



**PLANNING COMMISSION HEARING DATE: JUNE 25, 2020
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0570 (Conditional Use Permit) P19-0571 (Variance)	
<i>Request</i>	To consider the following entitlements for expansion of an existing 3,848 square foot Assisted Living Facility: 1) A Conditional Use Permit to legalize the expansion of the Assisted Living Facility (Blessed Elder Care Inc.) from 6 to 12 individuals; and 2) A Variance to allow fewer on-site parking spaces than required by the Zoning Code.	
<i>Applicant</i>	Ray Martinez of RAM Designs	
<i>Project Location</i>	5041 Sierra Street, situated on the north side of Sierra Street between Palomar Way and Coronado Way	
<i>APN</i>	226-143-052	
<i>Project area</i>	0.28-acres	
<i>Ward</i>	3	
<i>Neighborhood</i>	Magnolia Center	
<i>General Plan Designation</i>	MDR – Medium Density Residential	
<i>Zoning Designation</i>	R-1-7000 – Single Family Residential Zone	
<i>Staff Planner</i>	Danielle Harper-Scott, Planning Technician 951-826-5933 Dharper-scott@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P19-0570 (Conditional Use Permit) and P19-0571 (Variance), 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 0.28-acre project site is located on the north side of Sierra Street between Palomar Way and Coronado Way. Surrounding uses include single-family residences to the north, south, east and west (Exhibit 3).

The site was originally developed in 1953 with a single-family residence and an attached single car garage. In 1996, building permits were issued to increase the total area of the residence to 3,848 square feet. During that same year, the residence was converted to an assisted living facility for Blessed Elder Care.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to legalize the expansion of the assisted living facility from 6 to 12 ambulatory and non-ambulatory occupants, 60 years of age and older. The facility has been operating with up to 12 individuals since obtaining licensing from the State of California Department of Social Services in 2010.

The facility includes 12 beds in 7 rooms (5 double rooms and 2 single rooms), a dining room, living room, kitchen, family room, staff bedroom, storage room, and laundry room. The project site provides common open space areas, consisting of indoor and outdoor recreation areas.

Two resident staff members provide 24-hour care and supervision to occupants. Facility staff are responsible for assisting occupants with daily living activities and providing support services, which include but are not limited to hospice care, home health, occupational and physical therapy. Visiting hours are scheduled by appointment seven days a week between 9:00 a.m. and 7:00 p.m.

Site improvements include the removal of a 144 square-foot covered breezeway, located between the existing garage and storage shed, and the construction of a 72 square-foot laundry room within the existing garage. An existing landscape planter along the east property line will be increased to 5-feet. The garage and one parking space on the existing driveway will be available for staff parking, while the remaining parking spaces will be available for visitor parking.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The General Plan Land Use designation for the site is MDR – Medium Density Residential, which provides for the development of single-family residences, town houses and row houses (Exhibit 4). The project site currently operates as an assisted living facility and is compatible with the character of the surrounding residential neighborhood. The proposal to expand the assisted living facility from 6 to 12 individuals is consistent with the Objectives and Policies of the General Plan 2025 Land Use and Urban Design Element by furthering the following policy:</p> <ul style="list-style-type: none"> • <u>Policy LU-67.3</u>: Allow for sensitive conversion of residential uses to commercial uses at appropriate locations. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The proposed project site is zoned R-1-7000 – Single Family Residential, which is consistent with the General Plan Land Use designation (Exhibit 5). Assisted living facilities with more than 6 occupants are permitted in the R-1-7000 – Single-Family Residential Zone, subject to the granting of a Conditional Use Permit.</p> <p>With the granting of a Variance for a reduction in parking, the proposed project would meet all the development standards for an assisted living facility. The Zoning Code allows for consideration of Variances to deviate from the development standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Riverside County Airport Land Use Compatibility Plan (ALUC)</p> <p>The proposed project is located within Zone D of the Riverside Municipal Airport Land Use Compatibility Plan, which limits density to 100 people per average acre and 300 people per single acre. As proposed, the use has a density of 16 people per average acre and 55 people per single acre; the proposal complies with the Zone D criteria for residential densities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.260 Assisted Living Facility Site Location, Operation, and Development Standards</i>						
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>	
<i>Site Location Standards</i>	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 or near a major arterial		Streeter Avenue - 88 Foot Arterial		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Access to public transportation		RTA Bus Stop – 0.3 miles		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Access to necessary support services		Community Center, commercial uses, medical uses, financial uses within 0.25 mile from project		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Assisted Living Facilities/Group Housing Separation	300 feet	329 feet Morning Sunshine Licensed Residential Care - Elderly (6810 Coronado Way)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Open Space Standards</i>	Indoor and Outdoor common open space (no minimum area required)		Indoor: ± 897 sq. ft. Outdoor: ± 3,136 sq. ft.		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.580 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: 12 beds	0.5 spaces/bed	6 spaces	4 spaces	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FINDINGS SUMMARY

Conditional Use Permit

The proposed 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 6). 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. Further, records show that there have been no complaints regarding the operation of this facility.

Variance

The Zoning Code requires assisted living facilities to provide 0.5 parking spaces per bed. The proposed project will provide 12 beds, which requires 6 parking spaces. The project site can accommodate a total of 4 on-site parking spaces (3 parallel parking spaces and 1 garage space). The Applicant has provided Variance Justification findings in support of this request (Exhibit 8). The applicant indicated the clients of the facility do not drive. In addition, visiting hours are scheduled by appointment only, which limits the number of vehicles on-site at any given time.

ENVIRONMENTAL REVIEW

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

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. Location Map
4. General Plan Map
5. Zoning Map
6. Distance Separation Map
7. Project Plans (Site Plan, Floor Plan, and Building Elevations)
8. Applicant Prepared Variance Justifications
9. Existing Site Photos

Prepared by: Danielle Harper-Scott, Planning Technician

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

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P19-0570 (Conditional Use Permit)
P19-0571 (Variance)

Conditional Use Permit Findings pursuant to Chapter 19.760.040

- A. The proposed assisted living facility 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 assisted living facility 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 assisted living facility 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.

Variance Findings pursuant to Chapter 19.720.040

Variance Request: To allow 4 on-site parking spaces, where 6 spaces are required by the Zoning Code.

- A. The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.

The proposed project **complies** with this finding. In 1953, the project site was originally constructed as a single-family residence and designed to accommodate vehicular parking by a covered garage and driveway. The strict application of the provisions of the Zoning Code requires the proposed project provide 6 parking spaces on the developed site. To accommodate 6 parking spaces, the applicant would be required to make significant modifications to the project site to provide a parking lot, which would be incompatible with the character of the surrounding residential neighborhood and could trigger additional variances.

- B. There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property, which do not apply generally to other property in the same zone or neighborhood.

The proposed project **complies** with this finding. Blessed Elder Care is currently licensed by the California Department of Social Services to provide service and care to residences ages 60 and over. Because of the nature of the facility, that occupants do not drive, and visitation is scheduled in advance to accommodate all visitors, there are unique circumstances related to this use. The project site is located approximately 0.3 miles from a Riverside Transit Agency (RTA) bus stop, located on Streeter Avenue. RTA provides Dial-A-Ride transportation service for seniors and persons with disabilities. Based on the findings noted above, the requested parking variance can be supported, and it is not anticipated that the proposal will result in inadequate on-site parking.

- C. The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

The proposed project complies with this finding. The project site can accommodate 4 vehicles for on-site parking at any given time. To assess the typical operational trends of the assisted living facility, the applicant provided a sign-in sheet that logged visitors between August 2019 through October 2020. Based on the sign-in sheet, the maximum number of visitors on a given day were 6. It should also be noted that there were no more than 3 visitors on site at any given time. Based on the typical operation of the facility, it is not anticipated that the granting of this request will be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood. Furthermore, parking is currently provided along the driveway and in the garage, which is consistent with the residential character of the neighborhood. Modifying the existing project site to accommodate a 6-stall parking lot would prove to be detrimental to the residential neighborhood as it would be significantly inconsistent with the surrounding uses. Lastly, public notices were sent to property owners within 300 feet of the site and no comments have been received by Staff regarding this project.

- D. The granting of this request will not be contrary to the objectives of the General Plan.

The proposed project complies with this finding. The proposed parking variance will not be contrary to the objectives of the General Plan. The proposed project will further Objective H-4 of the General Plan 2025, which intends *"to provide adequate housing and supportive services for Riverside residents with special needs that allow them to live fuller lives."* As proposed, Staff can make the necessary findings to support the parking variance.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: P19-0570 (Conditional Use Permit)
P19-0571 (Variance)

Case Specific

• **Planning**

1. A maximum of 12 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.

Standard Conditions

5. 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.
6. 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.
7. Prior to June 25, 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.**
8. 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.

9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
 17. 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**
 18. Change in use from an R3 to R2.1 shall be submitted to Building and Safety for review.