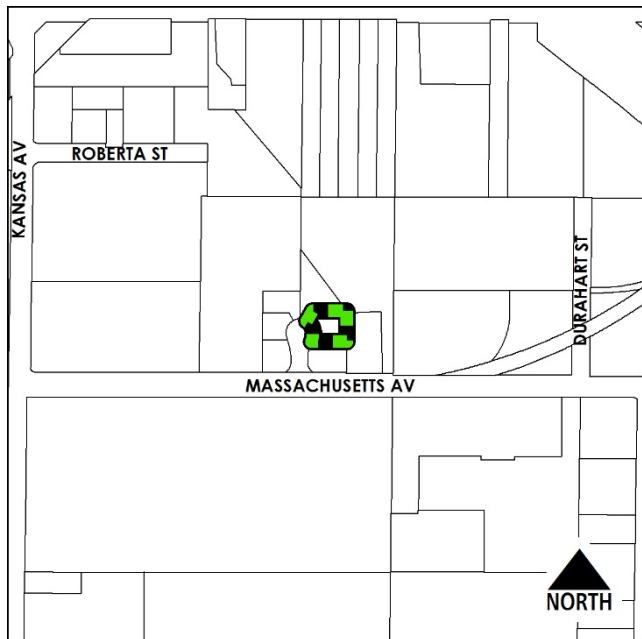




PLANNING COMMISSION HEARING DATE: JANUARY 10, 2019
AGENDA ITEM NO.: 3

PROPOSED PROJECT

<i>Case Numbers</i>	P17-0103 (Modifications of Conditions of Approval)	
<i>Request</i>	Consideration of modifications to Conditions of Approval related to Planning Cases P04-1083 (Conditional Use Permit) and P05-0605 (Revised Conditional Use Permit), to modify operational characteristics of the Riverside Community Shelter.	
<i>Applicant</i>	Damien O’Farrel of Path of Life Ministries	
<i>Project Location</i>	2840 Hulen Place	
<i>APN</i>	210-130-026	
<i>Project area</i>	0.32 acres	
<i>Ward</i>	1	
<i>Neighborhood</i>	Hunter Industrial Park	
<i>General Plan Designation</i>	I – Industrial	
<i>Zoning Designation</i>	I-ES – General Industrial and Emergency Shelter Overlay Zones	
<i>Staff Planner</i>	Sean P. Kelleher, Associate Planner 951-826-5712 SKelleher@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case P17-0103 (Modification of Conditions of Approval), based on the findings outlined in the Staff Report and summarized in the attached findings and subject to the recommended conditions (Exhibit 1).

SITE BACKGROUND

The 0.32 acre proposed project site is currently developed and operated as a Short Term Emergency and Cold Weather Shelter by Path of Life Ministries (Exhibit 2). Surrounding land uses include an industrial building and a grit manufacturing facility to the north, the Riverside Access Center to the south, industrial buildings the west, and a City-owned parking lot to the east.

In 2004, a Conditional Use Permit (P04-1083) was approved for a 65-bed Emergency Shelter and a 60-bed Cold Weather Shelter. In 2005, a Revised Conditional Use Permit (P05-0605) was approved to allow the relocation of the shelter's main entrance and off-site parking to the adjacent City owned parcel. In 2008, the City of Riverside took over operations of the Riverside Access Center. In 2010, the City Council adopted the Emergency Shelter Overlay Zone and applied the Overlay Zone to the subject property.

PROPOSAL

The applicant is requesting modifications to Conditions of Approval related to Planning Cases P04-1083 (Conditional Use Permit) and P05-0605 (Revised Conditional Use Permit) (Exhibit 3). A summary of the proposed modifications are as follows:

1. Remove all Conditions of Approval associated with the Riverside Access Center, as the facility is now operated by the City of Riverside.
2. Modify the operational dates of the Cold Weather Shelter from December 1st through March 30th to December 1st through April 15th.
3. Modify the hours of operation for the Short Term Emergency Shelter and Cold Weather Shelter from 5:30 PM to 8:30 AM to 4:00 PM to 8:30 AM. Existing business office hours, including case management, will not be modified.
4. Increase the number of beds for the Cold Weather Shelter from 60 to 64. The Short-Term Emergency Shelter provides a total of 65 beds, therefore a total of 129 beds will be available from December 1st through April 15th.
5. Amend the provisions in the Security Plan (Exhibits 4 and 5) as follows:
 - Remove references to the Riverside Access Center (City operated);
 - Remove requirements for a security guard, and require shelter staff to monitor on-site activities;
 - Provide high-definition video monitoring within the interior and exterior of the building; and
 - Require meetings with neighboring property and business owners on an as-needed basis in lieu of quarterly meetings.

PROJECT ANALYSIS

AUTHORIZATION AND COMPLIANCE SUMMARY

	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The underlying General Plan 2025 Land Use Designation of I - Industrial is consistent with the I-ES – General Industrial and Emergency Shelter Overlay Zones (Exhibits 6 and 7). The proposed modification to Conditions of Approval is consistent with Policy H-4.4, as it will allow for the expansion of homeless services within an existing facility.</p> <p>Policy H-4.4: "Housing for Homeless People. Support adequate opportunities for emergency, transitional, and permanent supportive housing through the implementation of land use and zoning practices and, where feasible, financial assistance."</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The proposed project site is zoned I-ES – General Industrial and Emergency Shelter Overlay Zones (Exhibits 6 and 7). Within the ES - Emergency Shelter Overlay Zone, Emergency Shelters are a permitted use. The proposed modifications to the previously approved Conditional Use Permit are consistent with the I – General Industrial Zone and ES – Emergency Shelter Overlay Zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with the March Air Reserve Base Land Use Compatibility Plan</i></p> <p>The proposed project is located in Zone E (Other Airport Environs) of the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP), which is identified as having a low safety risk level and a low noise impact level, and contains no restrictions on development. The proposed project is consistent with Compatibility Zone E of the MARB LUCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDING SUMMARY

Pursuant to Chapter 19.760.040 of the Zoning Code, the following required findings can be made by Staff:

- a. The emergency shelter 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 emergency shelter 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.

- c. The emergency shelter 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 proposed project is consistent with established Short-Term Emergency and Cold Weather Shelter use continuation as existing use with improvements to the operations of the facility. The proposed modifications result in a facility that serves more individuals for a greater period of time during cold weather months, modifies hours of operation for the shelter to allow for daily intake procedures to occur during day light hours throughout the year, and includes greater security protocols.

ENVIRONMENTAL DETERMINATION

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301, as the proposed project constitutes an existing facility.

PUBLIC NOTICE AND COMMENTS

Staff mailed public hearing notices to property owners within 300 feet of the site informing them of the proposed project and inviting them to comment. As of the writing of the Staff Report, Staff has received no responses.

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 Conditions of Approval
2. Location Map
3. Modified Conditions of Approval Planning Cases P05-0605 (Revised Conditional Use Permit) and P04-1083 (Conditional Use Permit) Conditions of Approval
4. Modified Security Plan
5. Final Security Plan
6. General Plan Map
7. Zoning Map
8. Project Plans (*Site Plan / Floor Plan, Photometric Plan*)
9. Existing Site Photos

Prepared by: Sean P. Kelleher, Associate Planner
Reviewed by: David Murray, Principal Planner
Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: P17-0103 (Modification to Conditions of Approval)

All mitigation measures are noted by an asterisk ()'*

Case Specific

- **Planning**

1. (Condition of Approval Planning Case P05-0605) All previously approved conditions of approval of Planning Case P04-1083 shall remain in effect.

Conditions of Approval of Planning Case P04-1083:

- **Planning**

- a. The hours and days of operation for the Short -Term Emergency Shelter shall be 4:00 p.m. to 8:30 a.m., seven days a week; the Cold weather Shelter shall be open from December 1st through April 15th and shall operate on same hours and days of operation as the Short-Term Emergency Shelter.
- b. The Building Division, Fire Department and Office of Statewide Health, Planning and Development (OSHDPD) shall inspect and approve the property and structure for the intended use and all standards and regulations shall be met.
- c. The applicant shall obtain the approval of all state and local agencies having jurisdiction over this use.
- d. Fencing amenities shall be provided for the adjacent property owners.
- e. Families with children shall be referred to other emergency shelter facilities and shall have full access to the Access center.

Standard Conditions

- **Planning**

- f. There shall be a two-year time limit in which to commence construction of 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.
- g. * This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses 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.

- h. * 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.
- i. * 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 the 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.
- j. The applicant herein of the facility 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 facility operations.
- k. Failure to abide by all conditions of this permit shall be cause for revocation.
- l. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
- m. The proposed project must be completed per the Conditional Use Permit approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the proposed project must be approved by the Planning Commission or minor modifications by Design Review Staff.
- n. 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.
- o. Signs shall be permitted in accordance with Chapter 19.76 of the Zoning Code.
- p. **Advisory:** That the applicant meet with the Public Works Department regarding possible sidewalk improvements.
- **Fire Department**
 - q. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.
 - r. Construction plans shall be submitted and permitted prior to construction.
 - s. Fire Department access is required to be maintained during all phases of construction.

2. (Condition of Approval Planning Case P05-0605) * Prior to the issuance of building permits for the shelter a parking lot landscaping, irrigation and fencing plan shall be submitted for Planning Department staff review and approval. The landscaping plans shall include a 15 foot wide setback adjacent to Massachusetts Avenue measured from the property line. The planter areas along the northerly and easterly boundaries shall be landscaped and irrigated. The remaining planters shall contain dryscape. Required landscaping and fencing shall be installed prior to occupancy.
3. The emergency shelter shall be operated substantially as described in the text of this Staff Report, in compliance with the Security Plans for both the Short -Term Emergency Shelter and Cold Weather Shelter, and as shown on the site plan on file with this case.
4. 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.
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.

Operational Conditions

6. 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.
7. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.

Standard Conditions

8. 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.

- **Public Utilities**

9. (Condition of Approval Planning Case P05-0605) 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.

- **Park and Recreation Department**

Prior to Issuance of Building Permits

10. (Condition of Approval Planning Case P05-0605) Payment of all applicable park and recreation development fees (local and regional/reserve) as mitigation for the impacts of the project on the park development and open space needs of the City.

11. (Condition of Approval Planning Case P05-0605) Payment of Street Tree Plan Check and Inspection Fees as applicable. For questions or concerns regarding this condition contact the Tree Division Staff at (951) 351-6126.

Prior to Occupancy

12. (Condition of Approval Planning Case P05-0605) The installation (or posting of appropriate sureties with Park and Recreation Department to guarantee the installation) of new street trees along all public street frontages per City standards. For questions or concerns regarding this condition contact the Tree Division Staff at (951) 351-6126.
13. (Condition of Approval Planning Case P05-0605) All City street trees shall be automatically irrigated.