



Community & Economic Development Department

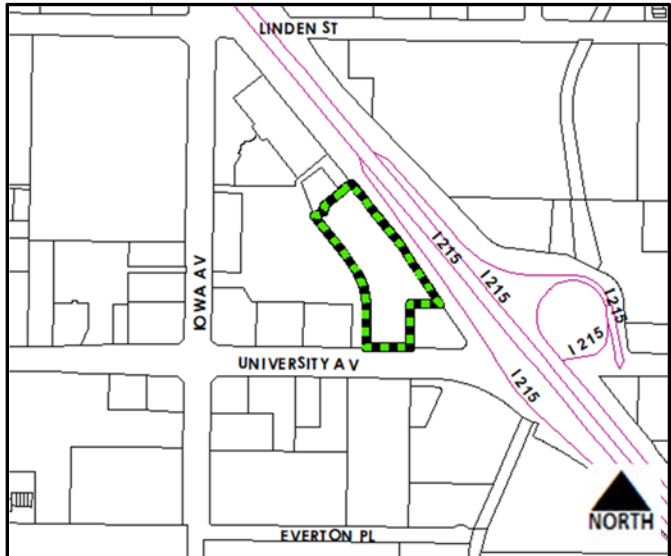
Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

PLANNING COMMISSION HEARING DATE: MAY 30, 2019

AGENDA ITEM NO.: 2

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0016 (Conditional Use Permit)	
<i>Request</i>	To consider a Conditional Use Permit to permit an internet café (Phantom-X eSports) within an existing 1,255 square foot tenant space within a shopping center (University Village).	
<i>Applicant</i>	Aaron Holder, on behalf of Burnham Nationwide/Phantom-X eSports	
<i>Project Location</i>	1201 University Avenue, Suite #211, situated on the northeast corner of University and Iowa Avenues	
<i>APN</i>	250-250-032	
<i>Project area</i>	3.17 acres	
<i>Ward</i>	2	
<i>Neighborhood</i>	University	
<i>Specific Plan</i>	University Avenue – Subdistrict 4A	
<i>General Plan Designation</i>	MU-U – Mixed Use – Urban	
<i>Zoning Designation</i>	CR-SP – Commercial Retail and Specific Plan (University Avenue) Overlay Zones	
<i>Staff Planner</i>	Veronica Hernandez, Associate Planner 951-826-3965 vhernandez@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant 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 P19-0016 (Conditional Use Permit), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The subject 1,255 square foot tenant space is on a 3.17-acre parcel, developed as part of a larger 15.5-acre complex (University Village). It is located on the northeast corner of Iowa and University Avenues (Exhibit 3). University Village is comprised of 10 contiguous parcels developed with eight buildings, ranging from one to eight stories in height, constructed in phases from the mid-1990's to 2004. Uses within the buildings include mixed-use office, retail, and student housing. Records show that the last use that occupied the subject tenant space was a dental office.

University Village is currently served by 1,456 parking spaces. A total of 553 surface parking spaces are located throughout the complex and 903 spaces are within a parking structure, located on the northeast portion of the complex. Access to the site is provided via two driveways on University Avenue and two driveways on Iowa Avenue.

Surrounding land uses include the University of California Riverside (UCR) to the north and east (across Interstate 215/State Route 60), commercial to the south, and commercial and multi-family residential to the west, across Iowa Avenue.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit an internet café (Phantom-X eSports) within an existing 1,255 square foot tenant space within University Village. The internet café will include 32 computers for public use to play competitive games online. The proposal also includes a raised dais to monitor computer usage, two restrooms, an open rest area, and a storage room. No exterior modifications are proposed as part of this application.

Business Operation

The proposed internet café will operate seven days a week from 11:00 a.m. to 12:00 a.m., with two employees per shift. Customers will be required to provide photo identification with contact information being registered on a log. Packaged snacks will be available for purchase; no hot food or alcohol will be sold.

The internet café proposes to host one tournament a year for competitive gaming events. The tournaments, held between 12 p.m. and 12 a.m., consist of a maximum of 10 teams with five people on each team, organized by time slots. No other organizations will be involved in the hosting of the tournaments.

Security

Security cameras will be provided throughout the establishment to monitor the screens of all computers. Customers will be limited on the types of programs, games, and websites they can access. No gambling or pornographic uses will be permitted. The internet café staff will review all requests for new applications and screen for illicit uses. Customers engaging in illicit activities will be banned from the internet café. Employees will notify Riverside Police Department of any illegal

activity. Security patrol, a 24-hour service provided by the property management, will assist with incidents at this location.

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 MU-U – Mixed Use-Urban is consistent with the intent of Subdistrict 4a of the University Avenue Specific Plan (Exhibit 4). The University Avenue Specific Plan provides more detailed land use and urban design recommendations for the University Avenue corridor. The proposed project is consistent with the University Neighborhood Plan (UNP), adopted as part of the General Plan 2025, as follows:</p> <p><u>Policy UNP 3.3:</u> Explore opportunities to revitalize older shopping centers by increasing the level of neighborhood shopping and pedestrian amenities, upgrading the tenant mixes and encouraging private sector investment in the existing shopping centers throughout the University Neighborhood. This may include introducing mixed-use housing where appropriate.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>University Avenue Specific Plan</i></p> <p>The project is located in Subdistrict 4a of the University Avenue Specific Plan consisting of a mixture of retail, office, student housing, entertainment, and institutional uses (Exhibit 5).</p> <p>To attract students and the community, the University Village complex was envisioned to be a unique environment with special uses, differentiating it from a traditional commercial shopping center. The design of the complex is "village-like" with retail shops, restaurants, a theater, and other entertainment facilities clustered around a series of outdoor courtyards and pedestrian paseos. Student housing and the Village's proximity to the University of California Riverside provides an active environment, keeping the area popular throughout the day and evening.</p> <p>The project as proposed furthers the vision of the Subdistrict and provides an additional use within the University Village shopping center, adding to the existing mix of special uses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The project site is zoned CR-SP – Commercial Retail and Specific Plan (University Avenue) Overlay Zones, which permits the internet café subject to approval of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards (Exhibit 6). The proposal is consistent with the applicable development standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>No exterior modifications are proposed as part of this application. Any future signs will be subject to Design Review to ensure compliance with the Citywide Design & Sign Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Riverside County Airport Land Use Compatibility Plan</i></p> <p>The project is located in Zone E (Other Airport Environs) of the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP). This zone is identified as having a low safety risk level and a low noise impact level, and contains no restrictions on development. The project was analyzed for consistency with Zone E and staff concluded that the proposed project is consistent.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<p><i>Chapter 19.245</i> <i>Arcades and Internet/Cyber Cafés Standards</i></p>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Site Location Standards</i>	Schools, Assemblies of People – Non-Entertainment or Hospitals	600 feet	<p><i>North High School</i> (1550 3rd St.)- 2,185 ft.</p> <p><i>Bridges Church</i> (1363 W. Linden St.) - 1,306 ft.</p> <p><i>Riverside Community Hospital</i> (4445 Magnolia Ave.)- 17,001 ft.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Residential Use or Zone	100 feet	<p><i>Mixed Use – Urban Zoning</i> (1242 University Ave.)- 455 ft.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p><i>Chapter 19.580</i> <i>Parking and Loading</i></p>						
<i>Use/Floor Area</i>		<i>Parking Ratio</i>	<i>Required</i>	<i>Provided</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Previous Use</i>	Dental Office – 1,255 sq. ft.	1:180	7 spaces	7 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Proposed Use</i>	Internet Café – 1,255 sq. ft.)	1:250	6 spaces			

The project complies with the site location and development standards applicable to internet cafes provided in Section 19.245.B of the Riverside Municipal Code (Exhibit 8). Specifically, the internet café will have an adult attendant at all times; will meet the restricted hours of operation; will include a raised dais to allow employees to monitor the establishment; apply restrictions for underage customers; satisfy the minimum area for each game machine or computer; not allow

gambling; enforce the business security plan (accepted by the Riverside Police Department); provide security services by property management 24 hours, 7 days a week; not allow alcohol served on site; maintain a log to register customers' information; and require proper identification (Exhibit 9). To further ensure the use is compatible with the surrounding area, all applicable site operation standards relative to internet cafes have been incorporated into the recommended conditions of approval.

CONDITIONAL USE PERMIT FINDINGS SUMMARY

The project meets all of the development standards to allow the operation of an internet café. The proposed internet café would provide a unique form of entertainment and an amenity to the neighborhood residents, including students at the nearby University of California Riverside campus. The proposed use is consistent with the Zoning Code and the vision of the University Avenue Specific Plan and University Neighborhood Plan to create a unique shopping center with a variety of attractive entertainment options.

The Riverside Police Department reviewed the proposal, including the security plan (Exhibit 9). There is no objection to the proposed project, provided that the operator complies with the recommended conditions of approval. Staff can support the proposed Conditional Use Permit.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), as this project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the shopping center. As of the writing of this report, no responses have been received by staff regarding this proposal.

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. Location Map
4. General Plan Map
5. University Avenue Specific Plan Subdistrict Map
6. Zoning Map
7. Project Plans (Site Plan, Floor Plan, Camera Plan)
8. Distance Requirements Map
9. Business Operations and Security Plan
10. Existing Site Photos

Prepared by: Veronica Hernandez, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P19-0016** (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 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.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: P19-0016 (Conditional Use Permit)

Case Specific

• **Planning**

1. The proposed internet café shall be developed and operated substantially as described in the text of this staff 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. 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.
3. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including exterior building-mounted, monument, and window 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.

Operational Conditions:

4. Patrons under the age of 18 shall not be permitted without a legal guardian during the hours of 9:00 a.m. and 3:00 p.m. weekdays and after 10:00 p.m. on any day of the week. Notice of these hours shall be posted at the entrance of the business in lettering of at least two inches in size. This prohibition will exclude days that are either legal holidays or when the under 18 patron's school is off-track.
5. At all times, each arcade or internet café operator shall maintain an adult attendant on the premises.
6. An adult attendant shall be located on a raised dais, positioned so as to readily observe all machines and all areas of business.
7. Any and all forms of gambling shall be prohibited.
8. Per the Security Plan accepted by the Riverside Police Department, 24-hour security guard services for the shopping center shall be provided by property management. The security officer shall conduct periodic check-ins with the internet café and be responsible for all calls for service.
9. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Riverside Municipal Code. No outside waiting or seating is permitted.
10. No intoxicated person shall be permitted to remain on premises, and there shall be no consumption of alcohol on the premises.
11. All persons in the business shall be required to sign a log and provide a valid California, government or school identification with a photograph and age of the individual to the staff.

12. The applicant shall be responsible for maintaining the area adjacent to the premises over which they have control and shall keep it free of litter.
13. 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.
14. 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.
15. The applicant 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.

Standard Conditions:

16. 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.
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 the Community & Economic Development Director or designee. Upon completion of the Project, an 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. 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.
21. 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.
22. 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.

23. 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.
24. 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.
25. Failure to abide by all conditions of this permit shall be cause for revocation.
26. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

- **Building and Safety**

27. Codes in Effect: The proposed project shall fully comply with the 2016 version of the California Building, Plumbing, Mechanical, Electrical, Green, Energy, and Fire Codes, as adopted and amended by the City of Riverside; or the version of these codes in effect at the time a new permit application is filed.
28. License Design Required: Given the project scope of work, an appropriately Licensed California Design Professional is required and the plans and supporting documents shall bear the stamp, date, and signature of the Licensed Professional in accordance with Sections 5537 and 6737 of the California Business & Professions Code.
29. Plan Review Policy: Building plan review fees will cover the initial plan check and two rechecks only. Any additional review required beyond the first three (3) shall be paid by the applicant on an hourly basis in accordance with the currently adopted B&S fee schedule.
 - a. Turnaround Times: This project requires a 20 working day (4 week) review period for the initial plan check turnaround and a 10 working day (2 week) back check for each subsequent plan review.

Advisory Note: Expedited plan review services may be available that can reduce the plan check turnaround times in half for an additional fee. Please make any such requests at the permit counter prior to plan check submittal in order to verify staff availability.

30. Conditions of Approval: A copy of the City Conditions of Approval, signed by the applicant, shall be incorporated as the second sheet of the building plans and be present at the time of initial plan check submittal. Building plans must show in detail how they will conform to the required conditions as applicable.
31. Plan Review Submittal Package: Plan Review Submittal Package: At the time of the initial plan check submittal and permit application; (4) complete sets of building plans, which include grading plans, architectural, structural, and MEP plans, are required. In addition, (2) sets of supporting structural calculations, Title 24 energy compliance reports, soil reports, or other related project specifications shall be submitted by the applicant prior to the commencement of plan review services.

32. Building Fees: All building plan check, permit, and other development related impact fees from the various City Departments and Agencies must be paid prior to building permit issuance.
33. Separate Permits Required: A separate review, approval and permit is required for any proposed onsite improvements NOT specially included within this permit application scope of work, as required by the City of Riverside. For example, any onsite structural demolition, perimeter walls and fences, retaining walls, trash enclosures, light standards, signs, etc.
34. Project Scope of Work: A detailed scope of work shall be provided on the title sheet of the building plans clearly indicating all improvements to be reviewed by the City under the proposed permit application.
- Advisory Note: Not providing clear project information may delay the review and approval process and subsequent permit issuance.
35. Accessibility: The project shall fully comply with Chapter 11-B of the most recent version of the California Building Code and include all exterior and interior accessible features as required.
- a. The Reception area shall be located on an accessible route. An accessible ramp shall be provided for the raised floor reception area.
 - b. Accessible computer stations and wheelchair spaces (minimum 5%) shall be identified.
36. Title 24 Energy Standards Compliance: Each set of building plans shall incorporate a copy of all required Title 24 California energy compliance reports, supporting documents, and mandatory measures based on the most recent version of the adopted Energy Standards; including but not limited to the building envelope, lighting systems (both internal and external), mechanical HVAC systems and water heaters, where applicable.
37. Advisory note: Assure that the required energy report(s) are generated using the latest version of the States approved energy software solution(s) and that each report is registered with an approved HERS provider prior to initial plan check submittal.
38. Exiting Design: The proposed use shall provide exits in accordance with Chapter 10 of the adopted Building Code.
39. Building Code Analysis:
- a. Specify the use and occupancy within the building.
 - b. Specify all fire resistive design elements, walls, and horizontal assemblies in accordance with Chapter 7 of the California Building Code.
 - c. Provide a complete exiting analysis for each story in accordance with Chapter 10 of the California Building Code. Clarify and justify required exits versus provided.
 - d. Occupant load calculations per story shall be provided with the exiting analysis for the building in accordance with Chapter 10 of the CBC.
 - i. Please use net floor area for the occupant load factor of 30.
 - ii. The reception and open rest area shall be used occupant load factor of either 5, 7, or 15 depending on the furniture layouts provided at those areas.
 - e. Required plumbing fixtures shall meet the minimum requirements set forth in Chapter 4 of the California Plumbing Code.

Advisory Note: Additional plan review comments may be forthcoming once construction drawings are completed and submitted for a comprehensive building plan check prior to permit issuance

- **Fire Department**

40. If the building is equipped with an existing fire sprinkler, fire alarm, fixed extinguishing system, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, these systems shall be maintained and extended if necessary to provide proper coverage of structures. Plans shall be submitted by a California Licensed contractor, under separate cover to the fire department and obtain approvals prior to any work on such systems. Note - All existing fire alarm systems and fire sprinkler water flow monitoring systems that are currently certificated UL, FM placard or ETL shall be maintained for the life of the system. The fire alarm contractor shall be UL, FM or ETL to maintain the certification or placard of the system.