side of Grove Avenue within the Business Park land use district of the Grove Avenue Specific Plan. (See Exhibit A—Aerial Map). The properties to the north, south, and east of the project site are within the Business Park or Office/Commercial land use districts of the Grove Avenue Specific Plan and are developed with office and light industrial uses. The properties to the west are zoned M2 and are developed with light industrial uses as well.

The major potential impacts from a religious assembly use typically include parking and possibly noise, which have been addressed in the conditions of approval as follows:

- Pursuant to a parking agreement (Exhibit E - Parking Agreement), the proposed facility provides on-site parking per the requirements of the Development Code.

- The project has been conditioned to allow regular assembly inside the building only, which will limit the potential noise impacts on the surrounding land uses.
- Amplified music is allowed; however, the sound must be contained within the building, and the exterior doors are to remain closed. Any special events to be held at the facility shall require a Temporary Use Permit and would be limited in duration.

**Parking:** For religious assembly uses, parking spaces are required at a rate of one space for each 4 fixed seats in the main assembly area, or one space for each 40 square feet of assembly area if nonfixed seating is provided. Fixed seating will be provided at the proposed facility. The main assembly area is 720 square feet with 32 fixed seats, which requires 8 parking spaces for the proposed use.

Office development requires parking at a rate of 1 space for each 250 square feet; therefore, 6 parking spaces have been provided for the suite. With the proposed 32 fixed seats, 8 parking spaces are required. The additional 2 parking spaces would be provided through a shared parking agreement. If the fixed seating is not installed, the parking would be calculated based on the size of the main assembly area. For 720 square feet 18 parking spaces would be required. With the 6 spaces provided an additional 12 spaces would be required and would be provided through a shared parking agreement. The typical allowed uses within the office park, such as business offices and retail uses, have limited parking needs during the hours of operation of Turning Point International Ministries. The overall building is 15,900 square feet and has 63 parking spaces allocated for the building. Accommodating the additional parking needs of the religious assembly 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 religious assembly use during its hours of operation (See Exhibit E—Parking Agreement). The shared parking agreement to provide the additional parking will be signed, notarized, and recorded prior to the use of the site for religious assembly.

Staff believes the proposed use of the 1,450 square foot suite as a religious assembly facility to be consistent with the surrounding land uses, and the potential adverse 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 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 17th day of March, 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. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) John Heary, 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 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 Business Park land use district of the Grove Avenue Specific Plan land use designation.

(2) Religious assembly uses 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 Business Park land use district of the Grove Avenue Specific Plan.

(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 religious assembly use, beyond those parking spaces for the occupied suites, will be accommodated within the existing business park through a parking agreement.

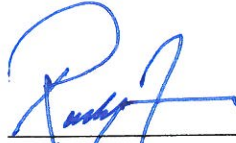
(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of 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. PCUP13-026, 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 24<sup>th</sup> day of March, 2014.

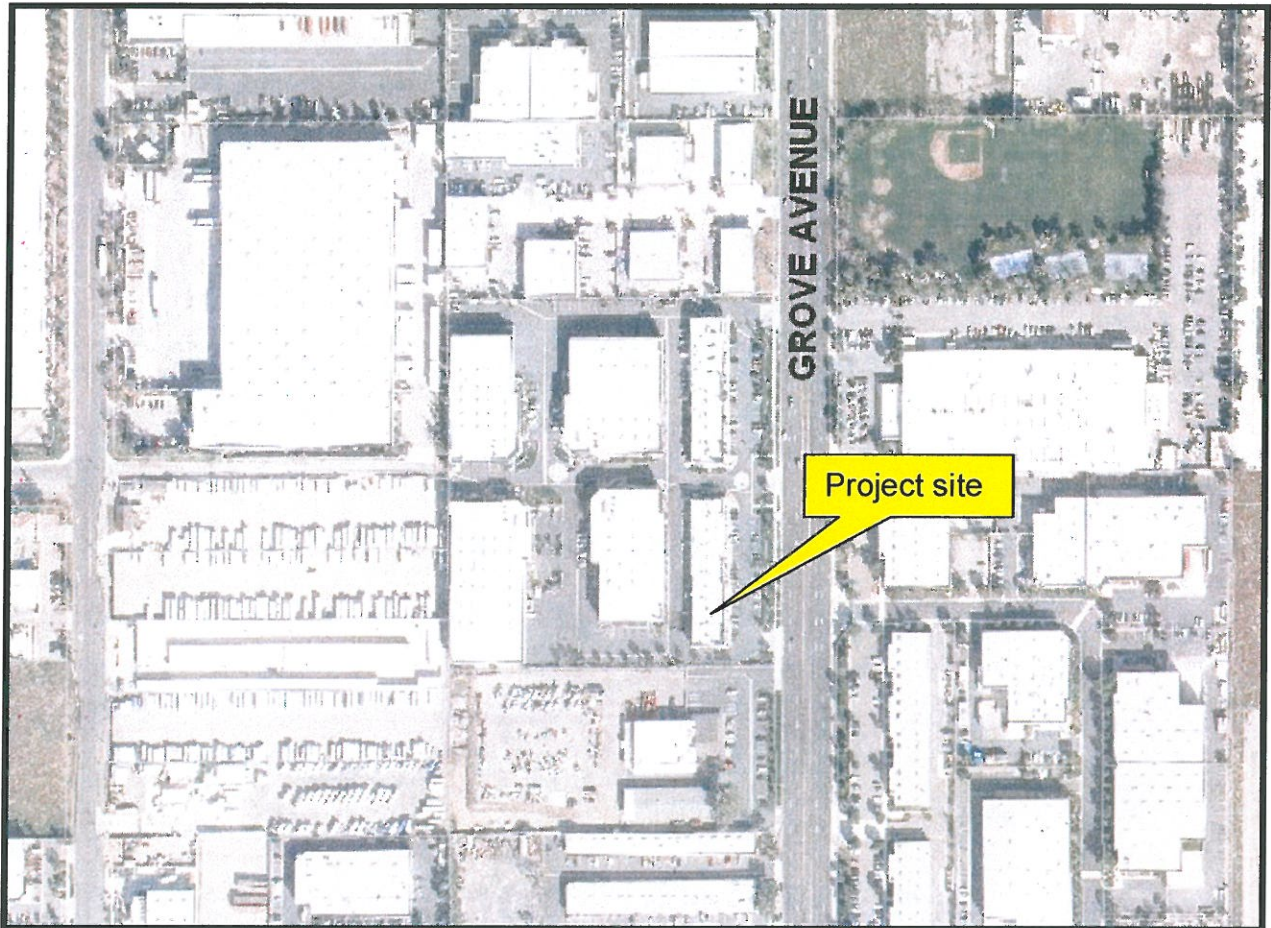


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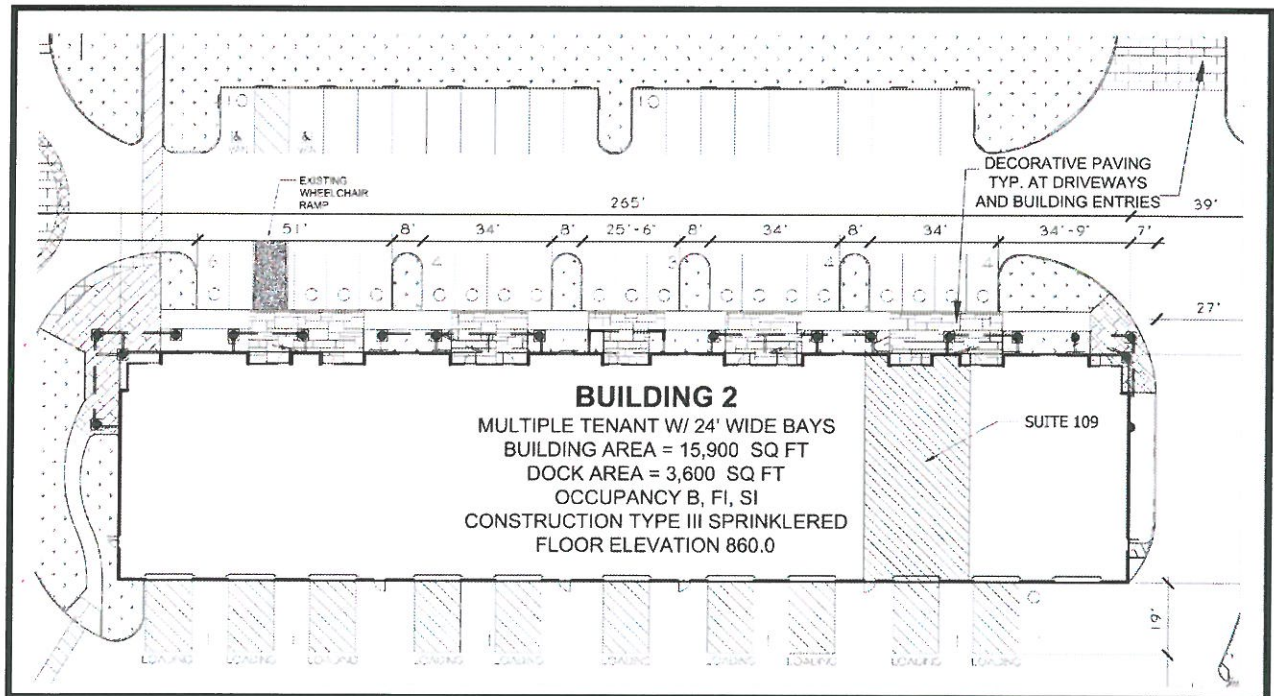
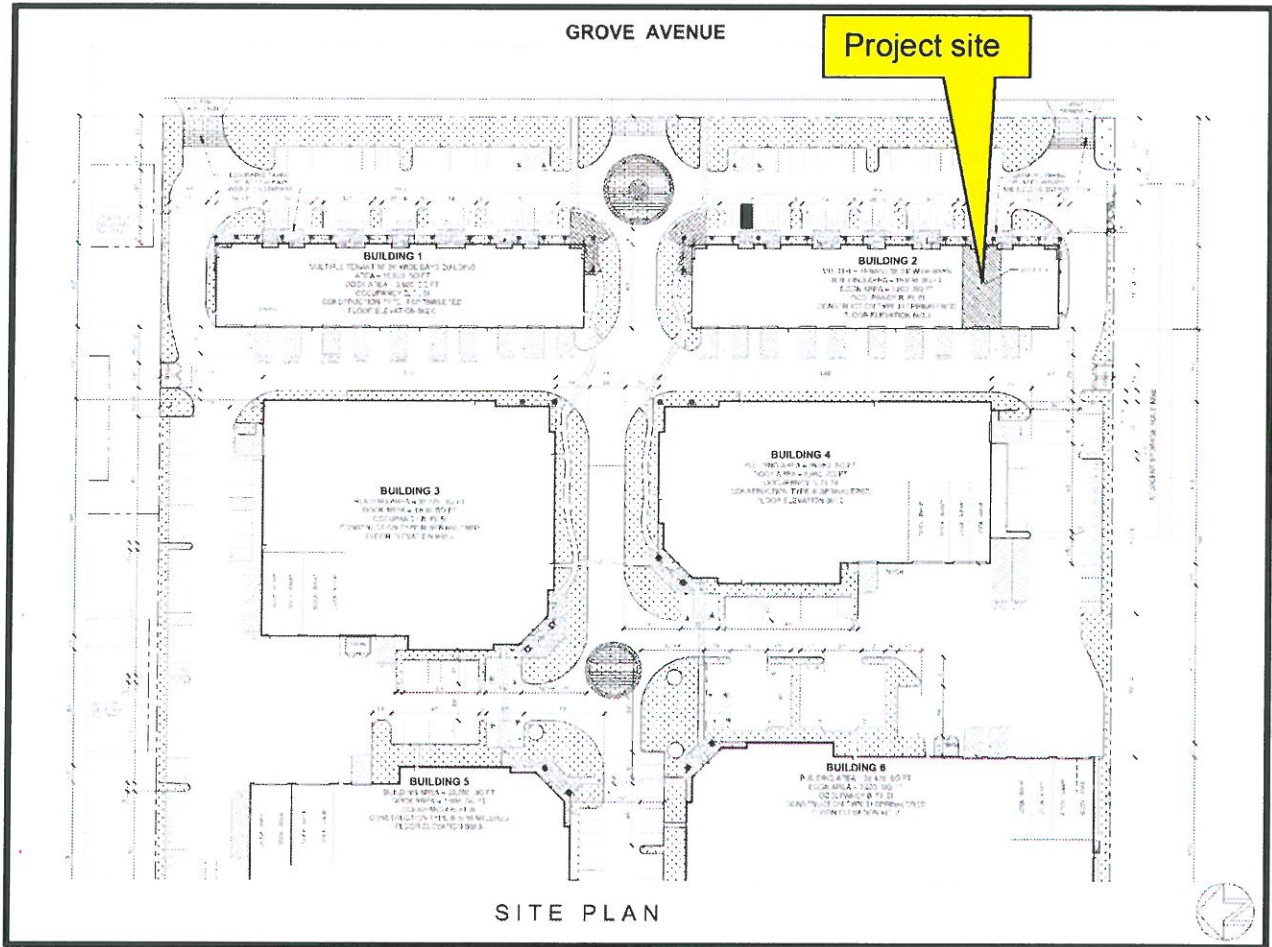
Rudy Zeledon  
Zoning Administrator

**EXHIBITS**

**Exhibit A: Aerial Map**

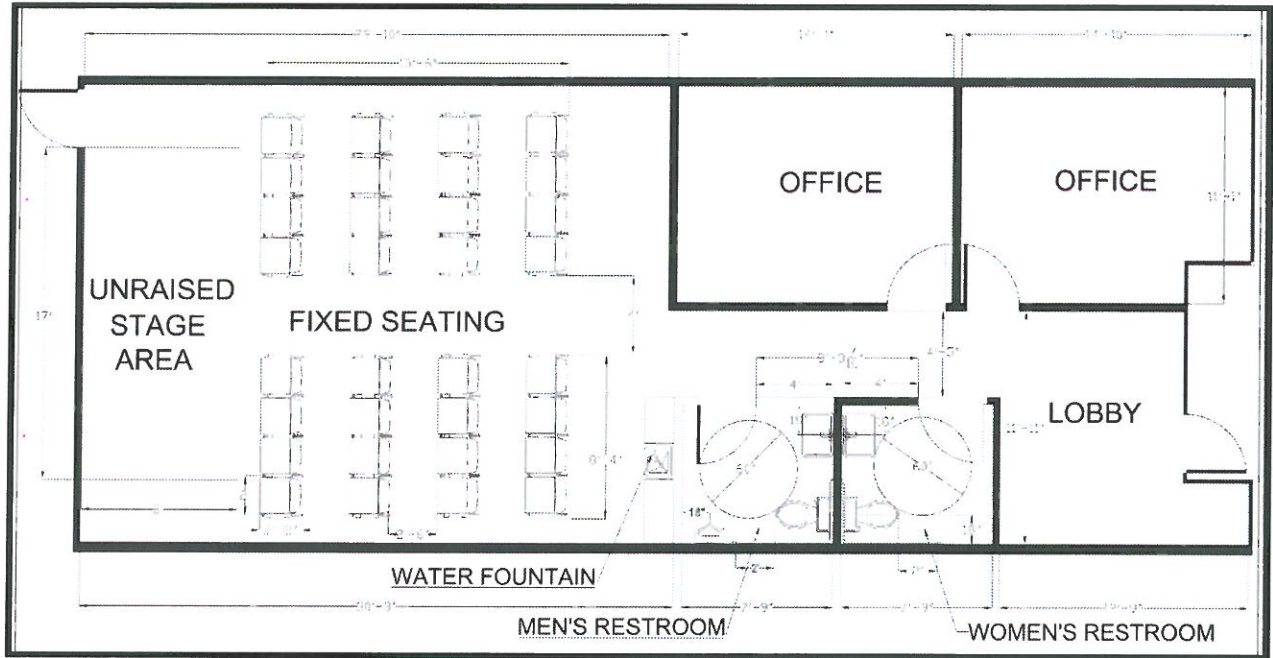


**Exhibit B: Site Plan**





**Exhibit C: Floor Plan**



**Exhibit D: Site Photos**



**Exhibit E: Parking Agreement**

**RECIPROCAL PARKING AGREEMENT**

This Reciprocal Parking Agreement ("Agreement") is made and entered into this 26<sup>th</sup> day of FEB, 2014, in San Bernardino County, California, by and between South Grove Avenue LLC (Michael Kite, CEO) and Turning Point International Ministries. 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 2000 A # 109 S. Grove in Ontario, California 91761, identified as APN 1050481170000

B) Turning Point International Ministries is the tenant of 2000 A #109 S. Grove on Property ("Leased Premises"); Turning Point International Ministries proposes to use the Leased Premises for worship, ministry, and related religious activities and services (collectively, TPIM Activities).

C) In order to meet the parking requirements of City of Ontario ("City") for Turning Point International Ministries (TPIM) proposed use of the Leased Premises, Owner is willing to allow Turning Point International Ministries to utilize twelve (12) 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 TPIM, as well as TPIM's agents, officers, employees, licensees, permittees, and invitees, an irrevocable license to use the Property's twelve (12) parking spaces 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 motor vehicles. The use of the Property's twelve and (12) parking spaces by TPIM shall be limited to Church Hours of Sunday mornings from 9:00 am to 2:00 pm, Wednesday evenings from 6:00 pm to 8:30 pm and Saturday 10:00 am to 2:00 pm.

3. Term.

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

Owner

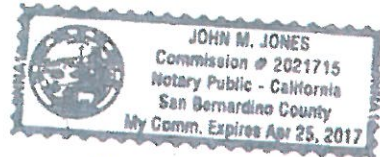


Michael Kite, Manager, South Grove Avenue, LLC

Turning Point International Ministries

By:   
John Heary

Its:   
Pastor



See attached notary acknowledgements for signatures



**ACKNOWLEDGMENT**

State of California  
County of Orange

On February 25, 2014 before me, Melissa A. Greene, Notary Public  
(insert name and title of the officer)

personally appeared Michael Kite  
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 Melissa A. Greene (Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1180

State of California }  
County of SAN BERNARDINO }  
On 3/14/14 before me, JOHN M. JONES  
Date Here Insert Name and Title of the Officer  
personally appeared JOHN HENRY  
Name(s) of Signer(s)

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.

Place Notary Seal Above

Signature: [Signature]  
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: RECEIPT OF PARKING AGREEMENT

Document Date: 3/14/14 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: JOHN HENRY

Corporate Officer — Title(s): \_\_\_\_\_

Individual

Partner —  Limited  General

Attorney in Fact

Trustee

Guardian or Conservator

Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_

Individual

Partner —  Limited  General

Attorney in Fact

Trustee

Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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

**DATE:** March 17, 2014

**FILE NO.:** PCUP13-026

**SUBJECT:** A Conditional Use Permit to establish religious assembly for Turning Point International Ministries, within a 1,450 square foot suite of an existing building on 5.5 acres of land located at 2000-A South Grove Avenue, Unit #109, within the Business Park land use district of the Grove Avenue Specific Plan.

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The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- |  |   |
|--|---|
| <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 type="checkbox"/> FIRE                 |
| <input type="checkbox"/> UTILITIES/SOLID WASTE           | <input type="checkbox"/> POLICE               |
| <input checked="" type="checkbox"/> BUILDING             |   |



## CONDITIONS OF APPROVAL

**DATE:** March 17, 2014

**FILE NO.:** PCUP13-026

**SUBJECT:** A Conditional Use Permit to establish religious assembly for Turning Point International Ministries, within a 1,450 square foot suite of an existing building on 5.5 acres of land located at 2000-A South Grove Avenue, Unit #109, within the Business Park land use district of the Grove Avenue Specific Plan.

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### 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
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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>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
32 fixed seats or		1 space per 4 fixed seats	8
Religious Assembly Main Assembly area (Total SF = 1,450)	720	1 space per 40 square feet of main assembly area	18
<b>TOTAL</b>			<b>8 or 18</b>

- 3.2 The project provides 6 parking spaces for the 1,450 square foot suite occupied by the religious assembly use. The balance of the parking spaces (2 spaces if fixed seats are provided or 12 spaces if non-fixed seats are provided) are to be provided through a shared parking agreement that will be recorded on the property. (See attached Parking Agreement). The approval of the religious assembly 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.
- 5.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps, ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

## **6.0 ENVIRONMENTAL REVIEW**

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

## **7.0 ADDITIONAL REQUIREMENTS**

- 7.1 The Parking Agreement shall be signed, notarized and recorded prior to commencement of the religious assembly use.
- 7.2 Assembly activities shall only take place inside the enclosed building. Any special events shall require approval of a Temporary Use Permit prior to the event.
- 7.3 Amplified music is permitted; however, the sound emitted from the facility shall not be audible outside the exterior walls of the facility. The doors

shall be kept closed at all times during the operation of the facility, except for direct ingress and egress, or in case of emergency.

- 7.4 Upon approval the applicant shall obtain a business license prior to commencement as a religious assembly use.
- 7.5 Sign permits shall be obtained for any signage prior to installation.
- 7.6 The comments and conditions from all other departments shall be addressed.

# CITY OF ONTARIO MEMORANDUM

**TO:** PLANNING DEPARTMENT, Clarice Burden  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 10, 2013  
**SUBJECT:** PCUP13-026

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

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### Conditions of Approval

1. Plans and permits are required for all work.

KS:kc

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

**DAB CONDITIONS OF APPROVAL**

Sign Off

  
Jamie Richardson, Associate Landscape Planner

03/11/2014  
Date

Reviewer's Name:  
**Jamie Richardson, Associate Landscape Planner**

Phone:  
**(909) 395-2615**

D.A.B. File No.: PCUP13-026  
Related Files:

Case Planner:  
Clarice Burden

Project Name and Location:  
2000-A South Grove Ave., Suite 109  
Ontario, Ca

Applicant/Representative:  
John & Beverly Heary  
2617 Brush Creek Place  
Ontario, CA 91761

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

**CONDITIONS OF APPROVAL**

1. The Landscape Planning Division will continue to work with the property owner, association and/or landscape maintenance company to replace the parking lot shade trees. Trees are required in parking lot planter islands. Each island planter shall have 1 shade tree in good health; 1-24" box size tree each to match existing parking lot trees or typical such as *Tristania conferta* or *Ulmus parvifolia*. Remove a 36" diameter of lawn at tree trunks and add 1" layer of mulch.