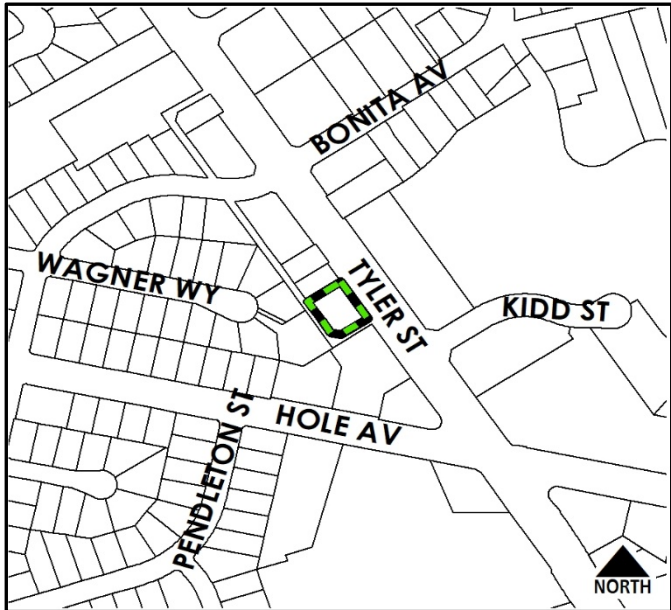




PLANNING COMMISSION HEARING DATE: OCTOBER 31, 2019

AGENDA ITEM NO.: 5

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0225 (Conditional Use Permit) P19-0226 (Design Review)	
<i>Request</i>	To consider the following entitlements: 1) Conditional Use Permit to permit a 24 bed assisted living facility (Golden Life Manor) within an existing 8,190 square foot two-story building; and 2) Design Review of project plans.	
<i>Applicant</i>	Thilina (Tony) Balasuriya, on behalf of Terra Bella Investments	
<i>Project Location</i>	4046 Tyler Street, situated on the west side of Tyler Street between Bonita Avenue and Kidd Street	
<i>APN</i>	143-150-051	
<i>Project area</i>	0.30 acres	
<i>Ward</i>	6	
<i>Neighborhood</i>	La Sierra	
<i>General Plan Designation</i>	C - Commercial	
<i>Zoning Designation</i>	CR – Commercial Retail Zone	
<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 Cases P19-0225 (Conditional Use Permit) and P19-0226 (Design Review), 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 0.30-acre parcel is located on the west side of Tyler Street, between Bonita Avenue and Kidd Street (Exhibit 3). The site is developed with a vacant 8,190 square foot two-story building. The site has historically been used for retail.

Access to the site is provided via a two-way driveway on Tyler Street, and a two-way driveway via the alley located west of the site.

Surrounding uses include single family residences to the west (across the alley), and commercial to the north, south, and east (across Tyler Street).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit and Design Review of project plans to permit an assisted living facility within an existing 8,190 square foot two-story building. The assisted living facility will include 24 beds within 14 rooms (ten double rooms and four single rooms), two community rooms, an office, staff room, kitchen, and laundry room. The facility will also include common open space on the front and rear of the building.

The facility will offer daily care for seniors, including those with memory loss, as well as daily activities, laundry services, physical therapy, and transportation to off-site outings and medical appointments. Meals will be provided by an outside service three times a day, with light preparation of the pre-prepared meals taking place in the on-site kitchen.

The facility will have a maximum of 24 residents and eight (8) staff per shift on site 24 hours a day. Additional staff, such as custodians, visiting physicians, and drivers, will be on site as needed. A dedicated parking space for the shuttle van is proposed south of the building, but, as a condition of approval, the applicant will be relocating the van parking space to the rear (northwest) of the site.

Proposed site improvements include restriping the parking lot to provide the required number of parking spaces, constructing a new trash enclosure, constructing outdoor common open space facilities, and augmenting landscaping throughout the site and adjacent to Tyler Street.

Proposed exterior building modifications include new paint, brick veneer and wood siding. A bay window, four windows, a balcony, and gable elements on the east side of the building will be removed. An updated balcony and window replacements, including windows along the rear (west) elevation, will be added. A 6-foot high wrought iron fence around the common open space area north of the building, and a 5-foot high decorative masonry wall around the common open space area, south of the building will both be installed.

PROJECT ANALYSIS

Authorization and Compliance Summary

	<i>Consistent</i>	<i>Inconsistent</i>
<p>General Plan 2025</p> <p>The General Plan Land Use designation for the site is C – Commercial (Exhibit 4), which provides for retail, sales, service and office uses that serve multiple neighborhoods within the City. The proposed project is consistent with the Commercial Land Use designation and the following Objectives and Policies, and furthers the intent of the General Plan 2025:</p> <p><u>Objective LU-59:</u> Maintain and enhance the quality of life in the La Sierra neighborhood.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The project site is zoned CR – Commercial Retail Zone (Exhibit 5), which permits an assisted living facility subject to granting a Conditional Use Permit and compliance with specific site location, operation, and development standards for assisted living facilities. The proposed project is consistent with the applicable development standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Citywide Design & Sign Guidelines</p> <p>The applicant is proposing to paint and upgrade the site and building including painting and new materials on the outside, installing new windows, restriping the parking lot, and increasing landscaping. 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"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<p>Chapter 19.260 Assisted Living Facility Site Location, Operation, and Development Standards</p>				
	<i>Standard</i>	<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
Site Location Standards	No adverse impacts on adjoining properties or land uses	No adjoining sensitive uses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Adjacent development will not be a hazard to occupants	No hazardous uses adjacent to occupants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	No harm to health, safety, or general welfare of neighborhood	No harm to health, safety, or general welfare	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on a major arterial	Tyler Street - 110 Foot Arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.260</i> <i>Assisted Living Facility Site Location, Operation, and Development Standards</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
	Ready access to public transportation		Bus Stop – 100 Feet from southerly Property Line	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Accessible to necessary support services		Shuttle van provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Assisted Living Facilities/Group Housing Separation	300 feet	639 feet Morning Sunshine Licensed Care Home (10233 Bonita Ave.)-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Open Space Standards</i>	Indoor and Outdoor common open space (no minimum area required)		Indoor: ± 720 sq. ft. Outdoor: ± 758 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.580</i> <i>Parking and Loading</i>						
<i>Use/Floor Area</i>		<i>Parking Ratio</i>	<i>Required</i>	<i>Provided</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Proposed Use</i>	Assisted Living Facility: 24 beds	1 space/ 2 beds	12 spaces	12 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CONDITIONAL USE PERMIT FINDINGS SUMMARY

The project complies with the site location, operation and development standards applicable to assisted living facilities, as provided in Section 19.260.040 of the Riverside Municipal Code (Exhibit 7). The proposed assisted living facility would provide options for care for the residents of the City of Riverside and will not negatively impact the surrounding uses. The proposed use is consistent with the Zoning Code. For these reasons, staff supports the proposed Conditional Use Permit.

ENVIRONMENTAL REVIEW

The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), as the 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 the proposed project.

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. Zoning Map
6. Project Plans (Site Plan, Floor Plan, Building Elevations, Roof Plan, Conceptual Landscape Plan)
7. Distance Requirements Map
8. Applicant Prepared Business Operations Plan
9. Existing Site Photos

Prepared by: Veronica Hernandez, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner, and Candice Assadzadeh, Senior Planner

Approved by: Mary Kopaskie-Brown, City Planner



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P19-0225 (Conditional Use Permit)
 P19-0226 (Design Review)

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.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: **P19-0225** (Conditional Use Permit)
 P19-0226 (Design Review)

Case Specific

- **Planning**

1. A maximum of 24 beds, for the purposes of assisted living, are permitted in conjunction with this Conditional Use Permit.
2. The proposed assisted living facility 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.
3. Plans shall conform to the Exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised Exhibits and a narrative description of the proposed modifications. The Applicant is advised that an additional application and fee may be required.
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. *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.

Prior to Grading Permit issuance:

6. A 40-scale precise grading plan shall be submitted to the Planning Division and shall include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal holidays;
 - b. Compliance with City-adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
 - d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement; and
 - e. Identification of location, exposed height, material and finish of any proposed retaining walls.

During Grading and Construction Activities:

7. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00

a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.

8. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
9. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
10. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
11. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust shall be controlled as required by the AQMD;
 - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Wash off trucks and other equipment leaving the site;
 - f. Keep disturbed/loose soil moist at all times;
 - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
 - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
12. The applicant shall be responsible for erosion and dust control during construction phases of the project.
13. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

Prior to Building Permit Issuance:

14. Landscape and Irrigation Plans shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary.
15. **Plot Plan:** Revise the plot plan such that the plans provided for building permit plan check incorporate the following change:
 - a. The designated van parking space shall be relocated to the loading space on the northeast corner of the site.
16. **Landscape and Irrigation Plan** shall be submitted for Planning staff approval. Separate application and filing fee are required. Plans shall incorporate the following design modification:
 - a. Provide an additional tree along the northerly parking spots for shade.

17. **Trash Enclosure Conditions:** Submit trash enclosure elevations such that the plan provided for building permit plan check incorporates the following changes:
 - a. Trash enclosures shall be constructed with a decorative masonry block and decorative cap or be finished in stucco and painted to match the existing building.
18. Provide a Photometric Plan and manufacturer's cut sheets. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum intensity of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public right-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material.

Operational Conditions:

19. 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.
20. 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:

21. 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.
22. The Conditional Use Permit may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

Prior to **October 31, 2020**, if building permits have not been obtained, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning Division. **PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.**

23. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this Conditional Use Permit is exercised.
24. The 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 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.

25. 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.
26. 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.
27. The 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.
28. The 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.
29. This Conditional Use 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 the Conditional Use Permit. Failure to notify the city of any change in operations is material grounds for revocation of this Conditional Use Permit.
30. 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 Conditional Use Permit of the restrictions and conditions of this permit as they apply to the business operations.
31. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
32. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this Conditional Use Permit.

- **Fire Department**

33. All requirements for R2.1 Occupancy shall comply with the 2016 California Building Code, Section 435.
34. An automatic fire sprinkler system is required by City Ordinance 16.32.335. 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. Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72

35. When exit signs are required by Section 1013.7 of the California Building Code, additional approved floor-level exit signs which are internally or externally illuminated photo luminescent or self-luminous, shall be provided in all interior corridors of Group A, E, I, and R2.1 occupancies. See the California Building Code for exceptions.
36. Construction plans shall be submitted and permitted prior to construction.
37. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
38. Fire Department access shall be maintained during all phases of construction.
39. 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.

- **Parks, Recreation, and Community Services**

40. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.

- **Public Utilities – Electric**

41. 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.
42. RPU will request easements during the design process.
43. 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.
44. Easements will be acquired during the electric design process.
45. 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.
46. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing streetlights, stub & cap spare conduits along property frontage.
47. Plot existing electrical distribution facilities on the original site plan.
48. Please show proposed location of transformer and electrical rooms.

- **Public Utilities – Water**

49. Existing ¾" water service requires upgrade.
50. An additional metered service will need to be installed to serve the landscape irrigation.
51. A new fire service connection will be required if the building will have fire sprinklers.
52. Prior to issuance of building permit, applicant shall submit a composite water plan to the water department for the installation of new water services for the project.

- **Public Works**

- 53. Size, number and location of driveways to Public Works specifications.
- 54. Closure of unused driveways to Public Works specifications.
- 55. All Trash Enclosures per City Standards. No Tandem enclosures are allowed.