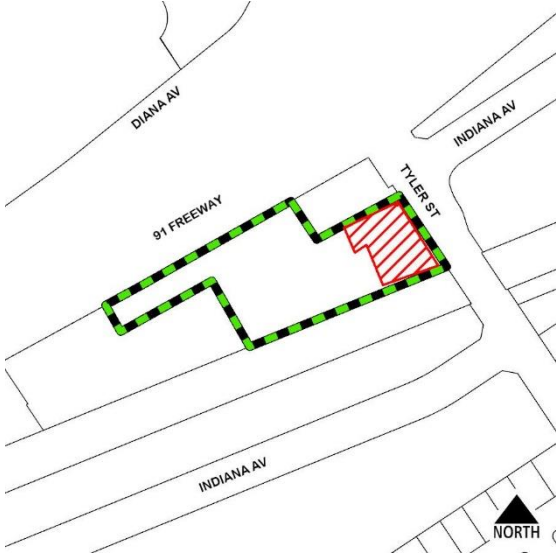




**PLANNING COMMISSION HEARING DATE: FEBRUARY 1, 2024
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

Case Number	PR-2023-001528 (Conditional Use Permit, Design Review)	
Request	To consider the following entitlements to permit a fitness center (Planet Fitness) in a vacant 20,004 square-foot commercial space within an existing multi-tenant commercial shopping center: 1) Conditional Use Permit to permit a fitness center; and 2) Design Review of project plans.	
Applicant	Andrew Davies on behalf of Planet Fitness	
Project Location	3380 Tyler Street, situated on the west side of Tyler Street between State Route 91 and Indiana Avenue	
APNs	138-110-022	
Project area	2.82-acres	
Ward	5	
Neighborhood	La Sierra Arlington	
General Plan Designation	MU-V- Mixed-Use Village Housing Element Opportunity Site No. 448	
Zoning Designation	MU-V-S-2-X – Mixed-Use Village, Building Stories (2 Stories) and Building Setback (10 feet) Overlay Zones	
Staff Planner	Judy Egüez, Senior Planner 951-826-3969 JEguez@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 Sections 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-2023-001528 (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 2.82-acre project site consists of a single parcel, developed with a 40,000 square foot building and is part of a larger multi-tenant commercial shopping center. The site is surrounded by the 91 Freeway to the north, commercial uses to the west and east (across Tyler Street), and the Burlington Northern Santa Fe (BNSF)/Inland Empire-Orange County Railroad Line to the south. (Exhibits 3 and 4).

The site was developed in the 1980's and has previously operated as a lumber store, a sporting goods store, and a furniture store. Vehicular access to the shopping center is provided from a signalized intersection at Tyler Street.

PROPOSAL

The applicant is requesting approval of the following entitlements to allow a fitness center (Planet Fitness) in a vacant 20,004 square-foot tenant space, within an existing multi-tenant commercial shopping center: 1) Conditional Use Permit to permit a fitness center; and 2) Design Review of project plans.

The project proposes to divide the existing commercial building into two tenant spaces. The applicant (Planet Fitness) will occupy 20,004 square feet, and the remaining 19,996 square feet will remain vacant until occupied by a future tenant.

Planet Fitness is a full-service fitness center that operates 7 days a week, 24-hour per day. The facility will include full locker rooms with showers, various stationary cardio machines, free weights and a circuit training area. The facility will also feature a wellness area with amenities such as tanning and massages. An existing outdoor patio area on the east side of the building will remain and only be used by employees. Planet Fitness will employ up to 14 employees.

Exterior improvements include new storefront glazing, new storefront entry door, application of fiber cement panels along the front façade, and new paint.

The site will continue to be accessed from Tyler Street. Parking is allocated and shared throughout the shopping center.

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 MU-V – Mixed Use – Village, which provides for opportunities for neighborhood-serving commercial uses with limited low intensity residential uses in a mixed-use environment. This designation also encourages adaptive reuse of underutilized property and pedestrian-oriented retail and commercial service uses. The proposed project will serve to enhance the viability and aesthetic appeal of this commercial center by providing a fitness center, typically a destination-type use, which can increase the customer base of existing businesses in the commercial center.</p> <p>The proposed project is also consistent with the General Plan Land Use and Urban Design Element Objectives, Goals and Policies of the La Sierra South Neighborhood and will further the intent of the General Plan 2025 through consistency with the following objective:</p> <ul style="list-style-type: none"> Objective LU-65: Improve the La Sierra South neighborhood, balancing the needs and interests of residents and businesses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The site is in the MU-V-S-2-X – Mixed-Use Village, Building Stories (2 Stories) and Building Setback (10 feet) Overlay Zones. The project is consistent with the MU-V Mixed-Use Village land use designation. Fitness centers over 4,000 square feet in size are subject to the granting of a Conditional Use Permit.</p> <p>The proposed project meets the objectives of the Zoning Code and the development standards established for the Mixed-Use Village Zone.</p> <p>The shopping center contains 346 existing parking spaces, and no parking spaces will be removed with this proposal. The project is located within transit corridor, meeting the criteria defined in State Assembly Bill AB2097 and is exempt from minimum parking requirements in the Riverside Municipal Code (RMC). However, the shopping center provides adequate parking for all uses through the shopping center's shared parking arrangement.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>6th Cycle Housing Element</p> <p>As an opportunity site under the 6th Cycle Housing Element Update, the City received credit for 56 units towards the City's RHNA allocation. The project will not yield any units at this time for the opportunity site as the project proposes to reuse the existing building for a non-residential purpose. The 6th Cycle Housing Element Update</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

allocated a surplus of opportunity sites to accommodate housing and comply with RHNA. The absence of units due to the remodel of this site would not compromise the City's goal to meet the total RHNA units.		
<i>Compliance with Citywide Design & Sign Guidelines</i> The proposed exterior modifications meet the objectives of the Citywide Design Guidelines for architectural design. The project proposes to enhance the existing building façade by adding storefront fenestration, including cement paneling as an accent, and new paint color to reflect a modern appearance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDINGS SUMMARY

Conditional Use Permit

The proposed fitness center is compatible with the surrounding uses and provides a neighborhood service to the surrounding community. The proposed project will occupy an underutilized tenant space, activating the area and bringing greater convenience and value to the shopping center. The proposed fitness center is consistent with the development standards and the intent of the MU-V Zone, which allows a broad range of commercial uses. 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.

ENVIRONMENTAL DETERMINATION

The Planning Division of the Community & Economic Development Department has determined that this project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), Article 19 of the CEQA Guidelines.

PUBLIC NOTICE AND COMMENTS

Public notices were mailed to properties within 300 feet of the project site. As of the writing of this report, Staff has not received any written comments regarding this project.

STRATEGIC PLAN ALIGNMENT

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 3 – Economic Opportunity (Goal 3.3 – Cultivate a business climate that welcomes innovation, entrepreneurship, and investment).

This item aligns with the following Cross-Cutting Threads:

1. *Community Trust*: The Conditional Use Permit for the proposed Fitness Center requires public hearings by the Planning Commission and encourages public participation.
2. *Equity*: The proposed project provides a service available to all residents.
3. *Fiscal Responsibility*: All project costs are borne by the applicant.
4. *Innovation*: The proposed project will revitalize an existing building with a new use and will activate the shopping center.
5. *Sustainability and Resiliency*: All construction related to the remodel of the building will meet the most up-to-date Building Codes.

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. Existing Site Photos
4. Location Map
5. General Plan Map
6. Zoning Map
7. Project Plans (Site Plan, Floor Plans, Roof Plan, Elevations,)



CITY OF
RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – FINDINGS

PLANNING CASE: **PR-2023-001528** (Conditional Use Permit, Design Review)

Conditional Use Permit Findings Pursuant to Chapter 19.760.040, as outlined in the Staff Report

1. The proposed use 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 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
3. The proposed use will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASE: PR-2023-001528 (Conditional Use Permit and Design Review)

Planning Division

1. 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.
2. 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.
3. **Advisory:** Signs and murals shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, if necessary prior to any sign permit issuance.

Prior to Occupancy:

4. The two accessory structures located to the west of the Future Tenant Building (Area B) shall be demolished.
5. All barbed wire shall be removed from the building and surrounding walls.

Site Operation Standards:

6. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
7. 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.
8. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
9. 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.
10. The applicant will be required to remove any graffiti on the project site within 48 hours of the incident being reported to City of Riverside Code Enforcement.

Standard Conditions

11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
19. 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

20. 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. The alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

21. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate permit to Riverside Fire Department for approval and permit issuance prior to any work on such systems.
22. Assembly Group A occupancies shall be provided with a manual fire alarm system having an occupant load of 300 or more. See C.F.C. exceptions and specific requirements for occupant loads of 1000 or more. Submit plans and obtain approvals from the Fire Department prior to installation. The new fire alarm systems shall be UL, FM or ETL certificated for the life of the system. Central Station shall be UL UUFX. (CFC, Sec. 907.4.2, 907.1.2).
23. A Fire Safety and Evacuation plan shall be provided in all Group A occupancies other than Group A occupancies used exclusively for religious worship, that have an occupant load of less than 2000 persons. The Fire Safety and Evacuation Plan shall be submitted to the Fire Department for review prior to final occupancy. 2016 California Fire Code, Chapter 4. An evacuation drill shall be conducted quarterly for employees only.
24. 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.
25. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
26. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
27. Construction plans shall be submitted and permitted prior to construction.
28. Fire Department access shall be maintained during all phases of construction.
29. Where a portion of the building is more than 350 feet from a hydrant on a fire access road, as measured by an approved route around the exterior of the building, on-site fire hydrant(s) shall be provided where required by the fire department. (RMC, Section 16.32.315).

Public Works - Traffic

30. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvements.
31. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete following improvements for the intersection Indiana Avenue and Tyler Street (North):

- a. A. Upgrade existing six (6) pedestrian push buttons to Polara audible pedestrian push buttons (or City approved equal) with a central control unit system. An acceptable audible pedestrian push button assembly and system is the Polara Model INS with 5" x 7" R10-3 face plates.
- b. Upgrade existing 3 crosswalks to high visibility crosswalks at three approaches.
- c. Furnish and install a Marathon Battery Backup System (BBS) (or City approved equivalent).

The applicant shall hire a contractor to install the traffic signal equipment to its intended operating conditions. All signage and striping improvements must comply with the most current California Manual of Uniform Traffic Control Devices (MUTCD) standards. The applicant shall hire a contractor to install MUTCD & City of Riverside Standard compliant signage & striping and signal modification improvements. The applicant shall obtain any necessary permits and approvals to complete the improvements. The applicant is solely responsible for the **procurement and installation** of the improvements to the satisfaction of the Director of Public Works.

32. Signing & striping improvements and traffic signal modifications in this memo shall be shown on traffic design plans signed by a licensed civil or traffic engineer and to the satisfaction of the Director of Public Works