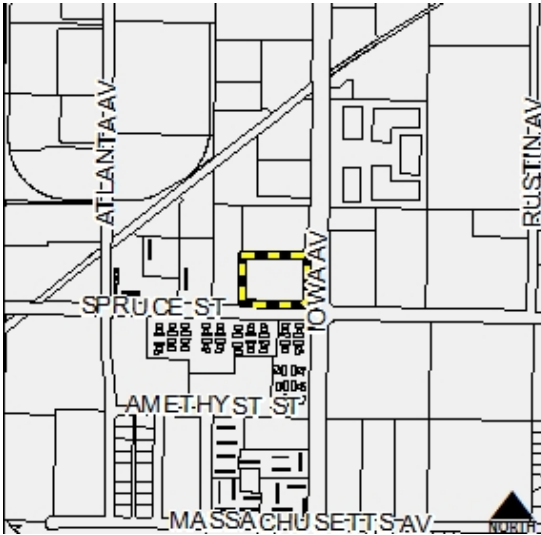




HEARING DATE: MARCH 9, 2017

AGENDA ITEM NO.: 4

PROPOSED PROJECT

<i>Case Number</i>	P16-0766 (Conditional Use Permit)	
<i>Request</i>	To consider a Conditional Use Permit to permit a private university within a 15,158 square foot lease space in an existing five-story office building.	
<i>Applicant</i>	David Stapley, representing Spruce Professional Building, LLC	
<i>Project Location</i>	1325 Spruce Street, situated on the northwest corner to Iowa Avenue and Spruce Street	
<i>APN</i>	249-110-064	
<i>Project area</i>	2.81 acres	
<i>Ward</i>	Ward 1	
<i>Neighborhood</i>	Hunter Industrial Park	
<i>Specific Plan</i>	Hunter Business Park (Area 1- Garden Industrial District)	
<i>General Plan Designation</i>	B/OP – Business/Office Park	
<i>Zoning Designation</i>	BMP-SP – Business and Manufacturing Park and Specific Plan (Hunter Business Park) Overlay Zone	
<i>Staff Planner</i>	Judy Egüez; 951-826-3969; jeguez@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the 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 (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines and
2. **APPROVE** Planning Case P16-0766 (Conditional Use Permit) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 2.81-acre property is developed with a 77,832 square foot, five-story office building and surface parking lot. Currently, Riverside County Workforce Development, Wagner & Pelayes, and Esquire Deposition Solutions occupy the majority of the building. Portions of the first and third floors, and the entire fifth floor of the building are currently vacant. The site is surrounded by office and warehouse uses to the north, east and west and multiple-family residences to the south.

PROPOSAL

The applicant requests approval of a Conditional Use Permit to establish a private university (National University) within a 15,158 square foot lease area of the fifth floor of the 77,832 five-story office building. National University is a private, non-profit higher education institution offering undergraduate and graduate degree programs and credentials in Education, Letters and Sciences, Business and Management, Health and Human Services, and Professional Studies. National University operates 11 facilities in Southern California and 29 locations nation-wide. The applicant has indicated that the San Bernardino campus will be closing and relocating to this location.

Classes will be held Monday through Thursday from 5:30 p.m. to 10:00 p.m., and Saturday from 8:30 a.m. to 5:00 p.m. No classes will be scheduled on Friday. The administrative office will be open Monday through Thursday from 8:00 a.m. to 10:00 p.m., Friday from 8:00 a.m. to 6:00 p.m., and Saturday from 8:00 a.m. to 5:00 p.m. National University anticipates a maximum enrollment of 158 students per term and 24 employees, consisting of administrators and instructors.

An academic term can last up to four months with classes occurring once or twice a week. Based on the class schedule, provided by the applicant, a maximum of six classes will be held in one night. No more than 90 students will be in attendance at any given time, with each class generally containing 15 students and one instructor. The applicant anticipates no more than 16 employees on site at any given time.

Improvements are limited to interior tenant improvements to accommodate a reception area, an admissions office, three conference rooms, seven classrooms, two lab rooms, as well as student and faculty lounges. No modifications to the exterior of the building or the site are proposed.

Vehicular access to the site is provided from existing driveways on Spruce Street and Iowa Avenue. A total of 264 parking spaces are provided on-site to serve the building and National University.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	N/A	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>Although a private university is identified as a typical use for the B/OP—Business/Office Park, the proposed use is generally consistent with the goals, policies, and objectives of the General Plan 2025. In particular, Objective ED-3 of the Education Element states the City's intent to "plan proactively for all education needs". Further, Objective LU-55 states: "Make Hunter Industrial Park into a major employment center by creating a high quality business park environment that will attract private sector investment and encourage partnerships with regional educational institutions".</p> <p>The proposed use will provide various educational opportunities, specializing in the areas of Education, Letters and Sciences, Business and Management, Health and Human Services, and Professional Studies, that could compliment the uses intended under the General Plan 2025 on this site and the surrounding area.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Specific Plan/ Zoning Code Land Use Consistency (Title 19)</i></p> <p>The proposed site is within the Garden Industrial District of the Hunter Business Park Specific Plan and is zoned BMP – Business and Manufacturing Park. Pursuant to the Specific Plan, all uses permitted within the land use districts of the Hunter Business Park Specific Plan are uses permitted in the area by the Zoning Code. Furthermore, Section 19.150.030 - Special or Unusual Uses of the Zoning Code provides the Community & Economic Development Director the discretion to require a Conditional Use Permit whenever unique or unusual combination of uses or special facilities, not similar to and no more detrimental than those uses permitted in a particular zone, are proposed.</p> <p>The operation of the proposed private university is unique and would not be more detrimental than other uses in the BMP Zone. Thus, the private university is a unique use and the Special or Unusual Uses provision of the Zoning Code would apply. Pursuant to the Zoning Code, universities are permitted in the BMP Zone subject to the granting of a Conditional Use Permit and are subject to the location, operation, and development standards outlined in Chapter 19.395 (Schools) of the Zoning Code. The provisions of Chapter 19.395 are intended to avoid any detrimental impacts on neighboring uses resulting from the operation of</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

the proposed use. Chapter 19.395 only requires that schools not proposed in any residential zone, O – Office, and PF – Public Facilities Zones comply with the setback requirements of the underlying zone or any applicable overlay zone or specific plan, whichever is most restrictive. Given that the project site was developed in compliance with the setback standards of the BMP Zone, this proposal complies with this Section of the Municipal Code.			
<i>Riverside County Airport Land Use Compatibility Plan (RCALUP)</i> This site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area. The Riverside County Airport Land Use Commission (RCALUC) considered this proposal on November 8, 2016 and determined the project to be consistent with the March Air Reserve Base/Inland Port Airport Compatibility Plan. A condition of approval is recommended requiring the applicant to comply with all conditions recommended by ALUC.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.580 – Parking and Loading</i> <i>Existing Parking</i>				
		Parking Ratio	Parking Required	Parking Provided
Existing Uses	<u><i>Workforce Development and Vacant Offices</i></u> <i>First floor</i> 14,740 square feet	1 space/500 square feet of office space	30 spaces	264 spaces
	<u><i>Workforce Development and Wagner & Pelayes Offices</i></u> <i>Second floor</i> 15,978 square feet	1 space/250 square feet of office space ¹	64 spaces	
	<u><i>Esquire Deposition Solutions and Vacant Offices</i></u> <i>Third floor</i> 15,978 square feet	1 space/500 square feet of office space	32 spaces	
	<u><i>Workforce Development Office</i></u> <i>Fourth floor</i> 15,978 square feet	1 space/500 square feet of office space	32 spaces	
	TOTAL		158 spaces	264 spaces
Note: ¹ The existing office building was approved under the previous Zoning Code requiring one parking space for each 250 square feet or major fraction thereof of gross floor area of the story containing the greatest square footage and one parking space for every 500 square feet of gross floor area of all remaining stories.				

The Hunter Business Park Specific Plan requires that parking be provided consistent with the parking provisions of the Zoning Code. In this instance, the Zoning Code allows the parking ratio for universities to be determined by the Approving Authority based on the impact of the proposal.

As noted in the project description, the maximum anticipated concurrent enrollment includes 90 students and 16 employees. Assuming a worst case scenario where all students and employees drive to the site, the maximum parking demand is anticipated at 106 parking spaces. When combined with the parking requirements for the existing uses on the site (158 parking spaces), a total parking demand of 264 parking spaces would be required and is provided on-site.

Staff also researched the Institute of Transportation Engineers (ITE) Parking Generation 3rd Edition for parking demand in Universities and Colleges and a parking ratio between 0.22 and 0.38

vehicles per school population would be required. With a maximum total enrollment of 158 students and 24 employees, the ITE reported values would result in a parking demand range of 41 to 70 vehicles.

Additionally, a parking analysis provided by the applicant determined that at a maximum enrollment of 158 students in an academic term, the daily parking demand is 40 parking spaces. The applicant has indicated that some students take alternate modes of transportation (i.e., walking, drop-off, carpool, transit), reducing the number of vehicle trips and parking demand. Furthermore, classes will occur when some of the existing uses occupying the building are closed; thus, additional parking spaces will be available for this use.

Based on the above analysis, the project site provides sufficient parking to ensure that the use would not have an impact on the surrounding properties or result in over-flow parking issues.

ENVIRONMENTAL REVIEW

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

NEIGHBORHOOD COMPATIBILITY

The proposed National University will be located within an existing five-story office building on a fully developed site in an area surrounded by office and light industrial uses. The use is proposed at a location where ample parking is available for the use and where the use can be operated in a manner that will not be detrimental to surrounding land uses, including other uses within the subject office building. The project demonstrates consistency with the goals and objectives of the Hunter Business Park Specific Plan by providing supportive services. The location of a private university benefits surrounding employees seeking educational opportunities that will allow them to work during the day and continue their education in the evenings. Businesses will also benefit by having an educated work force within their reach. In addition, the proposed project provides a convenient education alternative for working adults that live in the vicinity. Therefore, the project will be compatible with other uses in the surrounding area.

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 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. Specific Plan/Zoning Map
6. Project Plans (Site Plan and Floor Plan)
7. Applicant Prepared Project Description
8. Site Photos

Prepared by: Judy Egüez, Associate Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community & Economic Development Director



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASE: **P16-0766** (Conditional Use Permit)

Conditional Use Permit Findings pursuant to Chapter 19.760

1. The proposed private university, 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.
2. The proposed private university 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.
3. The proposed private university 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.

Conditional Use Permit Findings Pursuant to Hunter Business Park Specific Plan

1. That the proposed private university will comply with the purposes of the General Land Use designation in which it is located including all provisions of the General Plan and Specific Plan, if applicable.
2. That the proposed private university, together with conditions applicable thereto, will not be detrimental to the public health, safety and welfare or injurious to properties or improvements in the area.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P16-0766** (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 and floor 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. All conditions of the Airport Land Use Commission (ALUC), processed under case ZAP1226MA16, shall be satisfied.

Prior to Building Permit Issuance:

4. Tenant improvement plans shall be submitted to the City's Building and Safety Division to obtain the necessary building permits.

Prior to Release of Occupancy:

5. The applicant shall obtain all licenses and permits required by State law for operation of the university. 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:

6. National University shall be limited to a maximum enrollment of 158 students and 24 faculty members.

7. Hours of operation for instruction shall be limited to 5:30 p.m. to 10:00 p.m. Monday through Thursday and Saturday from 8:30 a.m. to 5:00 p.m. The Community & Economic Development Director is authorized to consider a request to modify this condition in the future at the request of the applicant.
8. All instructional activities associated with the use shall be conducted inside the building.
9. The use shall be operated in compliance with the provisions of Title 7, the City's Noise Code.
10. The parking lot and all outdoor areas shall remain clean and orderly at all times and shall be sufficiently lighted.
11. Any graffiti on the facility shall be removed within 24 hours of notification.
12. 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. 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:

13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. Failure to abide by all conditions of this permit shall be cause for revocation.
21. Plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
22. 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.
23. 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.

- **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:

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.
26. Fire Department access shall be maintained during all phases of construction.
27. Group B educational facilities shall be provided with a manual and automatic fire alarm system. New fire alarm systems shall be UL, FM, or ETL certificated for the life of the system. Central Station shall be UL UUFX. Plans shall be submitted to the fire department for approval and permit
28. The amount of hazardous materials/flammable or combustible liquids used for the lab on the 5th floor of a building shall comply with the requirements of the California Fire Code, Chapter 50 and 57.

29. Provide a hazardous material analysis for this project to include the storage, handling, and use.

- **Public Works**

No Requirement.

- **Public Utilities Electric**

No Requirement.

- **Public Utilities Water**

No Requirement.