

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-16

HEARING DATE: July 20, 2015

DECISION DATE: July 29, 2015

FILE NO: PCUP13-005

SUBJECT: A Conditional Use Permit to expand an existing 2,680-square foot place of worship (Church of God of Prophecy), to include a 2,000-square foot rectory and a 5,000-square foot class room building, generally located at the northwest corner of Campus Avenue and Belmont Street, at 1118, 1126 and 1130 South Campus, within the R1 (Single-Family Residential) zoning district.

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

CHURCH OF GOD OF PROPHECY, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP13-005, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 0.5 acres of land consisting of three separate lots located at 1118, 1126 and 1130 South Campus Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Residential	Low Density Residential	R1	N/A
<i>North</i>	Residential	Low Density Residential	R1	N/A
<i>South</i>	Residential	Low Density Residential	R1	N/A
<i>East</i>	Residential	Low Density Residential	R1	N/A
<i>West</i>	Residential	Low Density Residential	R1	N/A

Approved By:

____ CM Senior Planner

(b) Project Analysis:

(1) Background — The Church of God of Prophecy (Applicant) was originally established in 1983, at the northwest corner of Belmont Street and Campus Avenue, at 1130 South Campus Avenue, originally occupying an approximate 2,300-square foot, one-story building. The site has been continuously used for religious assembly since 1959.

In 2009, the Church purchased two additional properties immediately north of their original site, at 1118 and 1126 South Campus Avenue. At the time of their purchase, these two properties had active Code Enforcement cases. Since purchase of the properties, the Applicant has worked with the Code Enforcement and Building Departments to bring the properties into compliance. To date, Code Enforcement has removed the properties from their list of active Code Enforcement cases, as the applicant has been responsive, and has adequately addressed the required corrections.

In March 2013, the Applicant applied for Conditional Use Permit approval (File No. PCUP13-005) to include the properties located at 1118 and 1126 South Campus Avenue with the originally established Church property, and adding an approximate 2,000-square foot single-family dwelling to be used as a rectory, and an approximate 5,000-square foot former residential care facility for the mentally challenged, to be used for class room and office purposes.

Since the proposed project represented a substantial increase in land area and building size, in March 2015, staff sent (via U.S. Mail) a Notice of Proposed Project to all property owners with a 500-foot radius from the proposed church site. The purpose of the Notice was to inform surrounding property owners of the proposed project, and provide them the opportunity to contact Planning Department staff and/or request a neighborhood meeting to further discuss any concerns and/or issues regarding the proposed project. As of the preparation of this Zoning Administrator Decision, staff has not received any written or verbal correspondence regarding the proposed project.

(2) Current Use — The Applicant's current activities include bible study classes, Sunday school meetings, and church services, conducted at 1130 South Campus Avenue. The current church facility includes an office, social room, sanctuary area, audio control room and restrooms, shown on Exhibit B (Floor Plan—1130 South Campus Avenue). Furthermore, worship services are conducted as follows:

- Bible Study: Tuesday – 7:30PM to 10:00PM
- Prayer Service: Wednesday – 9:00AM to 12:00PM
- Family Service: Friday – 7:30PM to 10:00PM
- Sunday Services: Sunday – 9:00AM to 1:00PM and 5:00PM to 8:00PM

Week day meetings are held three times per week, on Tuesday, Wednesday, and Friday. Additionally, Sunday services are conducted once in the morning and once in the afternoon.

(3) Proposed Expansion — With the addition of the 1118 and 1126 South Campus Avenue properties, the Applicant proposes to expand their current church operations in the following manner:

(i) **1118 South Campus Avenue:** As previously described, the approximate 5,000-square foot building was originally used throughout the 1960s as a residential care facility for the mentally challenged. The school use was abandoned over time, and a residential use was established at the location, without obtaining necessary building permits.

The Applicant is proposing to use the existing building (see Exhibit C (Floor Plan—1118 South Campus Avenue)) for uses ancillary to worship activities, and will include the following:

- Offices
- Lobby/reception area
- Visitors waiting area
- Kitchen
- Dining lounge
- Storage
- Conference room (1)
- Classrooms (3)
- Restrooms.

Three rooms are proposed for classroom use, to be occupied for Sunday School and Bible Study classes during weekdays and Sundays, as needed. The size of the classrooms range from 220 to 250 square feet, and will not be used for independent educational or service uses, such as private schools, and vocational/trade schools, day care facility, etc. Classrooms will be occupied only during scheduled Sunday Services and Bible Study hours.

(ii) **1126 South Campus Avenue:** As previously described, the existing approximate 2,000-square foot, two-story, single-family dwelling, with detached two-car garage, will be used by the church as a rectory, providing housing for church pastors ((see Exhibit B (Floor Plan—1126 South Campus Avenue)).

(4) Parking – For religious assembly uses, parking spaces are required at the 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. The main assembly

(Sanctuary) area is 946 square feet in size, and will consist of nonfixed seating, requiring 23 off-street parking spaces for the proposed use.

There are currently four on-site parking spaces provided. As previously described, the church was constructed in 1959, and has been in continuous operation. The church was permitted to be constructed in this configuration, as most of its members lived within walking distance, necessitating that fewer parking spaces be provided. This condition still exists to this day.

Furthermore, while the proposed project will result in an increase in lot size and building area, it is not anticipated to result in an increase in land use intensity, as the area of the sanctuary (main assembly area) will not be increased, and will not require that additional parking spaces be provided. Additionally, staff has determined that within a 500-foot radius of the project site (the maximum distance allowed by the Ontario Development Code (Parking and Loading Requirements) for providing off-site parking), more than 45+ on-street parking spaces are available for shared use with area residence.

Moreover, the Applicant has analyzed the available on-street parking on the blocks surrounding the project site, and has determined that 80 on-street parking spaces are available, as follows:

- Ralston Street, between Monterey and Campus Avenues: 32 spaces
- Belmont Street, between Monterey and Campus Avenues: 32 spaces
- Campus Avenue, between Belmont and Ralston Streets: 16 spaces
- TOTAL: 80 spaces

In addition to the parking spaces required for the religious assembly land use, the single-family dwelling used as a rectory requires two covered parking spaces. As previously described, the rectory includes an existing detached, two-car garage, along with one uncovered parking spaces, for a total of three spaces, which exceeds the minimum off-street parking requirements.

(c) Airport Land Use Compatibility Plan: This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(d) Departmental Review: All City departments have 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 Decision preparation, recommended conditions of approval were provided from the departments/agencies:

- Planning—Land Development
- Airport Planning

- Planning—Landscape
- Engineering—Land Development
- Building
- Fire
- Police
- Housing and Neighborhood Revitalization

Staff recommends approval of the proposed land uses, and requests that the Zoning Administrator impose the Department's recommended conditions of approval.

(e) Public Notification: The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 500 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 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 July 20, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Denny D. Chen, 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) Gabriel Favela, SMART Engineering Concepts, representing the applicant, explained the business operation and spoke in favor of the application. The Zoning Administrator asked if the Church would be willing to accept an added condition that the CUP could be called back for hearing should the parking situation for the Church become

a nuisance and a source of complaints in the neighborhood. Mr. Favela indicated that the Church would agree to the added condition

(c) Police Department Representative Douglas Sorel was questioned by the Zoning Administrator as to whether the Police Department was now satisfied with the parking situation. Mr. Sorel indicated that the Police Department believed that the parking would be adequate.

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 expansion of the subject religious assembly land use is located within the R1 (Single-Family Residential) zoning district.

(2) Religious assembly is allowed in the R1 (Single-Family Residential) zoning district 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 the R1 (Single-Family Residential) zoning district 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 the applicable provisions of the Ontario Development Code and applicable Municipal Code provisions.

The parking needs for the religious assembly land use will be accommodated by the surrounding off-site parking. Staff has determined that within a 500-foot radius of the project site (the maximum distance allowed by the Ontario Development Code (Parking and Loading Requirements) for providing off-site parking), more than adequate on-street parking exists to accommodate the proposed land use expansion.

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

(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. PCUP13-005, 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 _____ day of July 2015.



Barbara Millman
Zoning Administrator



Exhibit A: Aerial Photograph

Exhibit B: Site Plan

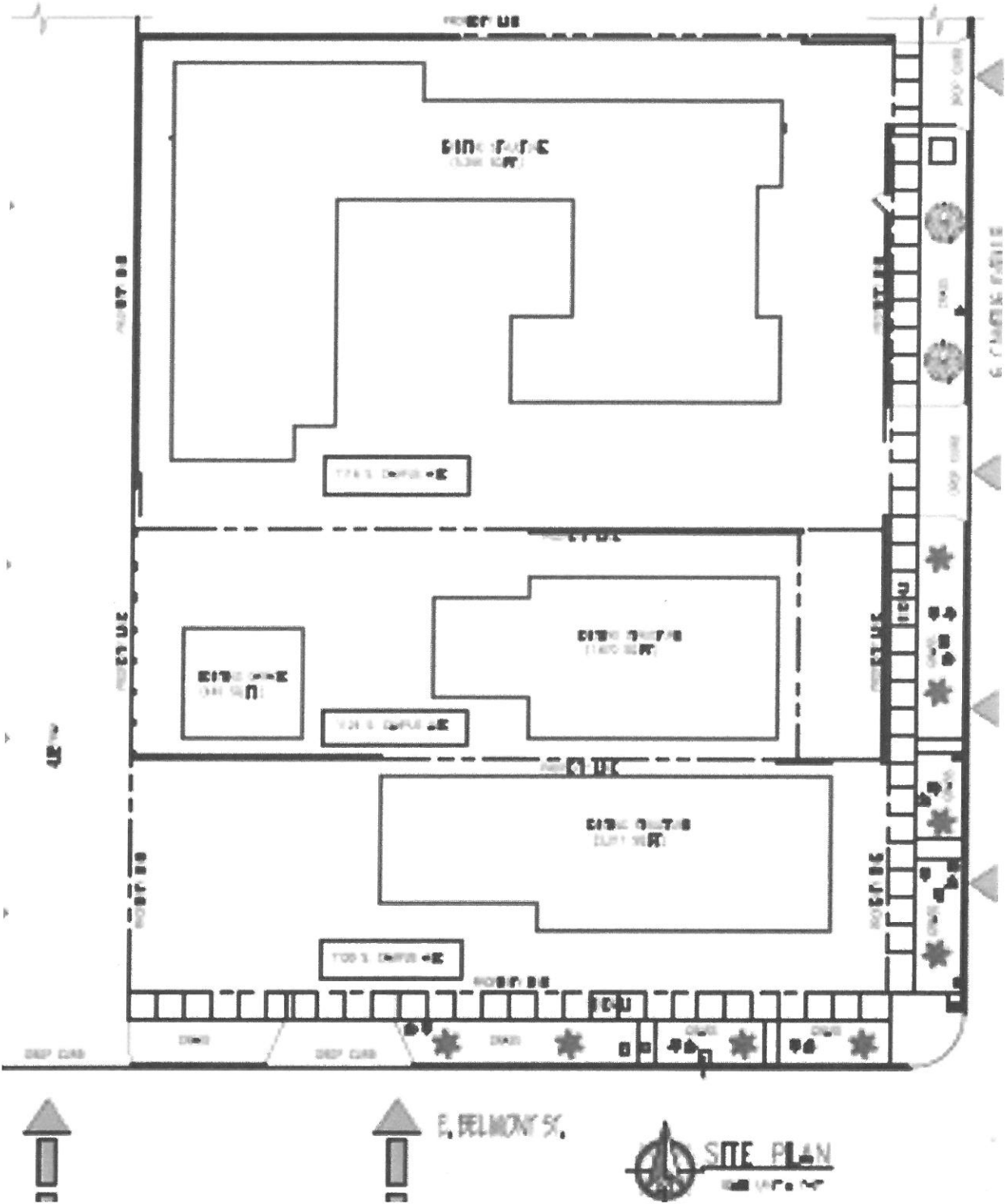
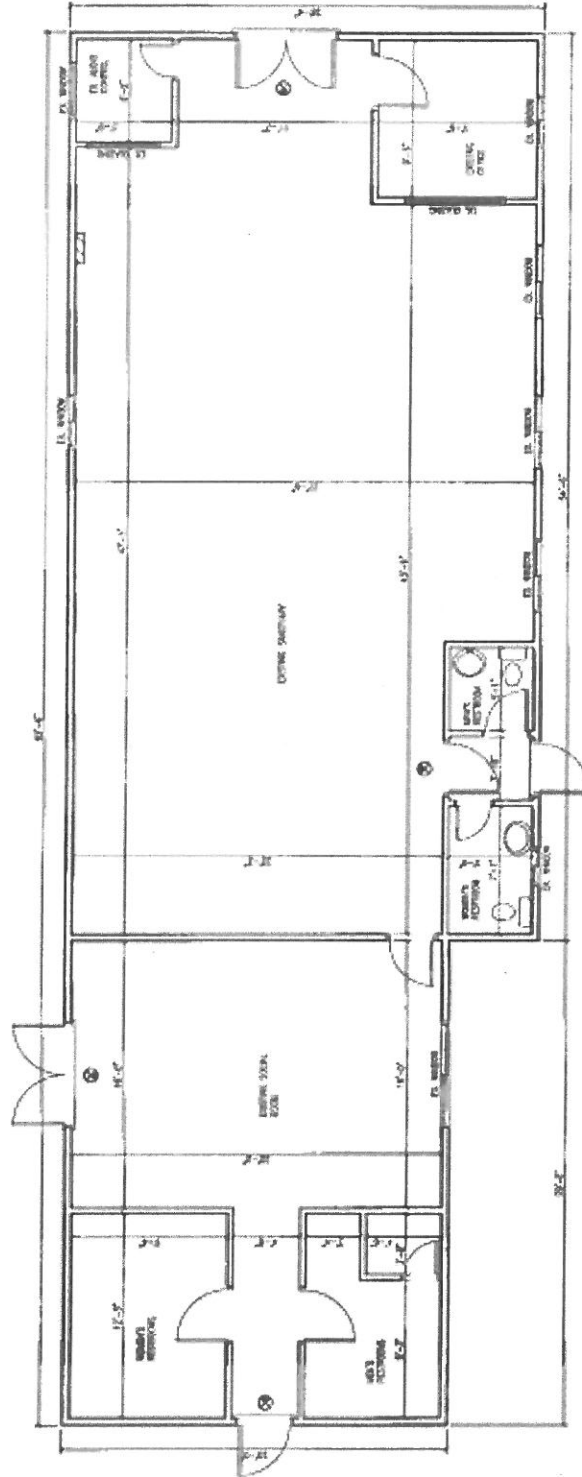


Exhibit C: Floor Plan – 1130 South Campus Ave.



FIRE AND EXIT NOTES:
1. FIRE EXIT MARKER FOR EXITS

EXISTING FLOOR PLAN: 1130 S. CAMPUS AVENUE
DATE: 10-1-13

Exhibit C: Floor Plan – 1126 South Campus Ave.

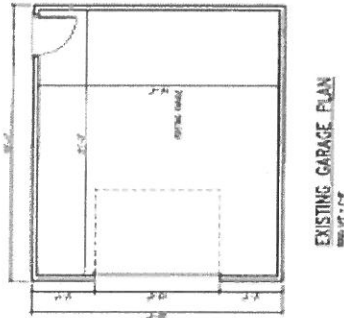


EXISTING SECOND FLOOR PLAN
 SHEET 102 OF 102

EXISTING FIRST FLOOR PLAN
 SHEET 101 OF 102

ONE AND TWO NOTE:

1. ALL DIMENSIONS ARE PER THE CALIFORNIA FIRE CODE SECTION 1011.
2. ALL DIMENSIONS SHALL BE PROVIDED IN ACCORDANCE WITH CALIFORNIA FIRE CODE SECTION 1011.
3. DIMENSIONAL MATERIALS AND FINISHES SHALL BE IN ACCORDANCE WITH SECTION 1011 OF THE CALIFORNIA FIRE CODE.
4. ALL DIMENSIONS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 1011 OF THE CALIFORNIA FIRE CODE.
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EXISTING GARAGE PLAN
 SHEET 103 OF 102

Exhibit C: Floor Plan – 1118 South Campus Ave.

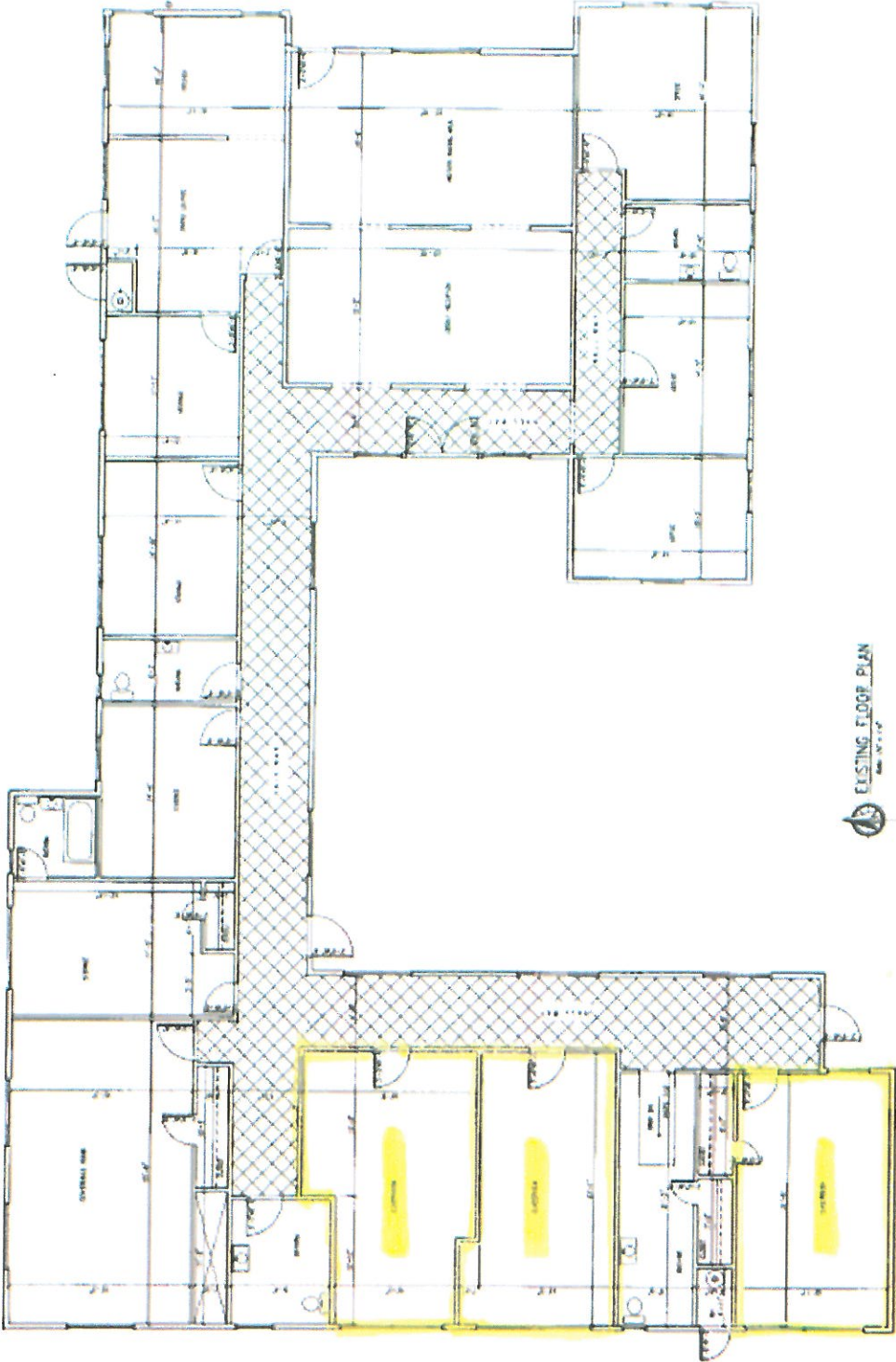


Exhibit E: Site Photos



Northwest Corner of Belmont St. and Campus Ave.



Existing Church – East Elevation

Exhibit E: Site Photos



Existing Alley / Church's Parking Lot – South Elevation



1126 South Campus Ave / Existing Two-Story House

Exhibit E: Site Photos



1118 South Campus Avenue – Existing Building

CONDITIONS OF APPROVAL

DATE: July 20, 2015

FILE NO.: PCUP13-005

SUBJECT: A Conditional Use Permit to expand an existing 2,680-square foot place of worship (Church of God of Prophecy), to include a 2,000-square foot rectory and a 5,000-square foot class room building, generally located at the northwest corner of Campus Avenue and Belmont Street, at 1118, 1126 and 1130 South Campus, within the R1 (Single-Family Residential) zoning district.

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 Should the use for which conditional use permit approval has been granted ceases to exist or is suspended for ninety (90) or more consecutive days, such permit shall be deemed null and void.

2.6 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.

2.7 The following condition has been added to this project by the Zoning Administrator: Should the parking situation ever become a nuisance, and a source of substantial complaint in the surrounding neighborhood, the Zoning Administrator may call this Conditional Use Permit up for review, and add additional conditions and/or require additional parking.

Additional Conditions of Approval

Airport Land Use Compatibility Planning Consistency Evaluation Report



Project File No.: PCUP13-005	Reviewed By:
Address: 1118 South Campus Avenue	Lorena Mejia
APN: 1049-503-16	Contact Info:
Existing Land Use: School was the previous permitted use on site	909-395-2276
Proposed Land Use: Religious Assembly Use	Project Planner:
Site Acreage: 0.254	Denny Chen
ONT-IAC Project Review: N/A	Date: 6/19/14
Airport Influence Area: ONT	CE No.: 2014-037
	PAIU No.: n/a

CONSISTENCY EVALUATION DETERMINATION				
This proposed Project is:	<input type="radio"/> Exempt from the ALUCP	<input type="radio"/> Consistent	<input type="radio"/> Consistent with Conditions	<input checked="" type="radio"/> Inconsistent
ANALYSIS				
See Attached				

Airport Planner Signature: _____ *Lorena Mejia*

ONT ALUCP COMPATIBILITY FACTORS (Check all that Apply)			
Safety Zones	Noise Impact Zones	Airspace Protection	Overflight
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input checked="" type="checkbox"/> Avigation Easement
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input type="radio"/> Pierce Part 77 Surfaces	<input type="checkbox"/> Recorded Overflight
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input type="radio"/> FAA Notification	<input type="checkbox"/> Real Estate Disclosure
<input checked="" type="checkbox"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL		<input type="checkbox"/> Airport Influence Area
<input type="radio"/> Zone 4			
<input type="radio"/> Zone 5			

CHINA ALUCP COMPATIBILITY FACTORS (Check all that Apply)				
<input type="radio"/> Zone A	<input type="radio"/> Zone B1	<input type="radio"/> Zone C	<input type="radio"/> Zone D	<input type="radio"/> Zone E

Airport Land Use Compatibility Planning *Consistency Evaluation Report*

CE No.: 2014-037

ALU No.: _____

PROJECT CONDITIONS

The majority of the project site is located within Safety Zone 3 which allows assembly use such as places of worship at a .03 FAR.

There are .20 acres of the project site located within Safety Zone 3. At a .03 FAR only 261 square feet may be utilized for a religious assembly use within Safety Zone 3.

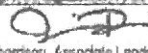
The project site is located within the 60-65 dB CNEL noise impact zone must incorporate exterior-to-interior noise level reduction (NLR) design features and be capable of attenuating exterior noise to 45 dB interior noise level, acoustical data documenting that the structure will be designed to comply with the criteria must be provided.

The building may not be utilized as an assembly use in its entirety an assembly use would not be consistent with the ONT ALUCP.

The previous use for the building was a school of a school may be continued but modifications to the previous use would result in meeting current ALUCP standards.

The floor plan needs labeled to indicate the proposed use of each room and square footage.

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
 <small>Jamie Richardson, Associate Landscape Planner</small>	6/18/2014 <small>Date</small>

Reviewer's Name: Jamie Richardson, Associate Landscape Planner	Phone: (909) 395-2615
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D.A.B. File No.: PCUP13-005	Related Files:	Case Planner: Denny Chen
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Project Name and Location: Church of God of Prophecy 1118 South Campus ave
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Applicant/Representative: Smart Engineering Concepts P.O. Box 4578 El Monte, CA 91734

<input checked="" type="checkbox"/>	A site plan (dated 6/3/2014) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Correct callouts for proposed trees on Belmont and Campus; 1 – 24" box size Chitalpa tashkentensis for a total of four (4) trees in the parkway along Campus Ave., provide 1 – 24" box size Zelkova serrata 'Village Green' for a total of four (4) trees in the parkway along Belmont St.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

DATE: 08.11.2013

PROJECT PLANNER: Danny Chen, Planning Department

PROJECT: PCUP13-005, a Conditional Use Permit application to establish a church (Church of God of Prophecy), located at 1118 South Campus Ave, within the R1 (Single Family Residential) zoning district.

APN: 1049-503-16, 17, and 18

LOCATION: 1118, 1124, and 1130 South Campus Ave,

PROJECT ENGINEER: Arij Baddour, Engineering Department


The following items are the Conditions of Approval the subject project:

1. Developer is required to obtain an Encroachment Permit and submit Fence Letter to the Engineering Department for the existing fence within the public right-of-way.



Khoi Do, P.E.
Principal Engineer

8/12/14
Date



Raymond Lee, P.E.
Assistant City Engineer

8/15/14
Date

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: June 10, 2014
SUBJECT: PCUP13-005

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

Conditions of Approval

1. Permits are required for the change of use. Building to comply with current Building Codes and Handicap requirements.
2. Building can not be used until new Certificate of Occupancy has been issued, after all up-grading has been completed.
3. Lot lines to be removed between buildings.

KS : kb



CITY OF ONTARIO MEMORANDUM

TO: John Hildebrand

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

DATE: June 11, 2014

SUBJECT: PCUP13-005 A Conditional Use Permit to establish a church (Church of God of Prophecy) located at 1118, South Campus Ave, within the r-1 (Single Family Residential) zoning district.

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

No comments

Report below.

1. Exit signs shall be required as outlined in 2010 California Fire Code Section 1011.
2. Fire Extinguishers shall be provided in accordance with 2010 California Fire Code 906.1.
3. Decorative materials and furnishings shall be in accordance with those outlined Section 801 of the 2010 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 2010 California Fire Code Section 1011.
5. Existing sprinkler system must be serviced and maintained , including 5 year certification and annual flow testing as required by Section 903 of the 2010 California Fire Code. Prior to occupancy.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Jeanie Aguilo, Planning Department
FROM: Scott Melendrez, Police Department
DATE: May 13, 2013
SUBJECT: FILE NUMBER PCUP13-005 A Conditional Use Permit to establish a church, located at 1118 S. Campus Avenue

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

- 1) All exterior lighting shall be repaired and maintained in proper working order and shall provide a minimum of one foot-candle in all public areas.
- 2) Building alarm, if installed and operational, shall be registered with the Police Department.
- 3) Deteriorated wrought iron fencing shall be painted.
- 4) Trash cans shall be stored out of public view.
- 5) Applicant shall demonstrate that parking is sufficient for the expected number of staff, volunteers and participants.

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

CITY OF ONTARIO
MEMORANDUM

TO: Jeanie Aguilo, Planning Intern

FROM:  Brent Schultz, Housing and Neighborhood Revitalization Director

DATE:  May 3, 2013

SUBJECT: FILE NO. PCUP13-005

The Housing Department has the following comments on the above mentioned project:

- Staff recommends that the applicant provide additional detailed information to the Planning Department on how all three (3) properties will jointly be utilized to form a larger religious establishment.
- Applicant should be aware of Graffiti on mural located at south block wall of corner lot at 130 S. Campus Ave. and board-up window to rear of structure at 1118 S. Campus Ave.