

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-04

HEARING DATE: February 22, 2012

DECISION DATE: **February 27, 2012**

FILE NO.: PCUP11-025

SUBJECT: A Conditional Use Permit to establish a contractor's yard with office and outdoor storage on 3.7 acres of partially developed land within the M2 (Industrial Park) zone, located at 1701 South Bon View Avenue.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

BON VIEW PARTNERS, LLC, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

- (a) Project Description: A Conditional Use Permit to establish a contractor's yard with office and outdoor storage on 3.7 acres of partially developed land within the M2 (Industrial Park) zone, located at 1701 South Bon View Avenue.
- (b) TOP Policy Plan Land Use Map Designation: Industrial
- (c) Zoning Designation: M2 (Industrial Park)
- (d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M2	Undeveloped
South:	M2	Industrial
East:	M2	Industrial
West:	M2	Industrial

- (e) Site Area: 3.7 acres
- (f) Assessor's Parcel No(s): 1050-191-04

(g) Project Analysis:

- Operations: The subject location, known as Southtown Industrial Park, consists of four buildings with a large vacant area toward the rear of the property that is proposed as a contractor's storage yard. Three of the buildings are currently vacant. The fourth building, Building 1, has been continuously occupied by Neff Construction since 1974. The property has recently undergone façade renovations with the proposed rehabilitation of the landscaping and parking lot paving in process.

The Conditional Use Permit request is to allow interior tenant improvements to the 11,100 square foot building occupied by Neff Construction to convert 100 percent of the space to office use and to allow an approximate 40,000 square foot outdoor storage yard towards the rear of the property. A 19-foot wide paved strip, within the storage yard area, will be used for construction vehicle and equipment parking. The balance of the storage area has a gravel surface and will be used for storage of construction field trailers, enclosed storage containers and temporary storage of stacked, racked and palletized building materials. The construction field trailers and storage containers will be dispatched to and from the storage yard to construction projects on an "as needed" basis.

The storage yard area is currently enclosed by a 12-foot tall chain link fence with fabric screening and razor wire. The applicant will construct an 8-foot tall decorative screen wall on the side of the yard that faces the interior of the project, which has potential views from the street. The project has been conditioned to remove the razor wire from the perimeter chain link fencing and to limit the storage of materials to 8 feet in height.

- Land Use Compatibility: Conditional Use Permit reviews are required to ensure the compatibility between adjacent uses, and limit exposure of nearby businesses and property owners to potential nuisance activities. The zoning for the subject property is M2 (Industrial Park). A contractor's storage yard is conditionally permitted in the M2 zone. All of the surrounding properties are also zoned M2 (Industrial Park). The property to the north of the contractor's storage yard is undeveloped. The properties to the south, east and west are developed with industrial uses. The storage yard area will be located in the rear portion of the subject property, over 300 feet from the street. An 8-foot tall screen wall will be installed between the storage yard and the on-site circulation driveways, blocking views from the street. With the potential visual impacts from the street screened by a wall, visual impacts on the surrounding neighborhood are not anticipated to be different than the impacts of other existing and permitted uses within the M2 zone.

- Parking: The 11,100 square foot building to be converted to 100 percent office use requires parking at a rate of 1 space per 250 square feet, resulting in 44 required parking spaces for this use. The three remaining buildings total 23,070 square feet. With parking provided at the manufacturing standard of 1 space per 500 square feet, the three buildings require 46 parking spaces. Thus the total required parking for the site would be 90 spaces. The 99 spaces provided on site represent a surplus of 9 parking spaces. Therefore, parking for the contractor's office can be accommodated on-site.
 - Airport Land Use Compatibility Plan (ALUCP) Consistency: 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 site is located outside of the Safety Zones, is located within the 60-65 dB CNEL Noise Impact Zone, and the proposed land use is compatible within the noise impact zone. Airspace Protection and Overflight Notification policies do not apply to this project since the proposed project does not include any new construction that would affect Airspace Protection or require Overflight Notification.
 - Department Review: The Conditional Use Permit request for the proposed contractor's storage yard was forwarded to the various City departments for comment. The Planning, Building, Police, and Landscape Departments / Divisions have requested the placement of conditions of approval on the use, which are designed to mitigate anticipated impacts from the contractor's storage yard.
- (h) 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.
- (i) 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 22nd day of February, 2012, 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 clarifying that Planning condition 7.6 refers to the storage of vehicles and equipment on the paved areas within the storage yard only. Following staff's presentation, the Zoning Administrator opened the public hearing. The Zoning Administrator asked staff about Planning condition 7.6 and whether the equipment referred to in the condition is motorized equipment. Staff indicated that yes, it refers to motorized equipment. The Zoning Administrator asked about whether the Police Department condition requires lighting within the storage yard as well as the parking area. Ms. Burden responded that the condition refers to the parking area not the storage yard. The Zoning administrator asked about a knox box being required by the Fire Department. Ms. Burden responded that the Fire Department comments on an earlier submittal had the requirement for a knox box for the front gates but that upon resubmittal that the Fire Department approved the plans.

(b) David Hughes, representing the applicant, explained the business operation and spoke in favor of the application. He indicated that the project site had undergone extensive façade renovation and was in the process to upgrade the paving and landscaping on site.

(c) The Zoning Administrator thanked Mr. Hughes for the improvements that have been made to the property and asked him if he had read the conditions. Mr. Hughes indicated that he had read the conditions and was in agreement with them. The Zoning Administrator asked if he would have a problem providing a knox lock at the gate to the storage yard. Mr. Hughes indicated that it would not be a problem. The Zoning Administrator directed staff to check with the Fire Department about the knox lock issue and include it in the conditions of approval.

(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 concludes as follows:

(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 contractor's storage yard lies within the M2 (Industrial Park) land use designation.

(2) Contractor's storage yards 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.

(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.

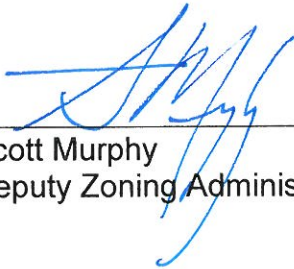
(6) The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(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 § 15332 (In-fill Development) of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP11-025, 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 27th day of February, 2012.



Scott Murphy
Deputy Zoning Administrator

Exhibit A
Aerial

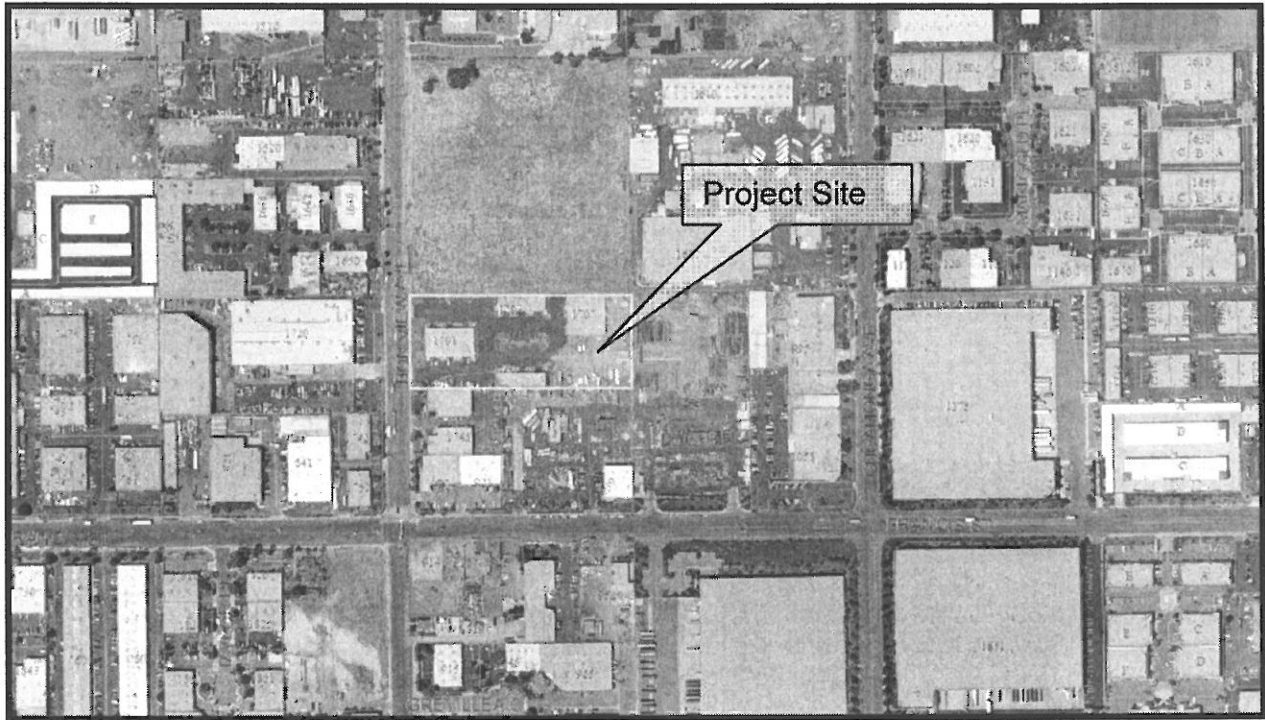


Exhibit B
Site Plan

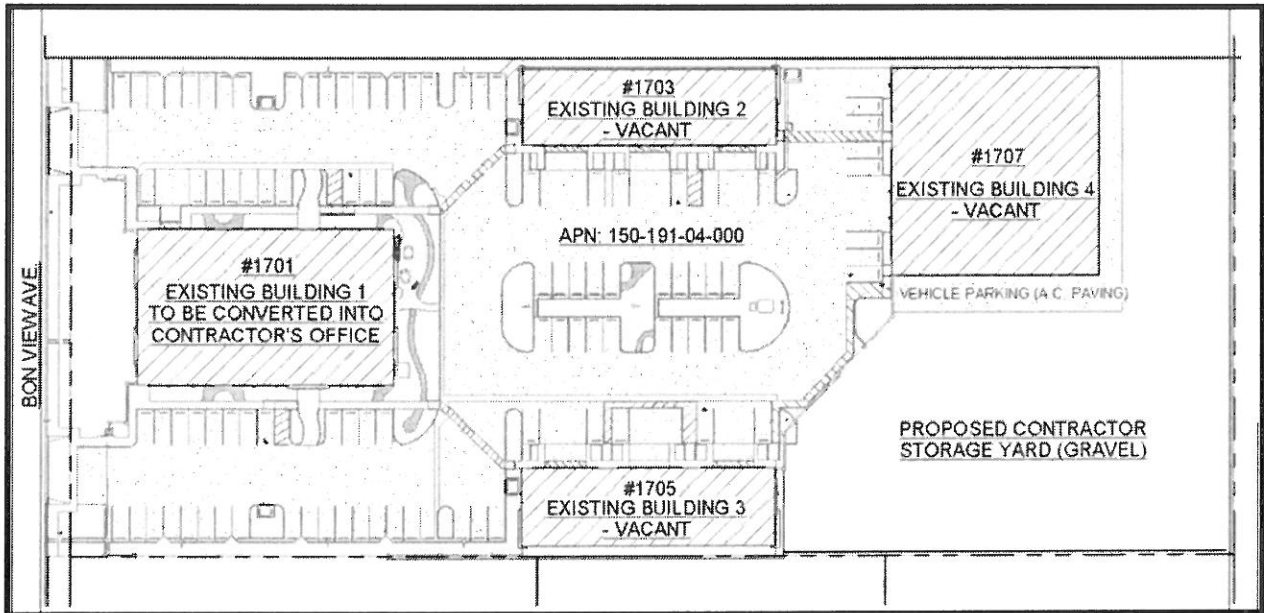
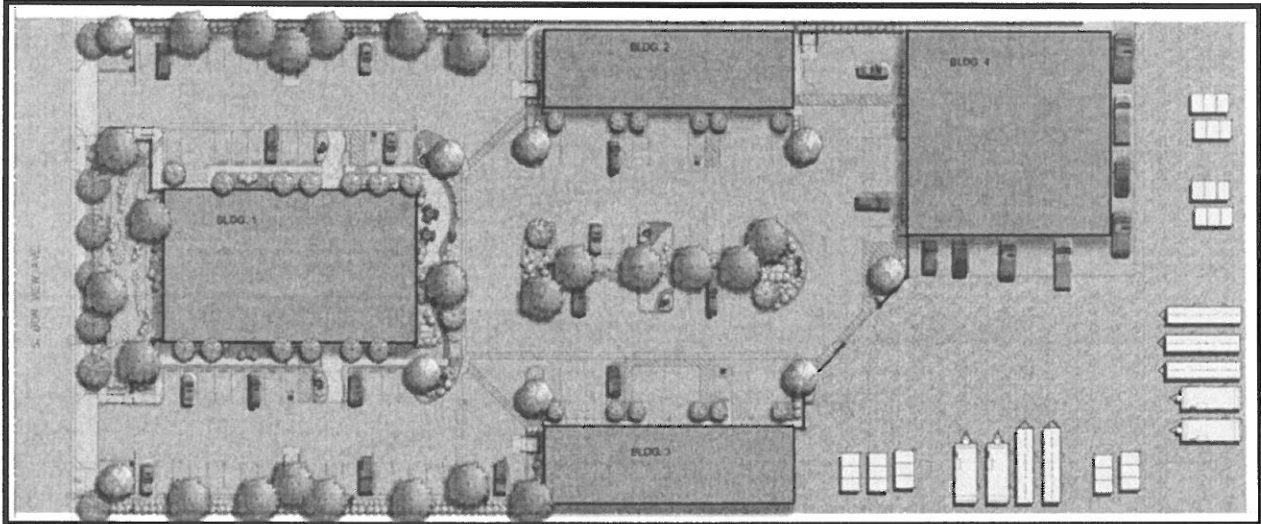
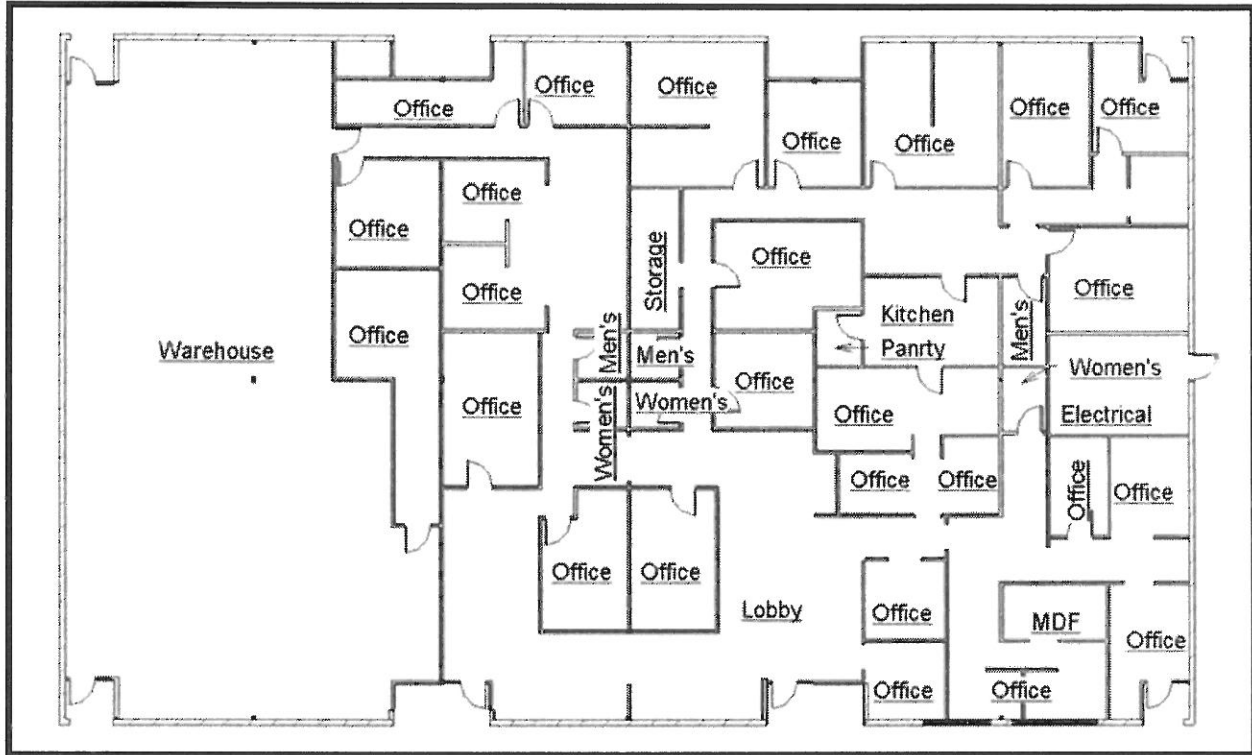
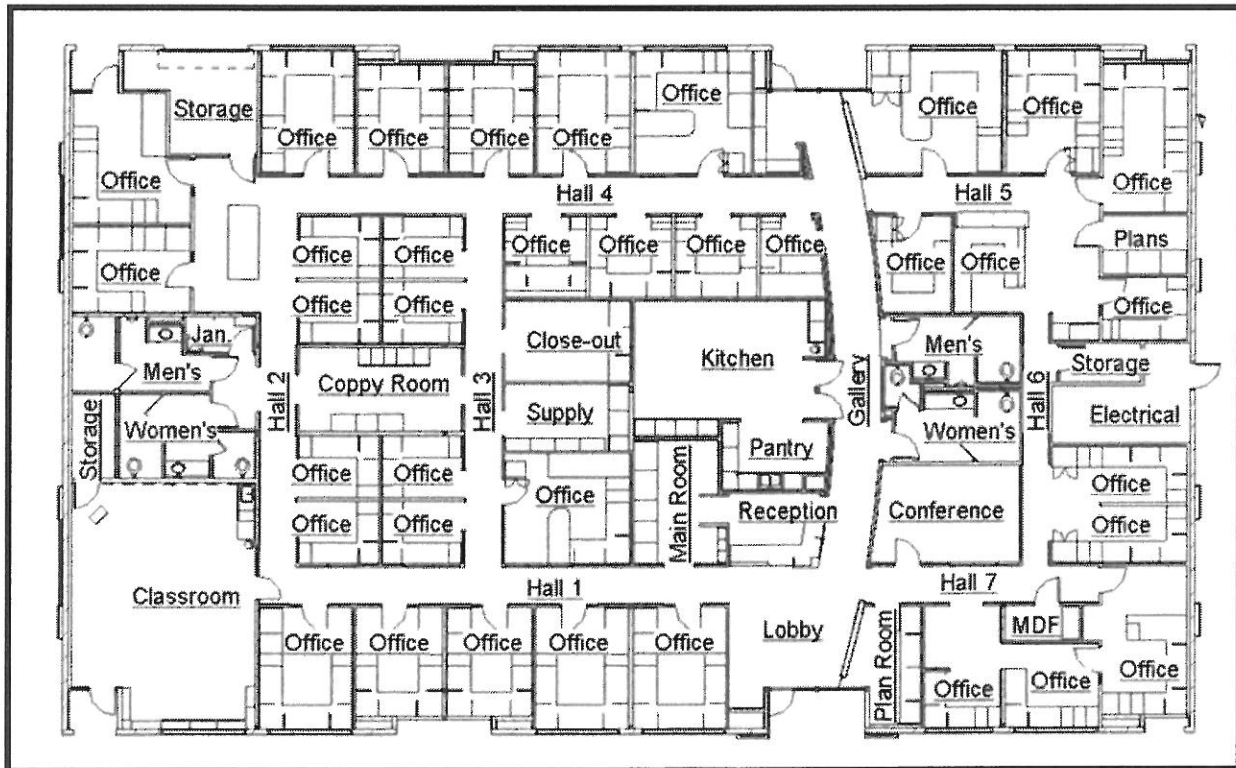


Exhibit C
Floor Plan



Existing



Proposed

Exhibit D
Exterior Elevations

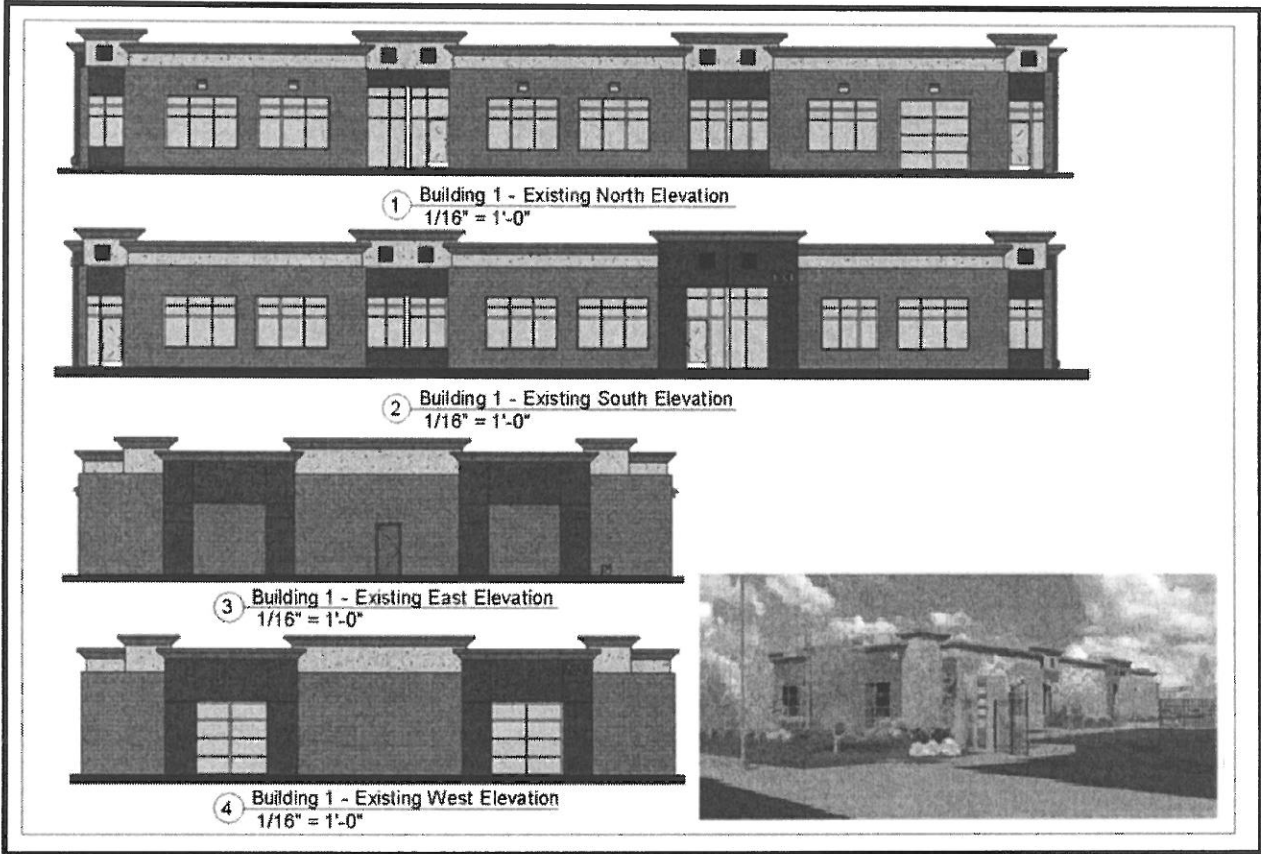
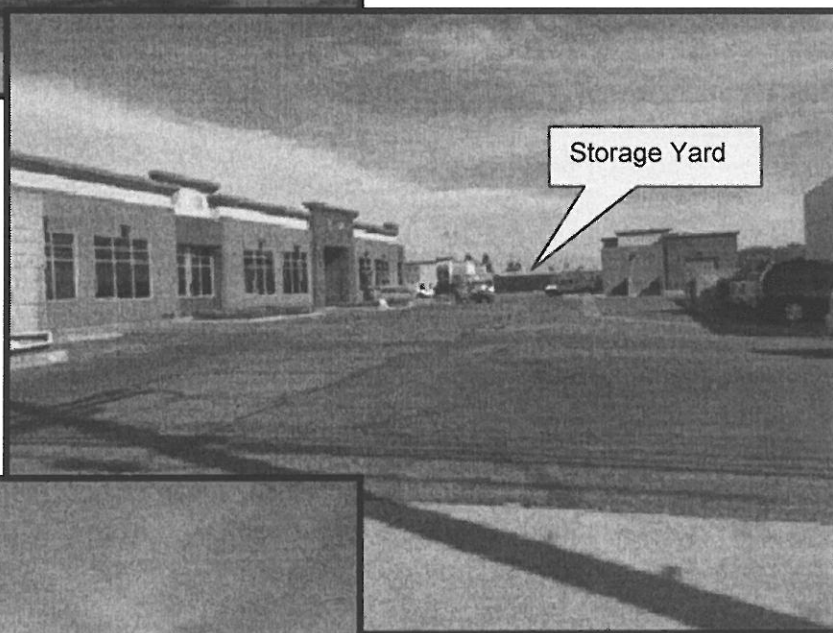


Exhibit E
Photos



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

DATE: February 22, 2012

FILE NO.: PCUP11-025

SUBJECT: A Conditional Use Permit to establish a contractor's yard with office and outdoor storage on 3.7 acres of partially developed land within the M2 (Industrial Park) zone, located at 1701 South Bon View Avenue.

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/divisions marked below and are attached.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- LANDSCAPE

- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CONDITIONS OF APPROVAL

DATE: February 22, 2012

FILE NO.: PCUP11-025

SUBJECT: A Conditional Use Permit to establish a contractor's yard with office and outdoor storage on 3.7 acres of partially developed land within the M2 (Industrial Park) zone, located at 1701 South Bon View Avenue.

1.0 TIME LIMIT

- 1.1 Conditional Use Permit approval shall become null and void one (1) year following the effective date of application approval, unless the approved use has commenced. This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.0 GENERAL REQUIREMENTS

- 2.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 2.2 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.
- 2.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 2.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 2.5 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.

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>
Contractor's office Building 1	11,100	1 per 250 square feet	44
Industrial/ manufacturing Buildings 2, 3, & 4	23,070	1 per 500 square feet	46
TOTAL			90

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 § 15332 (In-fill Development) 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 No razor wire shall be used to secure/contain the storage yard or site. Any razor wire that has been installed on the site shall be removed. The use of barbed wire is discouraged and shall require approval of the Planning Director.
- 7.2 Trash enclosure doors shall be reinstalled and continually maintained on the trash enclosures. Bins shall be kept in the trash enclosures and the trash enclosure doors shall be closed except during direct usage.
- 7.3 The applicant shall obtain/revise their business license as necessary to reflect the use as a contractor's office and storage yard.
- 7.4 Sign permits shall be obtained for any signage prior to installation.
- 7.5 The storage of materials shall be limited to no more than 8 feet in height.
- 7.6 Motor vehicles and motorized equipment may be stored on paved areas within the storage yard only.
- 7.7 The gravel surface of the unpaved portions of the storage yard shall be continuously maintained.
- 7.8 Knox locks shall be provided at all gates as requested by the Fire Department.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Clarice Burden
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 1, 2012
SUBJECT: PCUP11-025

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

Conditions of Approval

1. See previous report dated 11/22/11 for conditions.

KS:kc

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Clarice Burden
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: November 22, 2011
SUBJECT: PCUP11-025

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

Conditions of Approval

2. Permit number B200802427 has expired due to lack of activity. New permits are required.

KS:kc



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”

TO: Clarice Burden, Associate Planner

FROM: Barbara White, Crime Prevention Specialist / DAB

DATE: December 6, 2011

SUBJECT: File No. PCUP11-025 A Conditional Use Permit to establish a contractor’s yard with office and outdoor storage on 3.7 acres of partially developed land within the M2 (Industrial Park) zone, located at 1701 South Bon View Avenue.

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- The applicant must meet all the related conditions set forth in the Ontario Municipal Code, Title 4- Public Safety, Chapter 11: Security Standards for Buildings, Section 4-11.01 through 4-11.13.
- All planned parking areas shall have a minimum maintained lighting level of one-foot candle (1 F.C.) or greater. The lighting shall be on from sunset to sunrise, and be operated by a photocell.
- Foot-candles shall be measured on a horizontal plane and conform to a uniformity ratio of 4 to 1. Landscaping shall not be planted to obscure required light levels.
- All types of exterior doors shall be illuminated during the hours of darkness. Each door shall have a minimum maintained one-foot candle of measured light within a 5-foot radius of each side of the door at ground level.
- Roof top numbers shall be installed on all commercial/industrial buildings if not already installed. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Buildings with multiple sites, in addition to the primary address, must have suite numbers painted to above specifications on the roof over the primary entrance to that suite. Such roof numbers shall be screened from public

view and visible only from the air. The numbers shall be placed parallel to the assigned street and as close to the front door of the business as possible.

- Roof top numbers will be maintained by the property owner and must be re-painted every 3 years.
- The applicant is required to file an alarm application with the Police Department on all proposed alarm systems.
- If an alarm is installed on the building, a blue flashing light (minimum 25 watt) shall be installed on the rooftop. This light shall be screened from public view but visible from the air. It shall only strobe during those times the alarm is activated
- Block walls or screening walls are required to have climbing plants or anti-graffiti elements such as anti-graffiti paint to prevent walls from being vandalized.
- The trash enclosures will be locked at all times. On the days of trash pickup the enclosures will be unlocked until the receptacle is emptied and then locked again. This will keep transients from living in the enclosure and pilfering trash and recyclable items

The Applicant is invited to call Barbara White at (909) 395-2493 regarding any questions or concerns.



City of Ontario Memorandum

TO: Otto Kroutil, Development Director
 Jerry Blum, Planning Director
 Cathy Wahlstrom, Principal Planner (for John Andrews, RDA Administrator)
 Kevin Shear, Building Official
 Louis Abi-Younes, City Engineer
 Carolyn Bell, Public Facilities Department
 Sheldon Yu, Municipal Utilities Agency
 Chief Eric Hopley, Police Department
 Art Andres, Fire Marshal
 Brent Schultz, Housing & Neighborhood Revitalization Director
 Steve Wilson, Engineering Department
 Tom Danna, T.E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning

FROM: Clarice Burden

DATE: 01-24-2012

SUBJECT: FILE NO. PCUPI1-025
Development Advisory Board Revised Plan No. 1

Attached please find revised plans for the above-referenced project. Please send one (1) copy and e-mail one (1) copy of the revised report to the assigned planner list above.

RETURN BY: 02/07/2012

PROJECT DESCRIPTION:

A Conditional Use Permit to establish a contractor's yard with office and outdoor storage on 3.7 acres of land located at 1701 South Bon View Avenue, within the M2 (Industrial Park) zone (APN: 1050-191-04).

- I. The plan does adequately address the departmental concerns at this time.
 - No comments
 - See previous report for conditions
 - Report attached (1 copy & e-mail 1 copy)
 - Standard Conditions of Approval apply

II. The plan does not adequately address the departmental concerns.

The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board. 2/7/12

Landscape Planning Carolyn Bell Sr. landscape Planner
 Department Signature Title Date

Revised 7/2011