



**PLANNING COMMISSION HEARING DATE: AUGUST 5, 2021
AGENDA ITEM NO.: 3**

PROPOSED PROJECT

Case Number	PR-2021-000830 (Conditional Use Permit and Design Review)	
Request	To consider the following entitlements to permit a private school (Beacon Day School) in an existing educational facility: 1) Conditional Use Permit to allow a private school; and 2) Design Review of project plans for a new parking lot.	
Applicant	Sonaly Dudheker of H. Hendy Associates	
Project Location	6696 Via Vista Drive, situated on the east side of Via Vista Drive between Old Bridge Road and Canyon Hill Drive	
APN	268-040-001	
Project Area	2.8 acres	
Ward	3	
Neighborhood	Canyon Crest	
General Plan Designation	HR – Hillside Residential	
Zoning Designation	RE – Residential Estate Zone	
Staff Planner	Regine Osorio, Associate Planner (951) 826-5712 rosorio@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and

2. **APPROVE** Planning Case PR-2021-000830 (Conditional Use Permit and 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 project site consists of a 2.8-acre parcel and is developed with a vacant private school facility (formerly Hawarden Hills Academy) that closed operations in February 2021. The existing facility includes classrooms, administrative offices, a gymnasium, a covered amphitheater, 59 parking stalls open turf area, and a 630 square foot storage building (Exhibit 3).

Surrounding land uses include single family residential to the north and west, and vacant parcels zoned for residential use to the south and east. (Exhibit 4).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit a private school (Beacon Day School) to serve special needs students ages 8 to 22 years old, and Design Review of project plans for a new parking lot.

Beacon Day School offers a transitional program to students with autism and related disorders to create a pathway for each student to adulthood and independent living. Their services include speech therapy, occupational and physical therapy, physical education, music and art, and social skills classes.

A total of 150 students and 40 employees are anticipated at the school. The student cohorts will include the following:

Grade Level	Number of Students
Elementary (5 to 11 years)	40
Middle School (11 to 14 years)	40
High School (14 to 18 years)	40
Transitional (18 to 22 years)	30
Total Anticipated Enrollment	150

The school will be open Monday through Friday from 8:00 a.m. to 5:00 p.m. Staff and student arrival will occur from 8:00 a.m. to 8:45 a.m. and classes will be in session from 8:45 a.m. to 2:45 p.m. Student departure will occur from 2:45 p.m. to 3:10 p.m. Staff will depart by 5:00 p.m. Designated staff will ensure students are safely dropped-off and picked-up to and from the school campus.

A total of 25 passenger vans will be provided by the school to drop off/ pick up approximately 85 percent of the students. The remaining 15 percent of students will be transported by parents and/or legal guardians. Passenger vans will be assigned to school employees and will be parked in the school parking lot during school hours. After school hours, employees will be allowed to keep the passenger vans at their place of residence.

To facilitate adequate school operation, an existing 630 square foot storage building located on the southeast portion of the project site will be demolished to allow for a new parking lot. The parking lot will include 13 parking spaces, a six-foot high split face block wall along the south property line, and landscaping. The new parking lot will be designated for school passenger vans and employee vehicles during operating hours. Access to the site will not change as part of the proposed project.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The proposed project is consistent with the underlying General Plan 2025 Land Use designation of HR – Hillside Residential (Exhibit 5). In addition, it will further the Objectives and Policies of the General Plan 2025, specifically:</p> <p><u>Objective LU-26:</u> Develop and enforce standards for community facilities based upon population densities and proximity of existing facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The project site is zoned RE – Residential Estate Zone (Exhibit 6), which permits private schools subject to the approval of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards set forth in Chapter 19.395 – Schools. As proposed, the proposed project is consistent with the applicable development standards prescribed by the Zoning Code.</p> <p>In addition, the proposed parking lot expansion consisting of 13 additional parking spaces, landscaping and adequate circulation is consistent with the development standards set forth in Chapter 19.580 – Parking and Loading.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Citywide Design & Sign Guidelines</p> <p>The proposed parking lot expansion meets the objectives of the Citywide Design Guidelines. No other improvements as part of the proposed project.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Riverside County Airport Land Use Compatibility Plan</p> <p>The project site is located within Compatibility Zone D (Other Airport Environs) of the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for March Air Reserve Base and was found to be consistent with the RCALUCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.580 - Parking and Loading Development Standards					
Standard			Proposed	Consistent	Inconsistent
Parking Requirements*	25 School Passenger Vans (Transport 85% of Students)	25 spaces	72 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Parents/Guardians (Transport 15% of Students = 23 of 150 students)	23 spaces			
	Staff (25 drive passenger vans and 15 drive personal vehicles)	15 spaces			
	Total Required	63 spaces			

*Note: Number of parking spaces required for uses not specifically listed in Table 19.580.060 (Required Spaces) shall be determined by the Community & Economic Development Director or his/her designee based on common functional, product or compatibility characteristics and activities.

Chapter 19.395 - Schools				
Standard		Proposed	Consistent	Inconsistent
Setback	20-feet	N/A – the proposed project does not propose any expansion or exterior modification of the existing school building(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDINGS SUMMARY

Conditional Use Permit

The proposed project is consistent with applicable zoning regulations and is compatible with the surrounding properties. The project site has been designed to provide adequate onsite parking based upon operational characteristics and provides a safe and efficient vehicular and pedestrian circulation. The proposed project will contribute to the existing network of community facilities in the City and provide an education alternative for individuals with special needs.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, 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 site. As of the writing of this report, Planning Staff has received one comment letter regarding the Project. The letter expressed concerns regarding the proposed parking lot, expansion of the school facility, on-street parking (Old Bridge Road), and traffic safety at the stop sign on Via Vista Drive and Old Bridge Road.

The proposed project does not propose an expansion of the school facility. The proposed parking lot will be located on an existing paved area on the site. The new private school (Beacon Day School) will offer a transportation service to its students with special needs and will have a systematic pick-up and drop-off approach to alleviate traffic concerns in the surrounding vicinity.

The project provides more than the required parking onsite and a safe circulation plan to adequately serve the proposed school.

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 Division Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Existing Site Photos
4. Location Map
5. General Plan Map
6. Zoning Map
7. Project Plans (*Site Plan, Circulation Plan, Floor Plans*)
8. Applicant Prepared Project Description
9. Public Comment

Prepared by: Regine Osorio, Associate Planner

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

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **PR-2021-000830** (Conditional Use Permit and Design Review)

Conditional Use Permit Findings pursuant to Chapter 19.760.040

1. The proposed private school is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
2. The proposed private school 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
3. The proposed private school will be consistent with the purposes of the Zoning Code and the application of any required development standards 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: **PR-2021-000830** (Conditional Use Permit and Design Review)

Planning Division

1. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
2. Any future modifications to the approved design shall be submitted to the Planning Division for consideration. A separate application and fee may be required.
3. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new 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 Issuance of Grading Permit:

4. A 40-scale precise grading plan shall be submitted to Public Works and 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 qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
 - e. Identification of location, exposed height, material, and finish of any proposed retaining walls.

During Grading and Construction Activities:

5. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
6. 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. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Trucks and other equipment leaving the site shall be washed off;
 - f. Disturbed/loose Soils shall be kept moist at all times.
 - g. All grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site.
7. The applicant shall be responsible for erosion and dust control during construction phases of the project.
 8. 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.
 9. 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 or urban pollutants, and flooding.
 10. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

Prior to Issuance of Building Permit:

11. Landscaping and Irrigation plans shall be submitted to the Planning Division for review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
12. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
13. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall comply with Chapter 19.566 of the Zoning Code (Outdoor Lighting). 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 rights-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. Light poles within fifty (50) feet of residences are limited to fourteen (14) feet in height.

14. Construction plans submitted for Plan Check review shall specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest equipment possible, be painted green, and include of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
15. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening.

Prior to Release of Utilities and/or Occupancy:

16. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the Water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the Case Planner, at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.

Site Operation Standards:

17. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
18. 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
19. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
20. 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.

Standard Conditions:

21. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
22. The Conditional Use Permit and Design Review 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.

Please be advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.

23. 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.
24. The Conditional 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.
25. 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.
26. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
27. This permit is issued based upon the plans 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.
28. The Applicant 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.
29. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
30. 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.

Fire Department

31. 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.

32. New perimeter fencing in any Very High Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area shall comply with the 2016 California Building Code, Chapter 7A, California Fire Code and Chapter 49.
33. 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.
34. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
35. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
36. Construction plans shall be submitted and permitted prior to construction.
37. Fire Department access shall be maintained during all phases of construction.

Public Works

Prior to Permit Issuance Unless Otherwise Noted:

38. PROTECT IN PLACE existing Street Trees in PUBLIC RIGHT-OF-WAY along VIA VISTA DR. If existing Street Trees are found by Tree Inspector at time of scheduled site inspection (after fine grading and hardscape installation is complete), to be missing, dead, damaged or in poor condition, they will be required to be removed and replaced with 24" box size trees to match existing. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications
39. Traffic shall not queue on Via Vista Drive. If traffic begins to queue on Via Vista Drive, Public Works – Traffic Division reserves the right to request modifications to operations and site design.