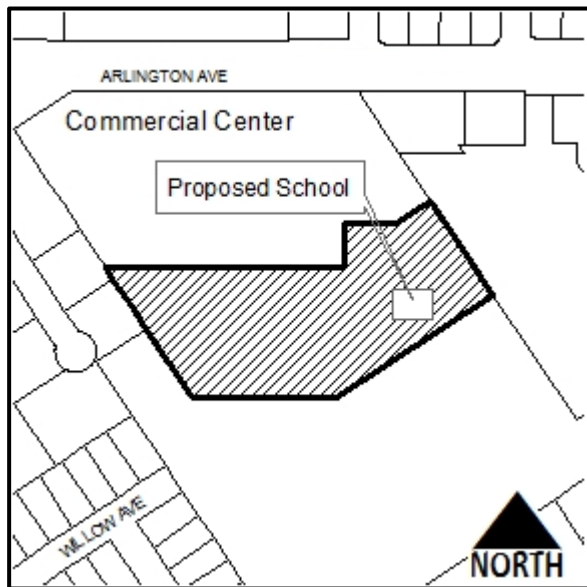




PLANNING COMMISSION HEARING DATE: AUGUST 11, 2016

AGENDA ITEM NO. : 2

PROPOSED PROJECT

<i>Case Numbers</i>	P16-0161 (Conditional Use Permit)	
<i>Request</i>	Consideration of a Conditional Use Permit to establish a public charter school for a total of 400 students with approximately 12 students at any given time, ages 14 and 19, in an existing 10,250 square foot tenant space within an existing commercial building at Heritage Plaza.	
<i>Applicant</i>	Kyle Knowland representing Alta Vista Public Charter School	
<i>Project Location</i>	5188 Arlington Avenue, on the south side of Arlington Avenue between Streeter Avenue and Madison Street	
<i>APN</i>	227-140-023	
<i>Project area</i>	6.26 acre site	
<i>Ward</i>	3	
<i>Neighborhood</i>	Ramona	
<i>Specific Plan</i>	None	
<i>General Plan Designation</i>	C - Commercial	
<i>Zoning Designation</i>	CG - Commercial General	
<i>Staff Planner</i>	Vanessa Norwood, Contract Senior Planner 951-826-2393; vnorwood@riversideca.gov	

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **DETERMINE** that Planning Case P16-0161 will not have a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities – Class 1), based on the findings set forth in the case record; and
2. **APPROVE** Planning Case P16-0161(Conditional Use Permit) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

BACKGROUND

The approximate 6.2 acre site is developed with an existing commercial shopping center (Heritage Plaza). The site is surrounded by a commercial use and existing single-family residences to the north across Arlington Avenue, commercial uses to the east, multiple family residential and a medical office building to the west, and a condominium development to the south. The site contains approximately 119,648 square feet of commercial space and 536 parking stalls. There are currently a wide variety of tenants within the center including U.S. Post Office, Smart & Final, Starbucks Coffee Shop, retail stores, restaurants, business offices and personal service establishments. The subject tenant space is currently vacant, but has been previously occupied by retail uses. Vehicular access to the site is provided by two driveways along Arlington Avenue. Staff has visited the site and it is well maintained.

PROPOSAL

The applicant requests approval of a Conditional Use Permit (CUP) to establish a public charter school (Alta Vista) within an existing 10,250 square foot tenant space. Alta Vista Public Charter School would offer a personalized education program for students who need flexible and independent studies as an alternative to a traditional school structure. It is operated as a "Resource Center", where students in grades 9 through 12 are offered an alternative instructional strategy under the general supervision of a credentialed teacher. The student base consists of at risk or low income adolescents between the ages of 14 and 19. Students follow a local school-district curriculum and graduation requirements mandated by the State of California.

The proposed establishment will accommodate up to 400 students, ages 14 through 19, 16 teachers and 4 support staff. A maximum of 12 students and 8 teachers would be on site at any given time. There will be two shifts of teachers each day, a morning shift from 8:00 a.m. to 1:00 p.m. and an afternoon shift from 1:00 p.m. to 6:00 p.m. The floor plan identifies offices, a reception area, conference, meeting, staff, storage, break rooms, restrooms and an open study area. No outdoor recreational activities and no modifications to the building or site are proposed.

Independent study students at Alta Vista Public Charter School do not attend in-school instruction on a daily basis and no classroom instruction is offered. Students have a predetermined appointment every week with a designated teacher to submit and discuss assignments, have assignments evaluated, receive new assignments, and participate in assessments. The weekly meetings with the teacher are approximately one-hour. The assignments are completed by the students at home.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<i>General Plan 2025</i> The proposed school is consistent with the existing General Plan 2025 land use designation of Commercial, and will further the intent of the General Plan by facilitating educational facilities consistent with these objectives: Objective ED-1: Accommodate the growth of all educational facilities; Objective ED-3: Plan proactively for all education needs; and Objective ED-4: Maintain a safe environment at all campus facilities and on routes to school.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Zoning Code Land Use Consistency (Title 19)</i> The underlying Commercial 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Compliance with Citywide Design & Sign Guidelines</i> No modifications to the exterior building elevations or site improvements are proposed in conjunction with this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

This project was analyzed for compliance with provisions for school in Chapter 19.395 of the Zoning Code, which requires schools in all zones, except for residential zones, Office or Public Facilities, to comply with the setback requirements of the underlying zone and it complies. As no site improvements or modifications to the building are proposed, the project will not create an inconsistency with the development standards of the underlying zone. Below is a parking a loading table demonstrating the proposed school will be comply with the minimum parking requirements.

<i>Chapter 19.580 – Parking and Loading</i>					
Standard			Proposed	Consistent	Inconsistent
<i>Min. Parking</i>	Vocational, Technical, Specialty School: 0.75 spaces per student and 0.75 spaces per teacher	15 spaces for charter school Within an existing 544 space parking lot	15 spaces Within an existing 544 space parking lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Heritage Plaza is served by a total of 544 parking spaces. This use does not intensify the parking requirement for the overall commercial center. A retail use in this building would require 41 parking spaces and this use requires 15 spaces. Therefore, based on the proposed occupancy this project would not cause a parking deficiency and complies with the parking requirement of the zoning code.

CONSISTENCY WITH THE RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN (RCALUCP)

The project site is located within Compatibility Zones C and D of the Riverside County Airport Land Use Compatibility Plan (RCALUCP). Zone C allows up to 75 people per average acre and prohibits children's schools, day care centers, libraries, hospitals, nursing homes and highly noise-sensitive outdoor nonresidential uses. Zone D allows up to 100 people per average acre, discourages children's schools, day care centers, libraries, hospitals, nursing homes and prohibits highly noise-sensitive outdoor nonresidential uses. On May 12, 2016, the Airport Land Use Commission (ALUC) determined that the proposal was "Inconsistent" with the RCALUCP because "schools" are prohibited in Zone C and the proposal exceeds the allowable number of people per acre for Compatibility Zone D.

While staff values the concerns of ALUC and the rationale for the ultimate determination for inconsistency with the RCALUCP, this proposal involves a non-traditional school where at any given time there will be up to 12 students, 8 teachers and 4 support staff in the subject tenant space. The generic land use prohibition applies to an educational facility for children. The definition is very narrow as it only considers a traditional school scenario where students are dropped off and picked up at the same time, and receive simultaneous instruction in a traditional "school" setting. This is not the case for this proposal. The definition of schools, provided by Federal Aviation Administration (FAA) does not take into consideration these types of low intensity learning centers where minimum numbers of students are on site at any given time. Further, as a point of contrast, Zones C and D of the RCALUCP allows by right without ALUC determination, retail uses that would have the potential for a greater number of people of all ages at any given time than the proposed Alta Vista Public Charter School. For these reasons, the proposed use would be appropriate at the subject site.

The applicant has filed an appeal of the decision of the Airport Land Use Commission to the City Council. The City Council has the authority to overrule the ALUC's determination and must make specific findings that the proposal is consistent with the purposes of ALUC law "to protect public health, safety and welfare ensuring 1) the orderly expansion of airports and 2) the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." This project will be considered by the City Council upon Planning Commission action.

As a matter of information, the City's Airport Manager, Kim Ellis, reviewed the proposal and concurred with ALUC's findings stating that a "children's school" is incompatible within Zone C. He indicated that the school location is directly beneath the landing patterns for Riverside Municipal Airport and increased aircraft noise is generated in that same area when aircraft, due to wind conditions, take off to the east. In addition, he also consulted the Federal Aviation Administration (FAA) regarding this proposal and they expressed concern that the school was located directly under the airport's flight path. FAA also pointed out that the location of the school places aircraft at an approximate altitude of 500-700 feet above the ground. FAA indicated their support for the ALUC determination that the school is considered a non-compatible land use due to its proximity to the airport. Lastly, FAA offered their opinion that

airports and their sponsors need to ensure protection from “encroachment” in the airport influence area. However, the FAA did not make a recommendation, for or against, the project.

ENVIRONMENTAL IMPACTS

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

NEIGHBORHOOD COMPATIBILITY

The Alta Vista Public Charter School is proposed within an existing commercial center, adjacent to retail uses, restaurants and offices, with existing adequate access from major arterial roadways and on-site parking. The proposal to establish the school at the subject site will not be detrimental to surrounding land uses as it is generally surrounded by commercial uses and there will be ample separation for privacy between the school and the closest residences. Furthermore, the operational characteristics of the school do not require students to attend in school instructions regularly like they would be required in a conventional school system, and as a result students would be in school significantly less amount of time and attend class at different times of the day.

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. General Plan Map
5. Zoning Map
6. Project Description
7. Site Plan
8. Floor Plan
9. Existing Site Photos
10. Airport Land Use Compatibility Zone Map

Prepared by: Vanessa Norwood, Contract Senior Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASE: **P16-0161** (Conditional Use Permit)

Conditional Use Permit Findings pursuant to Chapter 19.760.040:

- a. The proposed Alta Vista Public Charter School, as conditional, will be substantially compatible with other existing uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts. The proposed public charter school is a non-traditional school and will be compatible within the context of a large multi-tenant commercial retail center.
- b. The proposed Alta Vista Public Charter School 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.
- c. The proposed Alta Vista Public Charter School 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

Case Numbers: **P16-0161** (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. 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.
2. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.
3. Student occupancy shall be limited to a maximum of 400 students with a maximum daily attendance of 12 students at any given time.

Prior to occupancy:

4. 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.

Operational Conditions:

5. Any graffiti on the facility shall be removed within 24 hours of notification.
6. 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.
7. The facility shall be occupied and operated as generally described in the body of this report. Any increase in the number of students or employees, shall be subject to consideration by the Development Review Committee.

8. 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.

Standard Conditions:

9. 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.
10. 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.
11. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted until all conditions of approval have been completed to the satisfaction of the Community & Economic Development Department, Planning Division and as approved by the Planning Commission. Upon completion of the Project, a 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.
12. 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, if determined to be substantial to the Project, must be approved by the Planning Commission or minor modifications by Staff. Failure to notify the Community & Economic Development Department, Planning Division of any change in operations is material grounds for revocation of this Conditional Use Permit.
13. 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.
14. 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.
15. 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.
16. Failure to abide by all conditions of this permit shall be cause for revocation.

17. Plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
18. 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.
19. 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.

- **Building and Safety**

20. Plans shall be submitted to Building and Safety for the change in use from a B/M to an E occupancy.

- **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:

21. Provide for fire department access to the facility. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
22. Group E occupancies having an occupant load of 50 or more shall be provided with an approved manual and automatic fire alarm system. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Submit plans and obtain approvals from the Fire Department prior to installation.
23. An automatic fire sprinkler system is required. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.
24. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
25. Construction plans shall be submitted and permitted prior to construction.

- **Public Works**

No Requirement

- **Public Utilities Electric**

No Requirement

- **Public Utilities Water**

No Requirement

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.