



**PLANNING COMMISSION HEARING DATE: MAY 19, 2016**

**AGENDA ITEM NO.: 6**

**PROPOSED PROJECT**

<i>Case Numbers</i>	<b>P16-0011</b> (Conditional Use Permit)	
<i>Request</i>	To establish an approximately 18,000-square foot 24-hour fitness center (Planet Fitness) within an existing 54,000-square foot commercial building and reconfigure a 104-stall parking lot in a multi-tenant commercial retail complex	
<i>Applicant</i>	Clayton Przekop, of Burnham Nationwide, on behalf of Planet Fitness	
<i>Project Location</i>	4135 Chicago Avenue at the northwest corner of 12 <sup>th</sup> Street	
<i>APN</i>	221-070-001	
<i>Project area</i>	18 acres	
<i>Ward</i>	2	
<i>Neighborhood</i>	Eastside	
<i>Specific Plan</i>	University Avenue Specific Plan	
<i>General Plan Designation</i>	MU-U – Mixed-Use Urban	
<i>Zoning Designation</i>	MU-U-SP – Mixed Use Urban, University Avenue Specific Plan	
<i>Staff Planner</i>	Matthew Taylor, Planning Technician; 951-826-5944; mtaylor@riversideca.gov	

## RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P16-0011 (Conditional Use Permit) constitutes an existing facility, and is therefore categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines; and
2. **RECOMMEND APPROVAL** of Planning Case P16-0011, based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

## SITE BACKGROUND

As shown on the attached exhibits, the 18-acre, two-parcel University Town Square shopping complex is located on the west side of Chicago Avenue and stretches from University Avenue south to Twelfth Street. The site contains approximately 194,000 square feet of commercial retail space in 10 freestanding and in-line buildings ranging in size from approximately 3,600 square feet to over 54,000 square feet, as well as 940 parking stalls. There are a wide variety of tenants within the complex including Rite-Aid Pharmacy, Big Saver grocery store, Dollar Tree retail store, restaurants, business and medical offices, personal service establishments and general and specialty merchandise retailers in suites ranging from 650 to 31,000 square feet. Vehicular access to the site is provided by multiple driveways along University and Chicago Avenues and Twelfth Street.

## PROPOSAL

The following applications have been submitted:

- Conditional Use Permit

The applicant has submitted a Conditional Use Permit application to establish an approximately 18,000-square foot Planet Fitness gym and fitness studio to be open 24 hours a day within an existing 54,000-square foot freestanding multi-tenant building previously occupied by Riverside Discount Mall. The applicant anticipates approximately 120-180 patrons to use the facility throughout a 24-hour period, with 4-6 employees on site during the day and 2-3 staff present overnight. Peak usage is expected to be a maximum of roughly 80-120 patrons, and peak hours typically occur Monday through Thursday between 5:00 and 9:00 PM. The applicant has provided a breakdown of average hourly usage for similarly sized facilities (Exhibit 6).

Ancillary services include massage therapy and a tanning studio within the gym facility. A proposed floor plan is attached in Exhibit 7. A schedule of small group training sessions to be offered by appointment, an anticipated weekly staffing schedule and a security plan has been provided by the Applicant (see Exhibit 6). No exterior alterations to the building are proposed.

In conjunction with the proposed gym facility the applicant is proposing to reconstruct and reconfigure an existing, approximately 0.92-acre portion of the parking lot immediately to the west of the subject tenant suite. In its current condition, the existing paving is deteriorated, the striping is badly faded, and none of the required landscaped setbacks or tree wells are present. The applicant proposes to resurface the parking lot, restripe 104 parking stalls, install landscape

planters at the Mesa and Twelfth Street frontages, aisle ends and tree wells and install parking lot lighting.

## PROJECT ANALYSIS

Health and Fitness Clubs over 4,000 square feet require approval of a Conditional Use Permit (CUP) in the MU-U Zone to ensure that the proposed use will be compatible with surrounding land uses. In this instance, Planet Fitness is proposed within an existing commercial center, adjacent to other retail uses, restaurants and offices, with existing access to major arterial roadways and sufficient on-site parking.

The MU-U – Mixed Use Urban General Plan Land Use Designation is intended to facilitate high-density residential development with commercial, office, institutional and business uses emphasizing retail, entertainment and student-oriented activities. Developments in this designation are encouraged to group innovative housing options with employment uses, entertainment activities, public gathering spaces and other community amenities. Planet Fitness provides a recreational amenity both for residents and University students, enhances the economic development of the complex and the University neighborhood, and contributes to the diverse commercial offerings of the surrounding area.

The property is located in the University Avenue Specific Plan (UASP), Subdistrict 2, identified as a “Community Shopping Center Area.” The project is consistent with the UASP Policy 4.2.2 (Future Vision), which seeks to continue the shopping center uses as well as incorporate entertainment, office and restaurant uses in rehabilitated existing structures and completely new structures on both sides of Chicago Avenue. In addition, the proposal provides significant new landscaping and softens the existing parking lot while creating connections to aesthetic and pedestrian connections to surrounding residential uses.

The project location falls within the Eastside Neighborhood Plan Area (ENP) (Appendix D, General Plan 2025). The Land Use, Development and Redevelopment chapter identifies the reinvigoration of the Eastside’s commercial areas as a major policy objective. ENP Policy 2.1 further articulates that it is the City’s policy to “Attract and retain a mix of neighborhood-serving local and national retailers, restaurants, services and entertainment venues within the Eastside Neighborhood.” The proposed Planet Fitness is consistent with this policy.

Finally, University Town Center is located within the Eastside HEAL (Healthy Eating, Active Living) Zone (EHZ), established by a collaborative effort of public agencies and private entities including the City of Riverside to combat obesity and promote healthy eating habits in neighborhood residents. The EHZ Community Action Plan (CAP) lists increasing the physical activity of Zone residents as one of its major policy goals. The proposed Planet Fitness health club provides an additional opportunity for healthy physical activity within the zone boundaries, consistent with the EHZ CAP goals.

<i>Authorization and Compliance Summary</i>			
	N/A	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of MU-U – Mixed-Use Urban, which will further the intent of the General Plan.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Specific Plan</i></p> <p>The project site is located within the University Avenue Specific Plan Area, Subdistrict 2 and complies with the goals and policies of Section 4.2.2 of the Specific Plan. The project site is located within the boundaries of the Eastside Neighborhood Plan, and complies with the goals and policies of ENP Policy 2.1.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The underlying MU-U – Mixed-Use Urban Zone is consistent with the MU-U General Plan land use designation. Proposed health and fitness centers over 4,000 square feet are 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 &amp; Sign Guidelines</i></p> <p>The proposed project substantially meets the objectives of the City’s design guidance document, subject to the recommended conditions of approval detailed below.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## DESIGN REVIEW

### *Site Access*

Vehicular access to the project site is taken from numerous existing driveways on University and Chicago Avenues and Twelfth Street. In the immediate vicinity of the Planet Fitness suite, vehicular access will primarily be served by an existing 34-foot-wide, two-way commercial driveway off of Chicago Avenue, as well as an existing 24-foot-wide, two-way commercial driveway on Twelfth Street. The proposed parking area layout provides drive aisle widths that meet or exceed the City standard. No new curb cuts or driveway approaches are proposed.

### *Conceptual Landscaping*

The proposed parking lot reconfiguration includes the construction of the 15-foot landscaped setbacks along Twelfth and Mesa Streets, the addition of landscaped end-row planters and shade tree wells. The conceptual landscape plan (Exhibit 7) has been designed to provide a variety of landscape materials throughout the project site, including trees, shrubs, and groundcovers. The proposed landscaping will serve to enhance the streetscape, the project, and the existing shopping center.

### *Parking*

The proposed parking lot reconfiguration represents a substantial improvement over the existing, deteriorated condition of the portion of the site within the scope of this project. A total of 104 standard-dimension stalls are proposed. 6.5-foot landscape planters cap the end of each interior row and shade tree wells are distributed every four to five parking stalls, in compliance with City standards. A Site Lighting Plan and Photometric Study have been provided demonstrating sufficient parking area illumination for both vehicular and pedestrian safety (Exhibit 7).

A parking analysis provided by the applicant demonstrates that sufficient parking exists on site to accommodate the current mix of uses, plus the proposed Planet Fitness and future contemplated retail uses intended for currently vacant tenant space. A breakdown of parking demand by use type is as follows:

Use Type	Square Footage (total)	Required Parking
Retail (incl. Grocery, Pharmacy, vacant) 1:250	124,120	497 Stalls
Library 1:250	10,800	44 Stalls
School (approved) 0.75 per student/employee	10,000	28 Stalls
Restaurant 1:100	9,191	92 Stalls
Professional Office 1:250	8,329	34 Stalls
Medical Office 1:180	4,202	24 Stalls
Personal Services 1:250	7,582	31 Stalls
Planet Fitness 1:150	18,000	120 Stalls
<b>Total</b>	<b>192,224</b>	<b>870 Stalls Required</b>
Parking Provided		922
Existing (to be removed)		- 86
To be reconstructed		+104
<b>Total provided</b>		<b>940 Stalls</b>

## *Architecture*

No changes are proposed to the existing architectural design of the building, which is thematically and materially consistent with that of the entire complex, which was extensively renovated in 2004.

### **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 proposed Planet Fitness health and fitness center use is compatible with the neighborhood- and student-serving commercial character of the University Town Center complex and the surrounding neighborhood. The existing neighborhood is characterized by a mix of large multi-tenant shopping centers, smaller service and retail commercial uses, multi-family and student housing and single-family residences. Further, the proposed parking area reconstruction will greatly enhance the Twelfth and Mesa Street frontages of the complex by softening and beautifying the transition from the shopping center parking area to the residential areas to the south and west.

### **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.

### **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 Division, Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. Zoning and Specific Plan Area Map
5. General Plan Map
6. Operational Plans
7. Project Plans
8. Existing Site Photos

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

Matthew Taylor, Planning Technician  
Ted White, City Planner  
Rafael Guzman,  
Community & Economic Development  
Director



EXHIBIT 1 – FINDINGS

**PLANNING CASES:** P16-0011 (Conditional Use Permit)

*Conditional Use Permit Findings pursuant to Chapter 19.760.040:*

- a. *The proposed use 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.*

The proposal **complies** with this finding. The proposed health and fitness center use is compatible within the context of a large multi-tenant commercial retail center and can be observed at a number of other locations throughout the City including Nexus Town Center (Fitness 19, La Sierra and Indiana); Tava Center (Arlington and Indiana, LA Fitness); Park Sierra (La Sierra and Magnolia, LA Fitness); and Mission Village Plaza (Mission Grove and Alessandro, LA Fitness). University Town Center possesses ample parking to accommodate both the existing uses and proposed Planet Fitness as well as good access to arterial streets. The proposed parking area reconstruction and landscaping will serve to enhance the complex's compatibility with the surrounding residential uses by creating a buffer of shrubs and trees around the existing parking lot.

- b. *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.*

The proposal **complies** with this finding. The activation of an underused corner of the commercial complex, along with the addition of enhanced parking lot lighting and security, will be beneficial to health, safety and the general welfare of the surrounding area and will improve the condition of the property and its surroundings both economically and aesthetically. The proposed use will provide an amenity for nearby residents and students which is currently lacking in the area, and will further the goals of the Eastside HEAL Zone by providing an opportunity for healthy physical activities to residents of the Eastside neighborhood.

- c. *The proposed use 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.*

The proposal **complies** with this finding. The proposed use is conditionally permitted in the MU-U – Mixed-Use Urban zone and is compatible with the MU-U General Plan designation. The proposed use demonstrates compliance with the goals and policies of both the University Avenue Specific Plan and the Eastside Neighborhood Plan, as outlined in this report. The application of required development standards is limited to the requirement of minimum setbacks, dimensions and landscaping for the refurbished parking area and serves the legitimate governmental interest of ensuring compatibility with and limiting impacts to the surrounding residential areas.





*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASES:**     P16-0011 (Conditional Use Permit)

**Case Specific**

•     **Planning**

1.     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.
2.     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.
3.     The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.

*Prior to Building Permit Issuance*

4.     Landscaping, irrigation, site lighting and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. A separate application and filing fee is required.
5.     Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
6.     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.

*Operational Conditions*

7.     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.

8. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

- **Public Works – Street Trees**

*CONTACT GUY TANAKA AT GTANAKA@RIVERSIDECA.GOV OR 951-351-6313 FOR QUESTIONS REGARDING STREET TREE CONDITIONS OR CORRECTIONS.*

9. 24" box size street trees (species, quantity, location TBD) will be required in the PROW along both MESA & 12TH ST along with irrigation, root barriers & staking as per Urban Forestry specifications.

- **Fire Department**

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

10. Group A occupancies shall be provided with a manual fire alarm system having an occupant load of 300 or more. See C.F.C. exceptions and specific requirements for occupant loads of 1000 or more. Submit plans and obtain approvals from the Fire Department prior to installation.
11. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
12. Construction plans shall be submitted and permitted prior to construction.
13. Fire Department access is required to be maintained during all phases of construction.

- **Public Utilities – Electric**

*CONTACT SUMMER AYALA AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.*

14. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
15. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.

### **Standard Conditions**

16. 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.
17. 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.
18. The Project must be completed per the Conditional Use Permit 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.