

Planning Commission Memorandum

Community & Economic Development Department

Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

PLANNING COMMISSION HEARING DATE: JULY 9, 2015

AGENDA ITEM NO.: 2

PROPOSED PROJECT

Case Numbers	P15-0337 (Conditional Use Pern	nit)		
Request	Consideration of a Conditional Use Permit to establish a charter school ("River Springs Charter School") for kindergarten through 8th grade students, with up to 300 students and 17 staff at any given time			
Applicant	Larry Slusser of the Legacy Grou	up, on behalf of River Springs Charter School		
Project Location	5320 Victoria Avenue	ELSINORE RD		
APN	223-141-021	DORCHESTER DR		
Project area	4.25 acre site	ROMSEY OR		
Ward	3	YORKSHIRE RD		
Neighborhood	Victoria	HAMPSHRE RD		
Specific Plan	None	DEVONSHIRE RD CONTROL OF THE R		
General Plan Designation	PF – Public Facilities/Institutions	CENTRAL AV		
Zoning Designation	R-1-13000 – Single Family Residential Zone	NORTH		
Staff Planner	Candice Assadzadeh, Assistant 951-826-5667; cassadzadeh@riv			

RECOMMENDATIONS

Pursuant to Chapters 2.40 and 19.050.030 of the Riverside Municipal Code, the Planning Commission is asked to review the proposed project subject to its consistency with the Zoning Code (Title 19), which includes the Conditional Use Permit. Specifically, Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that this proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities);

- 2. **RECOMMEND APPROVAL** of Planning Case Number P15-0337 based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions; and
- 3. **RECOMMEND ADOPTION** of attached exhibits 6-8 as approved project plans, subject to recommended conditions of approval.

Pursuant to Riverside Municipal Code (RMC) Sections 19.650.020 and 19.760.050, the decision of Planning Commission to grant a Conditional Use Permit shall require an affirmative vote of 2/3 of the Commission membership present and voting at the public hearing.

SITE BACKGROUND

As shown on the attached exhibits, the subject site is developed with an existing 50,734 square foot building currently occupied by the Mt. Rubidoux Seventh Day Adventist Church. The church has been constructed in phases, and was originally approved under Planning Case C-16-667 (Conditional Use Permit) and constructed in 1969. There was a substantial addition in 1979, as well as 1984, both of which were approved under Planning Case DR-148-767 (Design Review). The site contains an existing surface parking lot with vehicular access from Victoria Avenue. The site is surrounded by an existing single family residential neighborhood.

PROPOSAL

The applicant is requesting consideration of a Conditional Use Permit (CUP) to establish a temporary campus of "River Springs Charter School" at the subject site. River Springs Charter School (RSCS) is operated as an Independent Study School, which offers flexibility to meet individual student needs, interests, and styles of learning. Independent study students do not attend in-school instruction on a daily basis, as they have a flexible schedule which complements their off-site instruction (home schooling). Currently, RSCS operates several facilities in Riverside, including a facility at 8775 Magnolia Avenue. RSCS is currently processing a CUP and securing building permits for a permanent school location at the YMCA building at 4020 Jefferson Street. The site subject to this CUP request will serve as a temporary location (August 2015 – December 2016), until the completion of the tenant improvements at the Jefferson Street location. Staff has recommended a condition that will terminate this CUP upon the relocation of the school to its new site.

Proposed Operations

As shown in the proposed project description, the anticipated occupancy of the RSCS facility will be up to 300 students and 17 staff at any given time. School is in session Tuesday through Friday, as Mondays are used for tutoring of a few of the students. A total of 12 classrooms are proposed. A total of two on-site play areas are proposed, an interior play area, as well as an outdoor play area.

The applicant prepared a Traffic Impact Analysis, which evaluated vehicular circulation to and from the site, as well as on site-parking and maneuvering with recommendations which were integrated into the proposal. Additional information and analysis is provided below.

PROJECT ANALYSIS

Authorization and Compliance Summary							
	Consistent	Inconsistent	N/A				
General Plan 2025 While the project site is designated as PF – Public Facilities/Institutions pursuant to the Land Use Element of the General Plan, the proposed use is conditionally permitted at the subject site pursuant to the Zoning Code. Further, the project will serve to further Objective ED-3 of the Education Element, which states the City's intent to "plan proactively for all education needs."	V						
Specific Plan The subject site is not within a Specific Plan area.			V				
Zoning Code Land Use Consistency (Title 19) The underlying R-1-13000 – Single Family Residential Zone conditionally permits private schools with approval of a Conditional Use Permit and subject to the standards set forth in Section 19.395 (Schools) of the Zoning Code. As is detailed in this report, the proposed project meets all applicable site location, operation and development standards.	V						
Compliance with Citywide Design & Sign Guidelines There are no exterior improvements proposed with the existing building.							

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Section 19.395 (Schools)							
Standard		Proposed	Consistent	Inconsistent			
Min. Parking	Grades K-8 Private School: 2 spaces per classroom (12 classrooms)	24 spaces required	260 spaces existing	V			

Traffic and Circulation

The school has committed to a daily schedule of classes from approximately 8:30 a.m. to 3:30 p.m., which does not conflict with the pickup and drop off times at nearby Riverside Poly High, Alcott Elementary, and Immanuel Lutheran Schools. In addition, the applicant provided a Traffic Impact Analysis which was found to be consistent with current guidelines and practices for Traffic Impact Studies.

Furthermore, Public Works Traffic Engineering has imposed conditions of approval which address required bell times, staff participation at the drop-off / pickup point to ensure a smooth flow of traffic, egress through the adjacent Temple Beth El's parking lot, and placement of cones to

restrict use of the driveway at Victoria Avenue for egress. With these operational procedures, traffic impacts will be minimized.

ENVIRONMENTAL IMPACTS

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities).

NEIGHBORHOOD COMPATIBILITY

Based on the operational characteristics of the proposed use, the project can be operated in a manner that will not be detrimental to surrounding land uses, including the existing surrounding single family residential neighborhood. Adequate access to the subject site exists from Victoria Avenue, which will adequately accommodate traffic to the site, as well as access to Central Avenue, which will adequately accommodate traffic from the site.

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.

EXHIBITS LIST

- 1. Staff Recommended Findings
- 2. Staff Recommended Conditions of Approval
- 3. Aerial Photo/Location
- 4. General Plan Map
- 5. Zoning Map
- 6. Applicant Prepared Project Description
- 7. Site Plan
- 8. Floor Plan
- 9. Existing Site Photos

Report and Recommendations Prepared by: Report and Recommendations Reviewed by:

Report and Recommendations Approved by:

Candice Assadzadeh, Assistant Planner Kyle Smith, AICP, Senior Planner Jay Eastman, AICP, Interim City Planner Emilio Ramirez, Interim Community & Economic Development Deputy Director



COMMUNITY & ECONOMIC DEVELOPMENTDEPARTMENT

PLANNING DIVISION

EXHIBIT 1 - STAFF RECOMMENDED FINDINGS

PLANNING CASE: P15-0337 (Conditional Use Permit)

STAFF RECOMMENDED FINDINGS

- a. The proposed project is consistent with the General Plan 2025 and the intent and purpose of the PF-Public Facilities General Plan land use designation;
- b. The proposed development, as conditioned, will not have substantial adverse effects on the surrounding property or uses, and will be compatible with the existing and planned land use character of the surrounding area;
- c. The proposed development is appropriate for the site and location by fostering a mixture and variety of land uses within the zone and the general vicinity and contributing to a synergistic relationship between uses;
- d. The proposed school, as conditioned, will be 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;
- e. The proposed use 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;
- f. The proposed school, as conditioned, 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;
- g. The proposal meets all of the applicable development standards contained in Chapter 19.395 (Schools) of the Zoning Code;
- h. The proposed use is consistent with the Objective ED-1 and Objective ED-3 of the Education Element of the General Plan 2025. Objective ED-1 states "accommodate the growth of all educational facilities" and Objective ED-3 states "plan proactively for all education needs." A charter school for kindergarten through 8th grade will meet these objectives; and
- i. The proposed use is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15301 for Existing Facilities and no further environmental review is required.



COMMUNITY & ECONOMIC DEVELOPMENTDEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: P15-0337 (Conditional Use Permit)

CONDITIONS

Case Specific

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 and Economic Development Department, Planning Division.

Planning

1. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new 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 occupancy:

- 2. 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.
- 3. A mutual access agreement between the subject site and the Temple Beth El property shall be provided, to the satisfaction of the Planning Division and City Attorney's Office.

Operational Conditions:

- 4. The school shall be operational at this location for a period no longer than two years. Any additional time shall be subject to consideration by the Zoning Administrator.
- 5. Pursuant to RMC 19.760.080, this Conditional Use Permit shall become null and void upon occupancy of the applicant's main facility at 4020 Jefferson Street, and the termination of operations at this location (5320 Victoria Avenue).
- 6. A copy of this CUP and the Final Approved Conditions shall be kept on-site at all times and made available to any City Official upon request.
- 7. The school shall be limited to a maximum 317 persons onsite at any given time. Any additional staff or students above and beyond these numbers shall be subject to consideration by the Zoning Administrator.
- 8. The use shall be operated in compliance with the provisions of Title 7, the City's Noise Code.

- 9. The facility shall be occupied and operated as generally described in the body of this report.
- 10. The parking lot and all outdoor areas shall remain clean and orderly at all times and shall be sufficiently lighted.

Public Works

- 11. The Public Works Traffic Division shall retain the authority to perform periodic review of the school's circulation impacts and circulation management plan. The school shall conform to circulation recommendations provided by the Public Works Traffic Division. Should persistent congestion or traffic related concerns deemed problematic by Public Works result due to the operations of the school, the Zoning Administrator may set the matter for public hearing before the City Planning Commission to consider possible revocation of the conditional use permit.
- 12. To best avoid interference with surrounding schools, the River Springs Charter School shall make sue of bell times as listed in section 1D.1 (page 2) of the Traffic Impact Analysis (TIA), "Bell times are proposed at 8:30 AM start and 3:30 PM end."
- 13. The school shall conform to Circulation Recommendations listed in Section 5C of the TIA (page 24-25), and keep parents informed of the planned circulation route. School staff shall be present at the drop-off / pickup point to ensure smooth flow of traffic.
- 14. The applicant shall propose and install signing and striping appropriate for the school per CA MUTCD 2014 as approved by the City of Riverside Traffic Division.
- 15. The school shall maintain the departure route as shown in Exhibit 13 of the TIA, which shows egress through the adjacent Temple Beth El's parking lot. A cross-parcel access agreement to the satisfaction of the Planning Division and Public Works Department shall be recorded prior to occupancy.
- 16. As shown in Figure 1 of the Traffic Engineering Memorandum, dated June 8, 2015, the school shall place cones to restrict use of the driveway at Victoria Avenue for egress.

Fire Department

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:

- 17. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
- 18. Construction plans shall be submitted and permitted prior to construction.

Standard Conditions

Planning

- 19. The Project must be completed per the Site Plan Review and Design Review 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 Design Review Staff. Upon completion of the Project, a Design Review Staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
- 20. 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.
- 21. This approval is for design concept only, and does not confirm the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
- 22. There is a 24 month time limit on this approval. Should the applicant or designee not obtain necessary Building permits or initiate operation within 24 months following the CUP approval date, the CUP shall become null and void.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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 and 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.

- 27. 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.
- 28. Failure to abide by all conditions of this permit shall be cause for revocation.
- 29. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. 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.

GENERAL INFORMATION NOTES

Appeal Information

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



Exhibit 3 - P15-0337, Aerial Photo



Exhibit 4 - P15-0337, General Plan Land Use



DISCRIPTION OF BUILDING USE K-8 Public Charter School

4/20/2015

Applicant

River Springs Charter School 43462 Business Park Dr. Temecula, CA 92590

Applicant Processor

Larry Slusser 951-440-5336 larrysl@msn.com

School Contact

Phil Hermsmeyer Facilities and IT Department (760) 716-9015

Site

Mt. Rubidoux Church 5320 Victoria Avenue Riverside, CA

Background

The subject building was originally constructed in 1969 with an addition built in 1983. The facility consists of 50,734 square feet. Currently the Seventh Day Adventist Church uses the building with services primarily on Saturdays.

River Springs Charter School (RSCS) is proposing to use approximately 18,000 square feet of this facility as a temporary location for a K-8 curriculum school. The 12-year lease for the current RSCS site at 8775 Magnolia Avenue has expired.

RSCS is processing a CUP application for the YMCA Building at 4020 Jefferson Street. Unfortunately, the CUP process has taken longer than anticipated, thus the need for this interim site which the school anticipates using for about 17 months (August 20, 2015 – December 20, 2016). Since the school is recessed for 2 summer months, the actual use time is 15 months. The goal is to have the CUP approval and construction completed at the Jefferson site by December 2016 so that students can begin attending there after their holiday break. At that time, the Mt. Rubidoux Church will no longer be needed.

Student and Staff Population

It is anticipated that the subject site will have 12 classrooms of 25 students each or 300 students maximum daily attendance. The staff will consist of 12 teachers, 4 aids and a principal.

School is in session Tuesday through Friday. Mondays are used for tutoring a few of the students.

Subject Site Description

The site is 3 acres with 263 parking stalls. The building consists of 40,979 square feet single story with a few classrooms on the second story 9355 square feet. There are 7 restrooms with a total of 16 sinks, 7 urinals and 20 stall toilets. The building has a small gym, a music room and a garden atrium.

Maximum occupancy of this facility is 958 which is 68% greater than the school's proposed capacity.

No changes are proposed to the building so no building permit is required.

Adjacent Land Use

North: single family homes East: single family homes South: Temple Beth El West: agriculture

Zoning/Land Use

Zoning: R1 – 13,000

General Plan: P.F. - Public Facility

Traffic and Adjacent Schools

Traffic concerns involve the pick-up and drop-off of students Tuesday through Friday. Nearby schools and their schedules are listed below.

School	<u>Start</u>	Stop
Riverside Poly High School	8:00 am Period 1	2:50 pm
Alcott Elementary School	8:35 am	2:55 pm
Immanuel Lutheran Church & School	8:30 am	3:00 pm
Proposed RSCS times at Subject Location	9:00 am	3:55 pm

Parking

The parking requirements per City of Riverside Building Standards are calculated as follows:

2 spaces per classroom required

12 classrooms x 2 parking spaces = 24 parking spaces

Parking spaces currently at the site = 263

Description of Programs with Building Use Schedule

Magnolia K-8 Academy offers students a comprehensive and student-centered curriculum in a supportive and nurturing environment. With differentiated instruction, hands-on learning activities, and moderate class sizes, Magnolia Academy is able to meet each individual student's needs. By utilizing multi-faceted approaches, real-world examples, concrete applications and experiences, we emphasize strong critical thinking and problem solving skills.

This Personalized Learning model offers flexibility, inclusion, collaboration and innovation. Magnolia Academy recognizes the value of parent involvement and participation in their students' education and learning process. We require and support a collaborative relationship between parent, student, teacher, and school in creating an optimal learning process. Magnolia Academy provides students with a variety of learning choices and opportunities, both within and beyond the classroom, to address each student's individual learning needs and optimize each student's learning potential.

Source of Funding

River Springs Charter School receives its funding from the State of California and the United States Federal Government in the same manner as other California public schools.

History of School and Philosophy

RSCS began as a grass roots home school movement called Eagles Peak Charter School in 2000. Due to the phenomenal numbers of Riverside County students enrolling, combined with changes in legislation, it became desirable to open a separate Riverside-based charter school. River Springs opened its doors for the 2006-2007 school year, after approval by the Riverside County Board of Education (RCBE) in 2005.

Because the charter school provides not only home schooling but a wide range of hybrid classroom/home study options, the approval of the charter provides tremendous service to Riverside County parents, as well as home school parents in the contiguous counties of San Bernardino, Orange, San Diego, and Imperial. Although RSCS is now a large school of more than 5000 students, the dedication to "grass roots" development remains strong. Its goal is to find out what type of educational experience the families want and figure out a way to provide it. Towards this end, programs are constantly being developed and refined.

River Springs Charter School is a parent choice school where the community is the classroom. Its mission is to foster the innate curiosity of students, empower their parents, and promote optimum learning by collaboratively developing a personalized learning program for each student.

Student Lunch

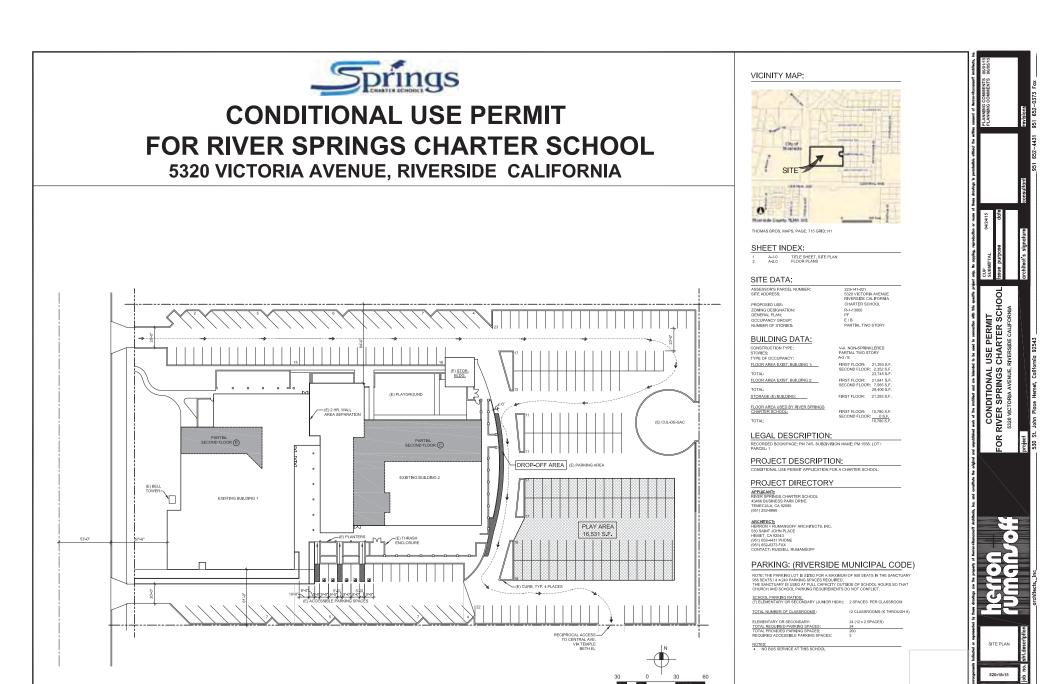
Students will bring their own lunches or will be provided lunch prepared by Riverside Unified Student District. There are about 200 students who receive their lunch from the District. The lunches are prepared and brought to the site and placed in warming or cooling racks until it's time for the student to eat. Food remnants are discarded into a closed trash receptacles. There will be no food preparation at this location. Lunch time is 35 minutes and are scattered throughout the day. Students will eat their lunches in the garden atrium, gym or one of the 2 play areas near the building.

Student Physical Activities

Activities are typically done in the parking lot by grade level with activities that are age appropriate and aligned with to PE California Standards. Recess times are 15 minutes and are scattered throughout the day. Physical Education is 25 min. grades K-5, 40 min. grades 6-8. Supervision ratio is 30:1.

Existing River Springs Charter Schools in Riverside

Another site is located at 3050 Chicago Avenue in Riverside.



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SITE PLAN

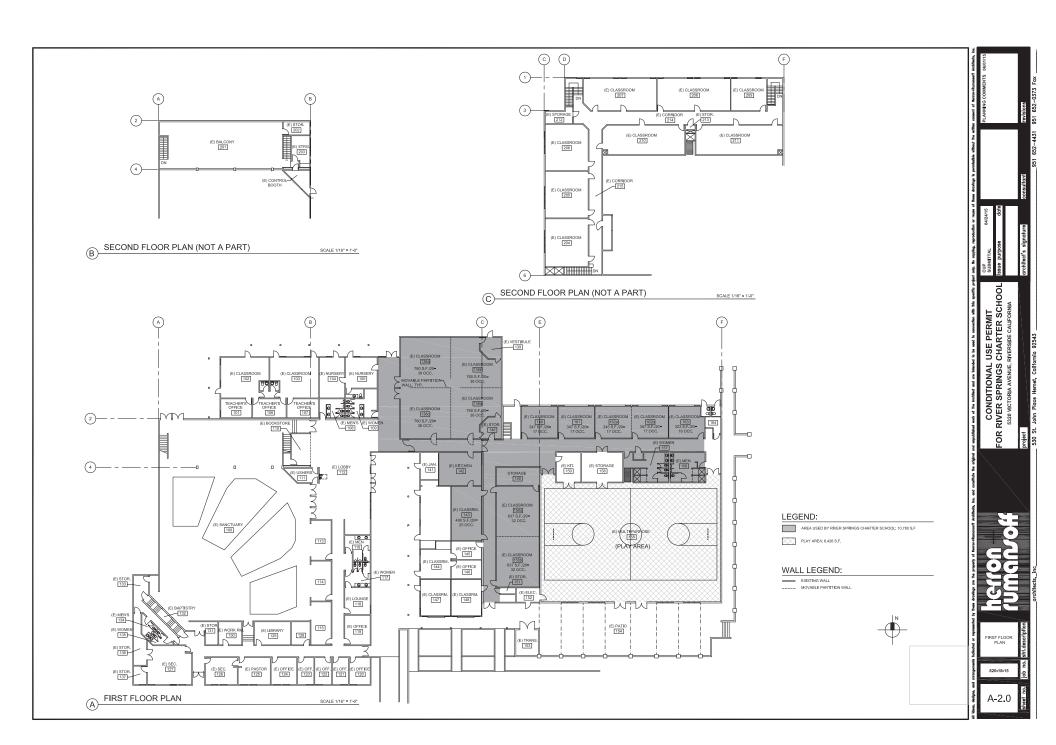


Exhibit 8 - P15-0337, Floor Plan



West elevation, from Victoria Avenue.



South elevation



East elvation



North elevation