

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-007

HEARING DATE: March 16, 2015

DECISION DATE: March 25, 2015

FILE NO.: PCUP15-001

SUBJECT: A Conditional Use Permit request to establish an online vocational school within an existing 4,992 square foot tenant space, in the Ontario Business Center located at 601 South Milliken Avenue, Unit A, within the Light Industrial land use designation of the California Commerce Center Specific Plan.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

CONSOLIDATED CONSULTING, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, File No. *PCUP15-001*, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project will occupy a 4,992 square foot tenant space within a multi-tenant building located within the Ontario Business Center at 601 South Milliken Avenue. The Ontario Business Center is an industrial business park comprised of 123,300 square feet, located on 7.3 acres of land. Other tenants within the park include Kamra Staffing Inc., Inland Chiropractic, High Point, Own It Real Estate and Bertino Designs (**Exhibit A: Project Site Aerial & Exhibit B: Site Plan**). 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>	Industrial Business Park	Business Park	Specific Plan- <i>California Commerce Center</i>	Light Industrial
<i>North</i>	Warehousing	Industrial	Specific Plan- <i>California Commerce Center</i>	Light Industrial
<i>South</i>	Business Park	Business Park	Specific Plan- <i>California Commerce Center</i>	Light Industrial
<i>East</i>	Warehousing	Industrial	Specific Plan- <i>California Commerce Center</i>	Rail Industrial

Approved By:
__LB__ Senior Planner

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
West	Warehousing/Service Office	Business Park/Industrial	Specific Plan- California Commerce Center	Light Industrial

(b) Project Analysis:

1) Proposed Use: The applicant is requesting a Conditional Use Permit to establish the *Health Staff Training Institute*. Operating as an institution since 1986, the proposed online vocational school will be *Health Staff Training Institute's* third establishment. The existing two schools are currently operating in the cities of Temecula and Santa Ana, California. The proposed 4,992 square foot establishment will be an online vocational institution which will train and certify individuals in the areas of allied health care and business. Certification programs commonly offered by the institution include: *Drug and Alcohol Counseling, Clinical and Administrative Medical Assistant, and Computerized Office and Accounting*. The programs offered by the vocational school will consist of online classes with a once a week on-site lab where students will receive hands on training experience. Labs will be held on different days of the week and will be offered mostly in the evenings. Lab sessions will be scheduled so there is one lab at a given time, limiting the number of students present at one time. Lab sizes will range from 5-15 students with two instructors per lab. In addition to the two instructors per lab, the school will have an administrative staff of five. The proposed hours of operation are 8:30 a.m. to 10:00 p.m. Monday through Thursday, 9:30 a.m. to 12:30 p.m. on Friday and 8:30 a.m. to 5:00 p.m. on Saturday.

In order to accommodate for the proposed use, the floor plan will be divided into three general areas: office (2,900 square feet), classrooms (1,000 square feet) and labs (2,900 square feet) (**Exhibit C: Proposed Floor Plan**). Given that one of the proposed lab areas will be a phlebotomy lab (for the drawing of blood), it will be necessary that the applicant apply and obtain a Hazardous Materials Handler Permit and a Hazardous Waste Generator Permit, from the County Office of the Fire Marshall. This will be required prior to the issuance of a business license.

2) Parking: With a staff of seven and the majority of the lessons being online, the proposed school will not have a great demand for parking. According to the Ontario Development Code parking requirements, the proposed use is required to provide 31 parking spaces at the rate of 1 space for each 1.6 students (15-students), plus one space per employee/instructor (7-staff). The existing industrial business park has shared parking for all the tenants in the center. With 80,000 square feet allocated towards warehouse distribution, and 43,300 allocated towards office space, the business park is required to provide 235 parking spaces; a total of 257 parking spaces are available. A surplus of 22 parking spaces is available, therefore, no parking issues are anticipated as a result of the request.

3) Land Use Compatibility: A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within the Ontario Business Center, existing tenants include Kamra Staffing Inc. (service), Own It Real Estate (service) and Bertino Design (service). Other tenants immediately adjacent

to this business park include warehousing establishments as well as various other service providers. Staff believes that the proposed use is similar in operation to many of the adjacent uses. As a result, staff believes that the existing uses will not be exposed to any new negative impacts. Staff also believes that the recommended conditions of approval will sufficiently mitigate any potential impacts associated with the proposed use.

(c) Airport Land Use Compatibility Plan: The 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.

(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 (Inland Valley Daily Bulletin). 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: As of the preparation of this report, staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general.

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 March 16, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Daniel Villa, 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) Consolidated Consulting the applicant's representative, explained the business operation and spoke in favor of the application.

- (c) Kim Esquerre the applicant, further expanded on the business operation and also spoke in favor of the application.
- (d) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

WHEREAS, all legal prerequisites to the adoption of this Decision have occurred.

PART C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

- (a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.
- (b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby 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 4,992 square foot online vocational school lies within the Business Park land use designation of the Policy Plan, and the use is conditionally allowed within the subject designation. Staff believes that the recommended conditions of approval will sufficiently mitigate any potential negative effects to the public health, safety, or welfare.

(2) The proposed online vocational school 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, California Commerce Center Specific Plan and zoning designation within which the site is located. The proposed 4,992 square foot online vocational school lies within the Light Industrial land use designation of the Commercial Commerce Center Specific Plan and the use is conditionally allowed within the subject designation. In addition, the use will be operated in accordance with Ontario Development Code.

(4) The City's traffic Division has reviewed the proposed use and they found that 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. In addition, the existing center has shared parking for all the tenants in the center. With 80,000 square feet allocated towards warehouse distribution, and

43,300 square feet allocated towards office space, the business park is required to provide 235 parking spaces; a total of 257 parking spaces will be available. A surplus of 22 parking spaces will be available, therefore, no parking issues are anticipated as a result of the request.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The use meets the objectives of the Ontario Development Code, and the recommended conditions of approval will sufficiently mitigate any potential impacts.

(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: Class 1 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 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. PCUP15-001, 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 25th day of March, 2015.

A handwritten signature in black ink, appearing to read 'Barbara Millman', written over a horizontal line.

Barbara Millman
Zoning Administrator

EXHIBITS

Exhibit A: Project Site Aerial



Exhibit B: Site Plan



Exhibit C: Proposed Floor Plan



Exhibit D: Site Photos



Project location, front-exterior.



Project location, exterior and adjacent units (North).



Project location, parking lot in front of the unit.

Exhibit E: Surrounding Land Uses



Site to the south of the project location.



Site to the west of the project location.



Site to the east of the project location.



**PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

File No. PCUP15-001

Date: March 16, 2015

Project Description: A Conditional Use Permit request to establish an online vocational school within an existing 4,992 square foot tenant space, in the Ontario Business Center located at 601 South Milliken Avenue, Unit A, within the Light Industrial land use designation of the California Commerce Center Specific Plan. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section § 15301 (Class 1-Existing Facilities). (APN: 0238-193-13) **Submitted By: Consolidated Consulting**

Reviewed by: Daniel Villa, Land Development Intern
Phone: (909) 395-2443 **Email:** Dvilla@ci.ontario.ca.us

The above-described Conditional Use Permit application shall comply with the following conditions of approval:

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 the conditional use permit.
- 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 A copy of the herein-listed conditions of approval shall be maintained in the subject premises at all times.
- 1.4 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the here-in-stated conditions of

approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

- 1.5 A final inspection from Planning is required prior to opening for business.

2.0 ADDITIONAL REQUIREMENTS

- 2.1 Given that one of the proposed lab areas will be a phlebotomy lab (for the drawing of blood), it will be required that the applicant apply for one or more of the following: a *Hazardous Materials Handler Permit*, a *Hazardous Waste Generator Permit* and/or an *Underground Storage Tank Permit*, from the Office of the Fire Marshall, Hazardous Materials Division.. This shall be done prior to the issuance of a City Business License.
- 2.2 A business license shall be obtained prior to opening for business.
- 2.3 Any dead or missing landscaping within the center shall be replaced. All entry driveway planters shall feature accent ground cover in the form of accent shrubs and accent plants.
- 2.4 Any broken sprinkler lines/heads shall be repaired or replaced. The centers, sprinkler systems shall be set on a times and all landscape areas shall be regularly maintained.
- 2.5 The applicant shall consider the installment of a safety program aimed at increasing student safety when walking from and to their vehicles in the late evening hours.

3.0 ENVIRONMENTAL REVIEW

- 3.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Class 1: Existing Facilities) of the State CEQA Guidelines.

4.0 ADDITIONAL FEES

- 4.1 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.



**CITY OF ONTARIO
MEMORANDUM**

Date: February 24, 2015
To: Arij Baddour, Engineering Department
From: Jeff Krizek, Utilities Engineering Division
Subject: DAB#1 - Utilities Comments (#3802)
PCUP15-001 – Establish Online Vocational School with Classroom and Pharmacy Technician Lab and Phelbotomist Lab
Project No.:

Conditions of Approval	<ol style="list-style-type: none">1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.2. The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not to limited to including: possibly installing a monitoring manhole on the sewer line for the Individual Unit Occupied by Establishment; and/or, possibly installing other Wastewater Pretreatment equipment or onsite monitoring facilities; and/or disposing of hazardous laboratory waste materials through statutorily required special pick up means and not rises down the sewer drain.
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SAN BERNARDINO COUNTY FIRE DISTRICT

INTEROFFICE MEMO

DATE: January 27, 2015 **PHONE:** (909) 386-8401
FROM: Dwane Pianalto, R.E.H.S.
Office of the Fire Marshal **MAIL:** 620 South E St.
Hazardous Materials Division San Bernardino,
CA 92415
TO: Rudy Zeledon, Principal Planner

SUBJECT: Certified Unified Program Agency (CUPA) planning conditions

APPLICANT: KD Education LLC

APN: 0238-193-13-0000

File No: PCUP15-001

Dear Applicant:

The following conditions are preliminary, and are based on the information provided at the time the above referenced project was presented to the City of Ontario. These conditions are subject to change if any modifications are made to the project prior to the time of application to the City of Ontario.

1. Prior to occupancy, operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. The Business Plan must be submitted using the California Environmental Reporting System (CERS). The website is located at <http://cers.calepa.ca.gov/>. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8432.
2. Prior to occupancy, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

If you have any questions regarding these conditions, you may contact me at (909) 386-8401 or email at dpianalto@sbcfire.org.



CITY OF ONTARIO MEMORANDUM

TO: Luis Batres

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

DATE: January 28, 2015

SUBJECT: File No: PCUP15-001: A conditional use permit to establish an online vocational school, including a laboratory and training classrooms, located on the southeast corner of Brickell St and Milliken Ave, within the Light Industrial land use designation of the California Commerce Center Specific Plan.

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

No comments

Report below.

1. Exit signs shall be required as outlined in 2013 California Fire Code Chapter 10.
2. Fire Extinguishers shall be provided in accordance with 2013 California Fire Code Chapter 9.
3. Decorative materials and furnishings shall be in accordance with those outlined Chapter 8 of the 2013 California Fire Code.
4. Required exit accesses, exits, or exit discharges shall be continually maintained free from obstructions for full instant use in case of fire or other when the areas served are occupied. As outlined in 2013 California Fire Code Chapter 10.

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.