



PLANNING COMMISSION HEARING DATE: APRIL 6, 2017

AGENDA ITEM NO.: 2

PROPOSED PROJECT

| | | |
|---------------------------------|--|--|
| Case Numbers | P17-0073 (Conditional Use Permit) | |
| Request | To consider a Conditional Use Permit to establish an 18,000 square-foot indoor playground in an existing commercial lease space within a multi-tenant retail center. | |
| Applicant | Ryan Condron, of Luv2Play Riverside | |
| Project Location | 4790 La Sierra Avenue, between Schuyler Avenue and Pierce Street | |
| APN | 146-210-021, 146-210-022, 146-220-022, 146-220-025, 146-220-035 and 146-220-036 | |
| Project area | 9.24 acres | |
| Ward | 7 | |
| Neighborhood | La Sierra | |
| General Plan Designation | C - Commercial | |
| Zoning Designation | MU-V – Mixed-Use Village | |
| Staff Planner | <i>Matthew Taylor, Assistant Planner; 951-826-5944; mtaylor@riversideca.gov</i> | |

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that Planning Case P17-0073 constitutes an Existing Facility and is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines; and

2. **APPROVE** Planning Case P17-0073 (Conditional Use Permit) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 9.24-acre site is located on the west side of La Sierra Avenue north of Schuyler Avenue and south of Pierce Street. It is fully developed with an approximately 129,000-square-foot retail shopping center, known as Five Points Plaza, with in-line and freestanding buildings, primarily developed in the 1960s and 1970s. Major tenants include Stater Brothers supermarket, Dollar Tree discount retail and Goodwill second-hand retail, as well as a number of smaller retail, restaurant and office uses. The center currently has a 67% occupancy rate.

Surrounding land uses include retail, office and general commercial to the north and east across Pierce Street and La Sierra Avenue; single-family residential to the west; and public and institutional uses, including the La Sierra Branch of the Riverside Public Library, to the south.

On December 9, 2016, the Development Review Committee (DRC) approved a Variance to accommodate the leasing of existing vacant lease space with a mix of restaurant and retail uses with 457 existing parking spaces where 686 parking spaces are required.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit (CUP) to establish an indoor playground facility in a vacant, 18,082-square-foot lease space. The proposed business (Luv2Play) consists of indoor playground equipment, free play and imagination play areas, and dedicated infant and toddler play areas. The facility will also include a coffee bar, kitchen, and private dining rooms available for party and event rentals. The facility is primarily intended for children under 12.

Plans show 6,653 square feet of the 18,082-square-foot tenant space will consist of five play areas ranging from 196 to 2,464 square feet, each dedicated to a different age group and style of play. The remainder of the space includes a lobby and check-in area, café seating, six private party rooms, kitchen, coffee bar, restrooms and service areas.

The facility will be open seven days a week and will offer “open play” for walk-in patrons as well as hourly private party reservations. A total of 14 full- and part-time staff are anticipated, four to ten of which will be present for three four-hour shifts daily. Based on an analysis of similar Luv2Play franchise locations in Southern California provided by the Applicant, the average length of visitor stay is 2.5 hours and the expected average peak occupancy is 80 patrons on weekdays and 160 patrons on weekends. The proposed hours of operation, peak hours of operation, number of employees per shift and peak hour maximum occupancy are indicated in the table below:

| | Hours of Operation | Peak Hours* | Employees/Shift | Peak Occupancy* |
|----------|-----------------------|------------------------|-----------------|-----------------|
| Weekdays | 9:00 a.m. – 8:00 p.m. | 4:00 – 6:00 p.m. | 4-5 | 80 |
| Friday | 9:00 a.m. – 8:00 p.m. | 4:00 – 7:00 p.m. | 4-6 | 140 |
| Saturday | 9:00 a.m. – 8:00 p.m. | 12:00 – 3:00 p.m. | 4-8 | 160 |
| Sunday | 9:00 a.m. – 6:00 p.m. | 11:00 a.m. – 2:00 p.m. | 4-8 | 140 |

Peak hours and occupancy are estimated based upon operational data from a similar Luv2Play franchise location in Lake Forest, California. Estimate figures have been increased by a factor of 25% to account for the larger size of the subject lease space.

PROJECT ANALYSIS

| <i>Authorization and Compliance Summary</i> | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|
| | N/A | Consistent | Inconsistent |
| <p><i>General Plan 2025</i> The proposed use is consistent with the underlying General Plan 2025 land use designation of – MU-V – Mixed-Use Village, and will further the intent of the General Plan by enhancing the economic vitality of the La Sierra neighborhood and by rejuvenating an older shopping center (Objective LU-61).</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Zoning Code Land Use Consistency (Title 19)</i> The underlying CG – Commercial General Zone is consistent with the C - Commercial General Plan land use designation. General indoor recreational uses are permitted in the CG zone subject to the granting of a Conditional Use Permit.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Compliance with Citywide Design & Sign Guidelines</i> The proposed project does not entail any exterior modifications to the building, with the exception of signage and potential A.D.A. (Americans with Disabilities Act) accessibility upgrades within the parking lot. Signage will be reviewed for compliance with the Zoning Code and consistency with the Citywide Design & Sign Guidelines under a separate Administrative Sign Review.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PROJECT ANALYSIS

Parking

The Zoning Code does not specify a minimum required parking ratio for general indoor recreational uses. Rather, the Planning Commission is authorized to determine the appropriate parking demand for this type of use in conjunction with the consideration of a Conditional Use Permit. The applicant has provided a parking analysis and operational plan to aid in establishing an appropriate parking ratio for the facility, based on empirical data gathered from other Luv2Play franchise locations in Southern California. The analysis concludes that the facility will

create a maximum parking demand of 60 spaces during peak operations (i.e., Saturday and Sunday afternoons), or a parking ratio of 1 space per 300 square feet of gross floor area.

The proposed operation of the facility is similar in character to Health and Fitness facilities, for which the Zoning Code establishes a minimum parking ratio of one space per 150 square feet of gross floor area. At this ratio, the facility would have a minimum parking requirement of 121 parking stalls. However, several important distinctions can be made between the proposed use and Health and Fitness uses; specifically:

- A majority of the patrons of Luv2Play will be children accompanied by their parents, whereas Health and Fitness patrons can reasonably be assumed to drive alone. An anticipated peak occupancy of 160 patrons and a maximum expected parking demand of 60 parking spaces assumes an average 2.66 patrons per car, which is reasonable given the intended user base of the facility;
- Birthday parties and other events making use of the private rooms, which are analogous to group exercise classes at health and fitness facilities, can be assumed to generate a much lower parking demand as a substantial portion of children in attendance will likely be dropped off; and
- A certain portion of part-time employees at other franchise locations tend to be aged 16-19 and are thus more likely to be driven, take public transportation, walk or bike to work.

As previously noted, a Parking Variance (Planning Case P16-0445) was approved for Five Points Plaza in December 2016 to allow a mix of restaurant and retail uses within the center. The variance assumed a retail use, with a 1 space per 250 square feet parking requirement, for the subject lease space. Staff believes that the parking demand for the proposed indoor recreational facility will not exceed the parking demand assumed for a typical retail use, based on the parking demand analysis provided by the applicant and discussed above.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 of the CEQA Guidelines, as the project constitutes an existing facility.

NEIGHBORHOOD COMPATIBILITY

Staff supports the proposed indoor recreational facility as it is consistent with surrounding uses within an existing multi-tenant commercial retail center. The project involves the reuse of an existing tenant space within an established commercial center, is located entirely indoors and will have no adverse impact on the adjacent single-family residential neighborhood to the immediate west of the site. As discussed in the preceding analysis, the project is compatible with the existing uses within the center in terms of operations and parking demand. Further, the project will bring a new, family-oriented recreational opportunity to the La Sierra Neighborhood convenient to existing commercial services, restaurants and retail establishments.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, Planning Staff have received one phone call from a property owner within 300 feet of the proposed project who indicated support for the project.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Recommended Findings
2. Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Zoning Map
6. Project Description
7. Project Plans (Site Plan, Floor Plan, and Play Equipment Renderings)
8. Applicant Provided Parking Analysis
9. Existing Site Photographs

Prepared by: Matthew Taylor, Assistant Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – RECOMMENDED FINDINGS

PLANNING CASES: P17-0073 (Conditional Use Permit)

Conditional Use Permit Findings pursuant to Chapter 19.760.040

- a. The proposed Indoor Recreational Facility is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b. The proposed Indoor Recreational Facility will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- c. The proposed Indoor Recreational Facility will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: P17-0073 (Conditional Use Permit)

Case Specific

• **Planning**

1. The Indoor Recreational Facility shall be developed and operated substantially as described in the text of this staff report and as shown on the plot plan on file with this case, except for any specific modifications that may be required by these conditions of approval.
2. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
3. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.

Operational Conditions

4. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.

Standard Conditions

5. There shall be a two-year time limit in which to commence the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
6. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.
7. The Project must be completed per the Conditional Use Permit approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Planning Division Staff.
8. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including

reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

9. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
10. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
11. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
12. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
13. Failure to abide by all conditions of this permit shall be cause for revocation.
14. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

- **Public Works**

The following Public Works conditions shall be satisfied prior to case finalization unless otherwise noted:

15. No conditions.

- **Environmental Compliance**

Contact Ann Iaali at 951-351-6011 or aiaali@riversideca.gov with questions regarding the following Environmental Compliance Section conditions:

16. Wastewater Discharge Survey to be submitted to Environmental Compliance Section for review and approval.

If an interceptor is determined to be installed or replaced for a tenant, this requirement must be complied with prior to opening the business or by the date determined by the Environmental Compliance Section.

If an interceptor is required, it shall meet specifications in R.M.C. sections 14.12.255, 260, 270, 275, and be sized in accordance with the Universal Plumbing Code, Chapter 10, Table 10-3, and be a minimum size of 750 gallons. Actual approved interceptor size depends on review of drainage fixture units and survey. Domestic waste shall not be allowed to pass through the interceptor.

17. If a sampling station is required—submit proposed installation on corrected plans.
18. All corrections to plans must be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
19. Applicant must request inspection to verify the required installation or construction via inspection by EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by EC Inspector.
20. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
21. Other items for correction may need to be completed after actual plans are submitted for a formal review.

- **Fire Department**

Contact Lisa Munoz at 951-826-5480 or lmunoz@riversideca.gov with questions regarding the following Fire Department conditions:

22. An automatic fire sprinkler system is required by City Ordinance 16.32.080. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UJFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.

23. Assembly Group A occupancies shall be provided with a manual fire alarm system having an occupant load of 300 or more.

Group A occupancies not separated from one another in accordance with CBC Section 707.3.10 (2 hr. minimum fire barrier or horizontal assembly from other occupancy use) shall be considered as a single occupancy for the purposes of applying this section requirement. Therefore, if CBC 707.3.10 is not met, then, the entire building will require the manual fire alarm system.

Submit plans and obtain approvals from the Fire Department prior to installation. New fire alarm systems shall be UL, FM or ETL certificated for the life of the system. Central Station shall be UL UUFX.

24. Provide the minimum area separation in accordance with CBC 508.4.
25. Children's play structure shall be in accordance with CBC 424.
26. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.
27. Provide for fire department access to the facility. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
28. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
29. Construction plans shall be submitted and permitted prior to construction.
30. Fire Department access shall be maintained during all phases of construction.

- **Public Utilities – Water**

Contact Chris Gross at 951-826-5370 or cgross@riversideca.gov with questions regarding the following Public Utilities Water Division conditions:

31. Existing 2" water service and meter to this suite in the center.
32. This suite in the center does not currently have a fire service connection.
33. Any new fire service connections will be at the La Sierra frontage. There is an 8" fire service connection to the property that was installed to serve Pizza Hut. At the owner's discretion, this service connection can be extended onsite to the proposed project if it can serve the fire flow needs of the project.