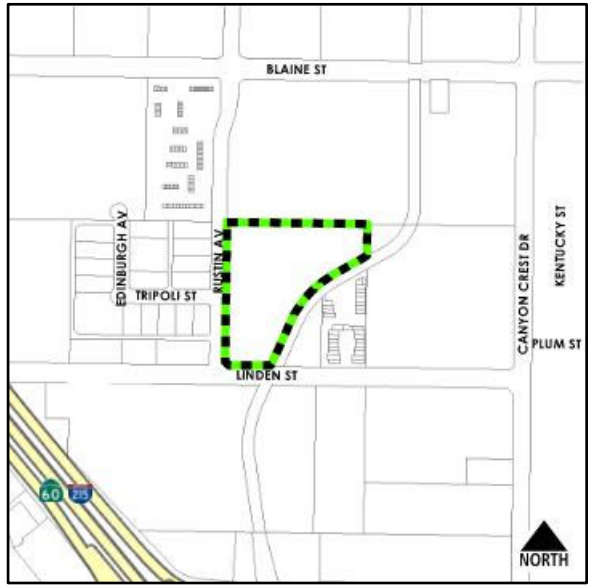




**PLANNING COMMISSION HEARING DATE: JUNE 9, 2022
AGENDA ITEM NO.: 5**

PROPOSED PROJECT

Case Number	PR-2022-001321 (Modification of Conditions)	
Request	To consider a Modification of Conditions to Planning Case P14-0839 (Conditional Use Permit) removing Condition of Approval #4 related to the expiration date of the Conditional Use Permit for Reach Leadership S.T.E.A.M. Academy.	
Applicant	Dr. Virgie Rentie of Reach Leadership S.T.E.A.M. Academy	
Project Location	1085 Linden Street and 3422 Rustin Avenue, situated on the northeast corner of Linden Street and Rustin Avenue	
APN	250-230-009	
Project Area	5.88 acres	
Ward	1	
Neighborhood	University	
General Plan Designation	PF – Public Facilities/Institutions	
Zoning Designation	R-3-1500 - Multi-Family Residential Zone; and R-1-7000 – Single Family Residential Zone	
Staff Planner	Regine Osorio, Associate Planner (951) 826-5712 rosorio@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2022-001321 (Modification of Conditions) subject to the recommended conditions of approval (Exhibit 1).

SITE BACKGROUND

The 5.88-acre project site is developed with a church and a charter school. Access to the project site is provided by two driveways along Rustin Avenue. An 86-space surface parking lot serves the church and the charter school. The area on the west side of the parking lot is utilized by the charter school for student drop off and pick up.

Surrounding land uses include the University of California, Riverside Sports Complex to the north, the Gage Canal and multi-family residential complex to the east, a private school (Islamic Academy of Riverside) to the south, across Linden Street, and multi-family residential complex to the west, across Rustin Avenue (Exhibit 4). A brief history of the site development includes

- The southwest area of the project site was developed in 1966 with four buildings, including a main sanctuary building, for Grace United Methodist Church, approved under C-10-634 in November 1963.
- The northeast area of the project site is occupied by the Reach Leadership S.T.E.A.M. Academy, a charter school (Kindergarten -6th grade) approved by City Council on July 28, 2015, under a Conditional Use Permit (P14-0839). The school consists of 20 modular buildings used for classrooms, administration, library, a multi-purpose room, restrooms, and a playground area.
- In 2020, the Community and Economic Development Director (CEDD) approved a Substantial Conformance request (P20-0283) to add two modular buildings for administrative uses to the 18 modular buildings, originally approved by City Council. The charter school has an enrollment of 450 students and 30 staff. It is open Monday through Friday from 7:00 a.m. to 3:00 p.m. (Exhibit 3).
- The Conditional Use Permit granted for the establishment of the charter school was approved with a specific time limit as follows:

Condition of Approval #4: *This Conditional Use Permit is valid for five (5) years from the date of approval. A one-time extension of an additional two (2) years is subject to consideration and approval by the Zoning Administrator based on justification provided by the applicant.*

PROPOSAL

The applicant is requesting approval of a Modification of Conditions to remove Condition of Approval #4 related to previously approved Conditional Use Permit (P14-0839) for the operation of the charter school (Reach Leadership S.T.E.A.M. Academy). Condition of Approval #4 restricted the operation of the charter school to a total of 7 years from the date of approval. As such, the Conditional Use Permit (CUP) is set to expire on July 28, 2022. The removal of Condition of Approval #4 would allow the school to continue operation at the existing project site.

No building modifications or site improvements are proposed with this request. Enrollment and school hours of operations will not change as a result of this request.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
General Plan 2025 The proposed project is consistent with the underlying General Plan 2025 Land Use designation of PF – Public Facilities/Institutions, specifically through the following objective: <ul style="list-style-type: none">• <u>LU-26</u> – Ensure that a network of modern, effective and adequate community facilities is equitably distributed across the entire City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zoning Code Land Use Consistency (Title 19) The project site is split zoned R-1-7000 – Single Family Residential and R-3-1500 – Multi-Family Residential. The charter school is specifically located in the R-1-7000 – Single Family Residential, which permits the establishment of schools, subject to the granting of a Conditional Use Permit. No changes to the existing school operations are proposed. The project meets the objectives, intent, and development standards of the Zoning Code (Title 19).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MODIFICATION OF CONDITIONS

The applicant is requesting Modification of Conditions to remove Condition of Approval #4 (Planning Case P14-0839) which requires the following:

Condition of Approval #4: *This Conditional Use Permit is valid for five (5) years from the date of approval. A one-time extension of an additional two (2) years is subject to consideration and approval by the Zoning Administrator based on justification provided by the applicant.*

Staff supports the proposed Modification of Conditions, as the request would allow the charter school to permanently operate on the project site and provide a vital service in fostering educational growth for the youth in the community.

The charter school consists of well-maintained modular buildings set back approximately 165 feet from Rustin Avenue. To ensure the charter school and the modular buildings are aesthetically compatible with the surrounding neighborhood, a Condition of Approval is recommended requiring additional landscaping, consisting of evergreen trees, shrubs, and accent plants, be provided along Rustin Avenue. A separate Landscape Design Review application and fee will be required to be submitted within 90 days of approval date. Landscape improvements must be completed within one (1) year of the Design Review approval date.

ENVIRONMENTAL REVIEW

This proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment.

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.

STRATEGIC PLAN ALIGNMENT

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 1 – Arts, Culture and Recreation (Goal 1.5 – Support programs and amenities to further develop literacy, health, and education of children, youth and seniors throughout the community).

This item aligns with each of the five Cross-Cutting Threads, as follows:

1. *Community Trust* – The City's transparent entitlement process encourages public participation.
2. *Equity* – The proposed project is an educational institution that serves multiple neighborhoods within the City.
3. *Fiscal Responsibility* – All fiscal responsibility for the proposed project is borne by the applicant.
4. *Innovation* – REACH Academy is a S.T.E.M. and Art focused school with an increased emphasis in Science, Technology, Engineering, Art, & Math. The school provides a student-centered approach to learning that creates future leaders in our society.
5. *Sustainability and Resiliency* – The proposed project contributes to the City's list of educational facilities, which provides opportunities for youth to grow and learn.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental findings, 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 Division Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Conditions of Approval
2. Existing Site Photos
3. Location Map
4. General Plan Map
5. Zoning Map
6. City Council Approved Conditions (P14-0839) – dated July 28, 2015
7. City Council Staff Report (P14-0839) - dated July 28, 2015

Prepared by: Regine Osorio, Associate Planner

Reviewed by: Brian Norton, Senior Planner and Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, Acting Deputy Director and City Planner



EXHIBIT 1 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: PR-2022-001321 (Modification of Conditions)

Planning Division

1. All applicable conditions of Planning Case P14-0839 (CUP) shall apply, except as modified by these conditions.
2. Condition #4 of Planning Case P14-0839 (CUP) shall be removed:

~~Condition #4: This Conditional Use Permit is valid for five (5) years from the date of approval. A one-time extension of an additional two (2) years is subject to consideration and approval by the Zoning Administrator based on justification provided by the Applicant.~~

Landscape and Irrigation Plans:

3. A separate Landscape Design Review application and fee will be required.
4. Landscape and Irrigation Plans that enhance Rustin Avenue shall be submitted to the Planning Division within 90 days. Plans shall include a combination of evergreen trees, shrubs, and accent plants, along Rustin Avenue, to adequately screen the modular buildings from public view.
5. Landscape improvements shall be completed within one year of the Landscape Design Review approval date.

Prior to Release of Utilities and/or Occupancy:

6. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the Water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the Case Planner, at (951) 826-5371, to schedule the final inspection at least one week prior to needing the release of utilities.

Standard Conditions

7. The subject property shall be developed and operated substantially as described in the text of this 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.

PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.

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. The Conditional 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.
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. 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.
12. 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.
13. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.

Public Works – Traffic Division

14. That the applicant, with the intent of reducing or eliminating vehicular queuing on public streets during drop-off and pick-up times, shall continuously conduct the following mitigation measures:
 - i. Staggered dismissal times between TK-Kindergarten, 1st-4th Grades, 5th-6th Grades;
 - ii. Encourage Student walk-off passes for parents to allow permission for students to walk off school site thereby reducing the vehicles entering the school parking lot;
 - iii. Promote Parent Pickup by parking in off-site locations thereby minimizing the amount vehicles entering the school parking lot;
 - iv. Review surrounding opportunities to establish off-site parking lots so that there are fewer cars entering the school parking lot;
 - v. Ongoing school staff efforts to discourage parents from blocking apartment entrance driveways, assist student loading / unloading, regularly send reminders to parents to obey traffic rules, adhere to loading zone restrictions by not leaving cars parked & unattended, and do not double park on street; and
 - vi. Distribute traffic safety flyers periodically by including reminders in school welcome letters, newsletters, etc.