



Community & Economic Development Department

Planning Division

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

PLANNING COMMISSION HEARING DATE: MARCH 19, 2020

AGENDA ITEM NO.: 2

PROPOSED PROJECT

<i>Case Number</i>	P19-0819 (Conditional Use Permit)	
<i>Request</i>	To consider a Conditional Use Permit to permit a Day Care Center (Adult) to care for up to 180 individuals within an existing 9,056-square-foot commercial building.	
<i>Applicant</i>	Edgar Arijanyan of 3610 PS, LLC	
<i>Project Location</i>	3610 Park Sierra Drive, situated on the west side of Park Sierra Drive between Diana and Magnolia Avenues	
<i>APN</i>	138-470-019	
<i>Project Area</i>	1.29 acres	
<i>Ward</i>	6	
<i>Neighborhood</i>	La Sierra	
<i>Specific Plan</i>	Magnolia Avenue Specific Plan - La Sierra District	
<i>General Plan Designation</i>	MU-U - Mixed Use - Urban	
<i>Zoning Designation</i>	CR-SP Commercial Retail and Specific Plan (Magnolia Avenue Specific Plan) Overlay Zones	
<i>Staff Planner</i>	Regine Osorio, Associate Planner 951-826-5712 rosorio@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 to Section 15301 (Existing Facilities), as the proposed project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case P19-0819 (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 1.29 acre project site consists of a single parcel developed with an existing 9,056-square-foot commercial building (formerly Farrell's Ice Cream Parlour). The project parcel is part of a larger 63.3-acre multi-tenant commercial and office complex (Park Sierra Dining and Entertainment Park). Uses within the complex include administrative offices, medical offices, a health and fitness club (LA Fitness), general retail, a drive-thru pharmacy, sit-down and drive-thru restaurants. In 1981, a shared parking and access agreement was recorded, allowing for mutual access and parking within the complex.

Surrounding land uses include a medical office building to the north, a parking lot to the south, a hospital (Kaiser Permanente Riverside Medical Center) to the east across Park Sierra Drive, and an office building and health and fitness club (LA Fitness) to the west (Exhibit 3).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit an adult day care center within an existing 9,056-square-foot commercial building to accommodate up to 180 adults, predominantly 55 years of age or older.

The adult day care center will provide programs for individuals with disabilities to help prevent institutionalized medical intervention and promote an active life. Specific programs include occupational, physical, and speech therapies. Other services available to participants include social services, nutrition counseling, and daily wellness check-up.

The adult day care center will operate seven days a week from 7:00 a.m. to 5:00 p.m. Participants will attend the center 3 or 5 days a week for a minimum of 6 months. The adult day care center will be staffed by 20 full time employees. Transportation will be provided by a total of 10 vans. It is anticipated that 90 percent of participants will be transported by the center and 10 percent will be transported by family members and/or caregivers.

Improvements are limited to interior building modifications to include a physical therapy room, a game room, a nursing room, additional offices, storage areas, and an open flex space with moveable tables and chairs for day-care related activities. No exterior site or building modifications are proposed as part of this request. Vehicular access will continue to be provided from existing driveways along Park Sierra Drive and throughout the interior of the complex.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The General Plan 2025 Land Use Designation for the site is MU-U – Mixed Use-Urban (Exhibit 4). The Mixed Use-Urban land use designation provides for the development of residential development with commercial, office, institutional and business uses emphasizing retail, entertainment and student-oriented activities. Such development is intended to facilitate the grouping of innovative housing options with employment uses, entertainment activities and public gathering spaces and other community amenities. The proposed project furthers the intent of the General Plan by providing a community service, consistent with similar uses in the immediate area and Policy LU-58.3:</p> <p><i>“Provide opportunities for transit-oriented, mixed-use projects providing medical support office/employment, restaurants and high-density residential near Kaiser Permanente”.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Magnolia Avenue Specific Plan</i></p> <p>The proposed project is located in the La Sierra District of the Magnolia Avenue Specific Plan (Exhibit 5), consisting of a mixture of commercial centers and residential development including mobile home parks, business park and light industrial uses, medical uses, and motels. The proposed project furthers the vision of the La Sierra District by providing a use that complements the surrounding medical and health services.</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 (Magnolia Avenue) Overlay Zones (Exhibit 6), which is consistent with the General Plan Land Use Designation. The CR-SP Zone allows for adult day care centers subject to the granting of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards. The proposed project is consistent with the applicable development standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.290 Day Care Center Standards</i>				
	<i>Standard</i>	<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Site Location Standards</i>	Minimum 600-foot separation from existing day care center	4,890 feet - (La Petite Academy of Riverside - 11100 Collett Ave.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Chapter 19.580**Parking and Loading Standards**

	<i>Use</i>		<i>Standard</i>	<i>Parking Required</i>	<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
Min. Parking	Adult Day Care Center	20 employees	1 space/ staff	20 spaces	114	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		180 persons	1 space/ 10 persons	18 spaces			
		10 vans	1 space/ vehicle facility	10 spaces			
	Total Parking Spaces			48			

FINDINGS SUMMARY**Conditional Use Permit**

The proposed project will be compatible with the surrounding mix of commercial and medical uses. The site provides adequate circulation and parking for employees, participants, and facility vehicles. Adequate access is provided via multiple driveways along Park Sierra Drive and throughout the complex along Magnolia and La Sierra Avenues. To further ensure the use is compatible with the surrounding area, the applicable site operation standards relative to day care centers have been incorporated into the recommended conditions of approval. The proposed project will not be detrimental to the health, safety, or general welfare of the public or surrounding area.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), as the proposed 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 project site. 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. Magnolia Avenue Specific Plan – La Sierra District Map

6. Zoning Map
7. Project Plans (Site Plan and Floor Plan)
8. Business Operation
9. Existing Site Photos

Prepared by: Regine Osorio, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner and Brian Norton, Senior Planner

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P19-0819** (Conditional Use Permit)

Conditional Use Permit Findings pursuant to Chapter 19.760.040

- A. The proposed adult day care 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 adult day care 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 adult day care 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: P19-0819 (Conditional Use Permit)

Case Specific

• **Planning**

1. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved operation of the use 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.
2. The proposed day care center 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. 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.
4. *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.

During Construction Activities:

5. 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.
6. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
7. 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.

Site Operation Standards

8. The applicant has or will obtain all licenses and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current.
9. All such facilities shall have screened and buffered outdoor play and activity areas from adjacent uses and shall comply with the City's noise regulations, as set forth in Chapter 19.590 (Performance Standards) and Title 7 of the Riverside Municipal Code to minimize noise impacts.

10. 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
11. The applicant shall be responsible for maintaining site landscaping and irrigation.
12. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.

Standard Conditions

13. 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.
14. The Conditional Use Permit may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of two years beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

Prior to **March 19, 2021**, 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.**

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. 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.
23. Failure to abide by all conditions of this permit shall be cause for revocation.
24. The 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**

25. 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.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.
26. Onsite private fire hydrants shall provide 1,500 gpm at 20 psi and spaced 450 feet.
27. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
28. Fire Department access shall be maintained during all phases of construction.