



**PLANNING COMMISSION HEARING DATE: JANUARY 26, 2017**

**AGENDA ITEM NO.: 3**

**PROPOSED PROJECT**

<i>Case Numbers</i>	P16-0699 (Conditional Use Permit)		
<i>Request</i>	To consider a Conditional Use Permit to permit the establishment of an adult day care facility for up to 60 developmentally disabled adults within an approximately 4,416 square foot lease space in an existing 6,591 square foot multiple tenant office building.		
<i>Applicant</i>	James Stream of Arc of Riverside County		
<i>Project Location</i>	6377 Riverside Avenue, on the west side of Riverside Avenue between Laura Lane and Bonita Avenue		
<i>APN</i>	225-250-051		
<i>Project area</i>	Approximately 1.58 acres		
<i>Ward</i>	3		
<i>Neighborhood</i>	Magnolia Center		
<i>Specific Plan</i>	N/A		
<i>General Plan Designation</i>	O - Office		
<i>Zoning Designation</i>	O - S-1 Office and one story Height of Buildings Overlay Zones & O - S-2 - Office and two story Height of Buildings Overlay Zones		
<i>Staff Planner</i>	Oscar Romero, Planning Technician; 951-826-5277; oromero@riversideca.gov		

## RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **DETERMINE** that the project will not have a significant effect on the environment and is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
2. **APPROVE** Planning Case P16-0699 (CUP), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

## SITE BACKGROUND

This 1.58 acre parcel is developed with three office buildings: a single-story 6,591 square foot building; a two-story 14,855 square foot building; and, a single-story 4,525 square foot building. Access to the site is provided from Riverside Avenue. The subject site is surrounded by single family residences to the west, offices to the north, residences to the east across Riverside Avenue, and Fire Station #3 to the south.

## PROPOSAL

The applicant requests approval of a Conditional Use Permit to permit the establishment of an adult day care center for up to 60 developmentally disabled adults, 18 years of age and older. The day care will occupy an approximately 4,416 square foot tenant space in the 6,591 square foot office building. The floor plan includes five classrooms, an art room, recreation area, self-care, reading area, leisure area, as well as support services such as a management office, reception area, staff lounge, kitchen, and restroom facilities. The facility will not provide outdoor on-site amenities.

The Riverside Resource Center is an Adult Day Care Program that provides individuals with intellectual and other developmental disabilities the opportunity to reach individualized objectives for self-advocacy, community integration, employment and self-care. The participants will be off-site, at various training sessions, working in the community, shopping, or participating in recreational activities and physical fitness programs a minimum of twice a week. On site activities include art classes, recreation activities, leisure, self-care, reading, and cooking. The purpose of the activities is to provide training to the participants in the following areas: travel training, money management, shopping skills, as well as, participating in community activities with other Riverside residents.

The day care will operate with 16 employees. The hours of operation will be from 7:30 a.m. to 3:00 p.m., Monday through Friday, with staff on site shortly before and after participants arrive. Participants will be dropped off from 7:30 a.m. to 9:30 a.m. and picked-up from 1:30 p.m. to 3:00 p.m. None of the program participants will drive to the site. Rather, transportation will be provided by Inland Regional Center and local transportation vendors. Inland Regional Center will coordinate the pick-up and drop-off by private transportation vans, Dial-A-Ride and Parks and Recreation Special Transportation Services. The vans will not be parked on-site either during business hours or overnight. Loading and unloading of participants will be provided in the parking lot on the north side of the building.

**PROJECT ANALYSIS**

<i>Authorization and Compliance Summary</i>			
	<b>N/A</b>	<b>Consistent</b>	<b>Inconsistent</b>
<p><b><i>General Plan 2025</i></b></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of O-Office, which provides space for a variety of different office uses, including general business and medical offices, supportive retail and commercial uses. The proposed adult day care facility is office oriented in nature and will be compatible with other existing uses on site. Therefore, the proposed use will be consistent with the General Plan.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Zoning Code Land Use Consistency (Title 19)</i></b></p> <p>The site is zoned O - S-1 Office and one story Height of Buildings Overlay Zones &amp; O - S-2 - Office and two story Height of Buildings Overlay Zones. The proposal to establish an adult day care facility is permitted in the underlying zone, subject to the granting of a Conditional Use Permit and compliance with site location, operational, and development standards. As proposed the adult day care facility complies with the standards of the underlying zone and standards specific to Day Care Centers.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Compliance with Citywide Design &amp; Sign Guidelines</i></b></p> <p>This project will involve minor modifications to the interior of the tenant space to accommodate the planned activities. No exterior modifications to the tenant suite, the office complex or site in general are proposed. Additionally, the site is well maintained and there is no need for additional improvements. Therefore, compliance with the Citywide Design Guidelines is not required.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.580 – Parking and Loading Minimum Parking Requirement</i>					
	<b>Standard</b>	<b>Parking Required</b>	<b>Parking Provided</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b><i>Proposed Adult Day Care 4,416 Square Feet</i></b>	1 space / employee plus 1 space/facility vehicle plus 1 space/10 persons at facility capacity	22 Spaces  (No Facility Vehicle Proposed)	106 Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><i>Existing Medical Office 6650 Square Feet</i></b>	1 space / 180 square feet	38 Spaces			
<b><i>Existing Office 6264 Square Feet</i></b>	1 space / 250 square feet	25 Spaces			
<b><i>Existing 2<sup>ND</sup> Story Office 7181 Square Feet</i></b>	1 space / 500 square feet	15 Spaces			
<b><i>Total Parking</i></b>		100 Spaces	106 Spaces		

### ***Open Space Requirements***

The Zoning Code does not have specific requirements for indoor and outdoor amenities. However, Adult Care facilities of this nature are licensed by the State Department of Social Services. As part of the State licensing requirements, the facility will need to provide sufficient space for both indoor and outdoor activities. The applicant is proposing indoor activity amenities, but no outdoor space is proposed on-site. The applicant has indicated that they intend to seek a waiver from the State Department of Social Services for the required outdoor activity area, since the planned program includes sufficient off-site activities so that a separate outdoor area is not required. Based on the program provided by the applicant, staff does not believe that a dedicated outdoor activity area is necessary for this use.

## ENVIRONMENTAL REVIEW

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

## NEIGHBORHOOD COMPATIBILITY

The existing office complex is currently occupied by administrative, professional and medical office uses. The proposed adult day care facility is likely to function much in the same manner as a typical office use, with all activity occurring inside. Further, the proposed use will be compatible with the other office uses to the north and fire station to the south. Given the operational characteristics of the proposed adult day care facility, it will not have impacts on the residences

to the west (rear) and east, across Riverside Avenue. Further, the proposed use will complement the area, existing uses on site, and will provide the surrounding community with a neighborhood-serving use that does not currently exist.

## 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, no responses have been received by Planning Staff in opposition to 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. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Zoning Map
6. Project Plans (Site Plan and Floor Plan)
7. Applicant's Project/Activity Description
8. Existing Site Photos

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Prepared by: Oscar Romero, Planning Technician

Reviewed by: City Planner, Ted White

Approved by: Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

**PLANNING CASES:** P16-0699 (Conditional Use Permit)

*Conditional Use Permit Findings pursuant to Chapter 19.760*

- a. The proposed adult day care 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 adult day care 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, with implementation of the recommended conditions of approval;
- c. The proposed adult day care 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:** P16-0699 (Conditional Use Permit) Meeting Date: January 26, 2017

Conditions:

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 approval of the Community Development Department, Planning Division.

• Planning

*Operational Conditions:*

1. A maximum of 60 clients and 16 staff members shall be permitted in conjunction with this Conditional Use Permit.
2. The facility shall be occupied and operated as generally described in the Planning Commission staff report, dated January 26, 2017. Any increase in the number of participants or employees shall be subject to consideration by the Development Review Committee.
3. Advisory: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

*Prior to Release of Occupancy:*

4. Tenant Improvement Plans shall be submitted and building permits secured from the City's Building and Safety Division for any interior improvements that require building permits.
5. The applicant shall obtain all licenses and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current. Failure to comply will result in revocation of this Conditional Use Permit.

*Standard Conditions:*

6. There is a 24-month time limit on this approval.
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.

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 attach, set aside, void, 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. 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.
10. 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.
11. 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 with this use or failure so as to constitute a public nuisance.
12. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
13. 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 & Economic 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.
14. 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.
15. Failure to abide by all conditions of this permit shall be cause for revocation.
16. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising this permit.
17. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

- **Fire Department**

18. No Requirements

- **Parks, Recreation & Community Services**

19. No Requirements

- **Public Works**

20. No Requirements

- **Public Utilities**

21. No Requirements