



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MARCH 31, 2020

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 5
DEPARTMENT

SUBJECT: P19-0507 CONDITIONAL USE PERMIT REVISIONS AND P19-0508 DESIGN REVIEW – AN APPEAL BY KYLE PAINE OF COMMUNITY DEVELOPMENT PARTNERS OF A DENIAL BY THE CITY PLANNING COMMISSION FOR THE EXPANSION OF ST. MICHAEL’S EPISCOPAL CHURCH - LOCATED AT 4070 JACKSON STREET AT THE NORTHWEST CORNER OF JACKSON STREET AND HAWTHORNE AVENUE

ISSUE:

Consider the appeal by Kyle Paine of Community Development Partners of the Planning Commission’s denial of a proposed revision to a previously approved Conditional Use Permit and Design Review to permit the expansion of St. Michael’s Episcopal Church.

RECOMMENDATIONS:

That the City Council:

1. Determine that the proposed project is exempt from the California Environmental Quality Act subject to Section 15332 (In-fill Development Projects), as this proposed project will not have a significant effect on the environment; and
2. Approve Planning Cases P19-0507 (Conditional Use Permit Revisions) and P19-0508 (Design Review) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

COMMISSION RECOMMENDATION:

On February 6, 2020, the Planning Commission denied Planning Cases P19-0507 Conditional Use Permit Revisions and P19-0508 Design Review by a vote of 3 ayes and 6 noes.

A 2/3 majority vote of the Commissioners present was required to approve the Conditional Use Permit Revisions, which would have required the affirmative vote of six or more Planning Commission members.

BACKGROUND:

Project Description

The applicant is requesting approval of a revision to a previously approved Conditional Use Permit (C-38-590) and Design Review to permit the construction of 50 affordable and supportive housing units; a 4,214 square foot parish hall; a 2,950 square foot friary and chapel; and a 1,300 square foot greenhouse. The project is proposed to be constructed in two phases.

Access to the site will be provided via the existing driveway on Jackson Street and two proposed driveways on Hawthorne Avenue. The most westerly driveway proposed along Hawthorne Avenue will be used exclusively by residents of the friary. No access restrictions are proposed for the other driveways on Hawthorne Avenue.

The two proposed construction phases include:

- *Phase I (Construction anticipated to begin September 2020 with completion December 2021)*

Phase 1 includes the construction of 50 affordable and permanent supportive housing units within a single two-story building, consisting of 30 one-bedroom units and 20 two-bedroom units. Each unit features a living room, kitchen, bathroom, and enclosed patio. Units range in size from 550 square feet to 784 square feet. Recreational amenities provided include turf areas for active and passive activities. A total of 96 uncovered parking spaces are proposed to serve the site. Security of the site will include security cameras, on-site property management, and lighting.

The project will be managed by Mercy House, a non-profit organization that provides housing and comprehensive supportive services for low-income individuals and families, and persons with mental illnesses who are homeless or at-risk of becoming homeless. Two Mercy House employees will work on-site 5 days a week from 9:00 AM to 5:00 PM. The property manager and case manager will work closely to address any issues that arise on the property. One staff member will reside on-site in one of the units and be available after hours and on weekends. An additional on-call staff member will be available for emergency after-hour maintenance requests.

No changes to the existing church and parish hall are proposed under Phase I.

- *Phase II (Construction anticipated to begin March 2022 and completed in November 2023)*

Phase II includes the demolition of the existing parish hall and proposed improvements that include:

- A 4,214 square foot church expansion consisting of a new single-story parish hall, kitchen, meeting room, and five offices;
- A 2,950 square foot friary, consisting of a gathering room with a kitchen and bathroom, six bedrooms for clergy, and a chapel;
- Recreational amenities including a gathering circle, children's playground, and a 1,300 square foot greenhouse for the establishment of a community garden;
- Four parking spaces; and
- A block wall, up to 6 feet in height, and 6-foot-high vehicular gates along a segment of

the Hawthorne Avenue frontage to provide privacy for the proposed friary.

For additional background, please refer to the February 6, 2020, City Planning Commission staff report (Attachments 1 and 2).

DISCUSSION:

Appeal

The applicant filed a timely appeal of the Planning Commission's denial of the proposed project (Attachment 3). The applicant's basis for the appeal include: 1) the project exceeds the requirements of the development standards for the site; 2) the project is well-situated in an amenity-rich location that aligns with the City's Housing First Strategy, General Plan, and Housing Element policies; 3) the project advances the City's interests as evidenced by prior support of City Council for project financing; and 4) the project has been designed to mitigate neighbor concerns.

A response by staff is provided for each of these comments:

1. **Comment:** The project exceeds the requirements of the development standards for the site, including parking, setbacks, height, and density.

Response: The proposed church expansion and incidental housing meets or exceeds all applicable development standards of Title 19 - Zoning Code of the Riverside Municipal Code. No variances are requested, and the applicant has not requested any concessions based on the affordability of the proposed housing units.

- a. **Parking:** Staff evaluated parking requirements for the entire site based on the separate uses proposed per California State Law and the City's Zoning Code standards. Parking calculations considered the affordable housing units, the manager's unit, the number of seats in the church, and the number of friary bedrooms. The combined uses on the site require 83 parking spaces and 100 are provided. This results in a surplus of 17 parking spaces.

As a matter of information, beginning January 1, 2020, California State Law, under Assembly Bill (AB) 1763, limits the number of parking spaces a local government can require for affordable housing units. Local governments may not impose a minimum number of required parking spaces for projects that propose 100% affordable units. Using a standard of no parking for the affordable housing units, the proposed project would only be required to provide 58 parking spaces, resulting in a surplus of 42 parking spaces.

- b. **Setbacks:** The project exceeds all setbacks required for Assemblies of People – Non-Entertainment. The housing building is located 67 feet from the northerly property line, adjacent to the single-family residences, and 50 feet, 6 inches from the westerly property line, where 20 feet is required.
- c. **Height:** The underlying R-1-7000 – Single Family Residential Zone allows a maximum building height of two stories and 35 feet. The proposed residential building is approximately 28 feet in height; therefore, it complies with this development standard.
- d. **Density:** The allowable density for the residential component of the project is determined through the Conditional Use Permit. The proposed project density is 14 dwelling units/acre. The Conditional Use Permit does not set a density limit for incidental housing projects associated with an Assemblies of People – Non-

Entertainment use.

2. Comment: The project is well-situated in an amenity-rich location that aligns with the City's Housing First Strategy, General Plan, and Housing Element policies.

Response: The proposed project is located in an amenity rich location as defined by federal and state tax credit programs. Amenities within the vicinity of the location include, but are not limited to: five bus stops, two parks, a hospital, and a shopping center.

The proposed project is compatible with the General Plan, the objectives of the Housing Element and the goals of the City's Housing First Strategy of 400 units of housing to meet the needs of the current unsheltered population.

3. Comment: The project advances the City's interests as evidenced by prior support of City Council for project financing.

Response: On May 7, 2019, the City Council unanimously voted to approve a loan agreement with the applicant to assist in financing the housing portion of the project. On February 4, 2020, the City Council approved the issuance of state bonds for assistance in financing the housing portion of the project by a vote of 6 ayes and 1 no.

4. Comment: The project was designed to mitigate neighbor's concerns.

Response: The design of the site includes maximized side and rear yard setbacks for the residential building, and the building height is less than allowed by the Zoning Code to address concerns related to privacy. Vehicular access is provided primarily from Jackson Street to alleviate parking and traffic concerns along Hawthorne Avenue.

Public Comments

Following publication of the Planning Commission staff report, staff received 10 letters in opposition of the project, e-comments, a petition opposing the project, and a petition supporting the project. Letters received prior to publication of the Planning Commission staff report are included as an Exhibit to that report. At the Planning Commission hearing, the public spoke in both support and opposition to the project. As well, several letters were submitted regarding this project and in response to the February 4, 2020, City Council public hearing regarding financing (Attachment 4).

The following summarizes additional concerns expressed about the proposed project during the Planning Commission hearing and in written comments that have not already been addressed in the Planning Commission staff report. A response by staff is provided with each topic of concern:

1. Concern: The lot to the west of the project site could potentially be developed with a two-story building.

Response: The adjacent site is zoned R-1-7000, which allows for 2-story buildings with a maximum height of 35 feet. The site is separately owned and is not a part of this proposal. As of the writing of this report, there have been no applications submitted to the Planning Division for development of this site.

2. Concern: Public Hearing Notices were not received by some members of the public.

Response: The Zoning Code requires a 300-foot noticing radius for Conditional Use Permits. Because of the public interest in the project, staff expanded the noticing radius to 1,000 feet. In addition, Staff sent public hearing notices to those who spoke at previous City Council and Planning Commission meetings provided that contact information was

available. Staff also noticed the people who signed a petition opposed to the project and to development of the vacant lot to the west. Staff sent notices to those who spoke at the February 6, 2020 Planning Commission hearing, and those who signed a petition supporting the project.

3. Concern: The trash enclosures are located on the northerly property line, directly adjacent to single-family residences.

Response: The Zoning Code does not provide standards for the location of trash enclosures. The City Council may consider the relocation of trash enclosures as a condition of approval, if desired.

Conclusion

Assemblies of People – Non-Entertainment and incidental housing projects are permitted in the R-1-7000 Zone, subject to: 1) the granting of a Conditional Use Permit (CUP); and 2) compliance with Site Location, Operation and Development Standards for Assemblies of People – Non-Entertainment as defined in Title 19 – Zoning of the Riverside Municipal Code. The proposed church expansion and ancillary housing comply with all applicable development standards. The site layout, including the location of the dwelling units, has been designed to be sensitive to adjacent residential uses to the north by providing a screen wall, building setbacks, and enhanced landscaping around the perimeter of the site.

The proposed project will not be detrimental to the health, safety, or general welfare of the public or surrounding area, and will provide housing opportunities for lower income households. Staff supports the proposed Conditional Use Permit Revisions and Design Review subject to the recommended Conditions of Approval.

FISCAL IMPACT:

There is no fiscal impact associated with this action, as all project costs are borne by the applicant.

Prepared by:	David Welch, Community & Economic Development Director
Certified as to availability of funds:	Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by:	Rafael Guzman, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

Attachments:

1. Planning Commission Report – February 6, 2020
2. Planning Commission Meeting Minutes – February 6, 2020
3. Applicant Appeal Request
4. Public Comments
5. Presentation