



Community & Economic Development Department

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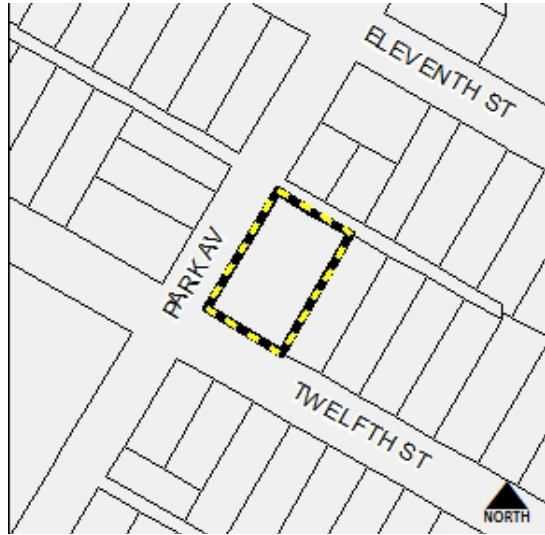
Planning Division

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**PLANNING COMMISSION HEARING DATE: SEPTEMBER 7, 2017**

**AGENDA ITEM NO.: 3**

**PROPOSED PROJECT**

<i>Case Numbers</i>	<b>P16-0648</b> (Amendment to Conditional Use Permit No. 1802)	
<i>Request</i>	To consider an amendment to a previously-approved Conditional Use Permit to convert an existing 1,601 square foot church dining hall into a residential caretakers unit.	
<i>Applicant</i>	Omar Marroquin of OJM Architectural Design	
<i>Project Location</i>	4192 Park Avenue, situated on the northeast corner of Park Avenue and Twelfth Street.	
<i>APN</i>	211-204-007	
<i>Project area</i>	0.36 acre	
<i>Ward</i>	2	
<i>Neighborhood</i>	Eastside	
<i>Specific Plan</i>	Riverside Marketplace	
<i>General Plan Designation</i>	MDR – Medium Density Residential	
<i>Zoning Designation</i>	R-1-7000 – Single Family Residential Zone and R-1-7000 SP - Single-family Residential and Specific Plan (Riverside Marketplace) Overlay Zones	
<i>Staff Planner</i>	Judy Egüez, Associate Planner; 951-826-3969; jeguez@riversideca.gov	

## RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities); and
2. **APPROVE** Planning Case P16-0648 (Revised 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 0.36-acre site is developed with a 3,018 square foot church and a 1,601 square foot classroom and dining hall building. The church building was constructed in 1926 for Park Avenue Baptist Church, a prominent African-American church. The building displays a good example of vernacular religious architecture designed by locally renowned architect G. Stanley Wilson. In 1957, a Conditional Use Permit (CUP No. 1802) was approved to allow a classroom building and dining hall.

In the 1970s, the property was acquired and occupied by the Rehoboth Tabernacle Church. In 2011, a Certificate of Appropriateness (COA) (P11-0443) was approved by the Cultural Heritage Board (CHB) to renovate the exterior of the church building, add a disabled access ramp, and a perimeter wrought-iron fence with pilasters. Modifications to the classroom and dining hall were reviewed under the COA for compatibility with the character of the church building, but did not need to comply with Title 20 because it is not a historic structure. In 2014, Tien Jean Temple acquired the property for the establishment of a Buddhist temple. The COA, approved in 2011, expired and a subsequent COA (P16-0483) for the previously-approved improvements was approved by the CHB on December 6, 2016.

Surrounding uses include residential uses to the east and south and neighborhood commercial uses to the north and west and Lincoln Park to the southwest.

## PROPOSAL

The applicant is requesting an amendment to previously approved Conditional Use Permit No. 1802 to convert the 1,601 square foot classroom and dining hall building into a caretakers unit for the church staff. The caretakers unit includes a kitchen, a living room, four bedrooms and four bathrooms. The applicant has indicated there will be up to four monks residing in the caretakers unit and will share one van for transportation.

The site is currently served by an eight space surface parking lot with access via Park Avenue. Five additional parking spaces will be added at the northeast corner of the site with access from the rear alley. The existing parking lot will be restriped and a handicap accessible parking space will be resurfaced with asphalt paving.

Modifications to the building include removal of a door on the north elevation and addition of a door on the east elevation. Windows on all four facades will be added or removed in relation to interior room arrangements. The exterior of the building will be refinished and repainted to match the existing color and texture. No expansion of the building is proposed.

Landscaping will be enhanced and augmented throughout the site. Trees will be planted in the existing landscaped area south of the church building along Twelfth Street, on the east side of the proposed residential caretakers unit, and in a proposed landscaped area on the north side of the parking lot, adjacent to the alley.

## PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	N/A	Consistent	Inconsistent
<p><b><i>General Plan 2025</i></b></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of MDR-Medium Density Residential and the Eastside Neighborhood Plan, which will further the intent of the General Plan by fostering the Vision for the Eastside Neighborhood as a diverse, family-friendly setting with a variety of housing opportunities featuring distinctive historic character, creating a livable and enjoyable environment.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Specific Plan</i></b></p> <p>The project site is located within the Riverside Marketplace Specific Plan and complies with the requirements of the Specific Plan.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Zoning Code Land Use Consistency (Title 19) and Chapter 19.255 Assemblies of People – Non-Entertainment Development Standards</i></b></p> <p>The underlying base zone R-1-7000 Single-Family Residential allows for an Assembly of People – Non-Entertainment (church or religious assembly) use with approval of a Conditional Use Permit. The proposed residential component is incidental to the existing church use and may be specifically authorized by the Approving or Appeal Authority under this Conditional Use Permit pursuant to Section 19.255.030.A.2.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Compliance with Cultural Resources (Title 20)</i></b></p> <p>On December 6, 2016, the Cultural Heritage Board approved a Certificate of Appropriateness for façade improvements for the church building, accessibility upgrades pursuant to the Americans with Disabilities Act (ADA), and a perimeter wrought iron fence.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The building that will be converted to a residential caretakers unit is not a historic structure; therefore, compliance with Title 20 is not required.			
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## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

The conversion of the classroom and dining hall to a residential caretakers unit constitutes an incidental use associated with a religious assembly use. The proposed caretakers unit will accommodate up to four monks. Since this conversion will not increase the area of the sanctuary or introduce a related use of higher intensity, i.e. day care center or school, compliance with the standards in Chapter 19.255 (Assemblies of People- Non Entertainment), and Chapter 19.580 (Parking and Loading) is not required.

## NEIGHBORHOOD COMPATIBILITY

The church building has been a prominent feature of the Eastside Community for 91 years. As noted earlier in this report, the site is surrounded by different residential and neighborhood commercial uses. Converting the church classroom and dining hall into a residential caretakers unit for monks will not create a compatibility problem with the surrounding uses. The proposed project is consistent with the existing development and is compatible with the surrounding neighborhood.

## ENVIRONMENTAL REVIEW

The project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), as it can be seen with certainty there is no possibility the proposed amendment will have a significant effect on the environment.

## PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

## 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. Zoning Map
6. Project Plans (Site Plan, Floor Plan, and Building Elevations)
7. Existing Site Photos

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Prepared by: Judy Egüez, Associate Planner

Reviewed by: Ted White, Deputy Director

Approved by: Rafael Guzman, Director of Community & Economic Development



*EXHIBIT 1 – STAFF RECOMMENDED FINDINGS*

**PLANNING CASE:**      P16-0648 (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;
- 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; and
- 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. (Ord. 6966 §1, 2007)



*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASE:** P16-0648 (Conditional Use Permit)

**Case Specific**

**Planning**

1. ***Advisory:*** 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. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.
2. 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.

*During Construction Activities:*

3. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
4. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

*During Business Operations:*

5. 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.

**Standard Conditions**

6. There shall be a one-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.
7. 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.

8. 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.
9. 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.
10. 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.
11. Plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

#### **Fire Department**

12. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
13. Fire Department access shall be maintained during all phases of construction.
14. A residential fire sprinkler system meeting National Fire Protection Association 13D is required. Attached garages are required to be protected by an automatic fire sprinkler system. Plans shall be submitted to and approved by the Fire Department prior to installation. 2013 California Residential Code, Section R313, 2013 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.080.

#### **Public Utilities – Electric**

15. 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.
16. 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 surveyor



17. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained and location of the equipment is approved by the Utility.
18. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
19. Plot existing electrical distribution facilities on the original site plan.
20. Overhead service may need to be relocated and may need to be upgraded with the building conversion, if so the above conditions apply.