



Community & Economic Development Department

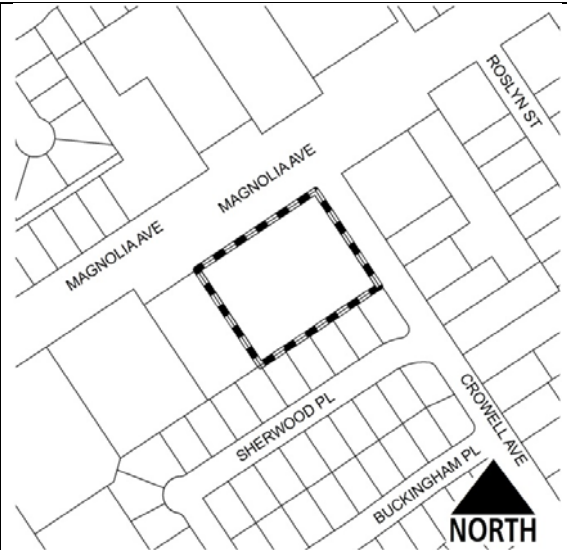
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Planning Division

PLANNING COMMISSION HEARING DATE: JULY 9, 2015

AGENDA ITEM NO.: 5

PROPOSED PROJECT

<i>Case Numbers</i>	P15-0265 (Revised Conditional Use Permit), P15-0403 (Design Review)	
<i>Request</i>	To increase the number of children permitted at an existing daycare facility from 144 to 200 and permit the construction of two modular structures.	
<i>Applicant</i>	Luke Robinson, Family Service Association (FSA)	
<i>Project Location</i>	8172 Magnolia Avenue	
<i>APN</i>	231-105-001	
<i>Project area</i>	Approximately 2 acre site	
<i>Ward</i>	5	
<i>Neighborhood</i>	Ramona Neighborhood	
<i>Specific Plan</i>	Magnolia Avenue Specific Plan	
<i>General Plan Designation</i>	VHDR- Very High Density Residential	
<i>Zoning Designation</i>	R-1-7000 – Single Family Residential	
<i>Staff Planner</i>	Gaby Adame, Assistant Planer; 951-826-5933; gadame@riversideca.gov	

RECOMMENDATIONS

Pursuant to Chapters 2.40 and 19.050.030 of the Riverside Municipal Code, the Planning Commission is asked review the proposed project subject to its consistency with the Zoning Code (Title 19). Specifically, Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that this proposal is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 (In-Fill Development);

2. **RECOMMEND APPROVAL** of Planning Cases Case Numbers: P15-0265 (Conditional Use Permit) and P15-0403 (Design Review) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions;
3. **RECOMMEND ADOPTION** of attached exhibits 6-8 as approved project plans, subject to recommended conditions of approval.

Pursuant to Riverside Municipal Code (RMC) Sections 19.650.020 and 19.760.050, the decision of Planning Commission to grant a Conditional Use Permit shall require an affirmative vote of 2/3 of the Commission membership present and voting at the public hearing.

SITE BACKGROUND

In 1961 a Conditional Use Permit (Planning Case C-8-612) was approved to allow the establishment of the existing Young Women's Christian Association (YWCA) facility on the subject property. The existing approximately 15,000 square-foot single-story building is served by a 90-stall parking lot situated along the easterly and southerly sides of the property. Vehicular access is provided from the Magnolia Avenue frontage road and Crowell Avenue. A six-foot high masonry wall along the westerly and southerly property lines separates the subject site from single family residences. A six-foot high chain link fence exists along a portion of the Magnolia Avenue frontage road and the entire Crowell Avenue frontage. Chain link fencing also exists between the recreation and parking areas to secure the playground area. Tubular steel gates secure both driveways off of the Magnolia Avenue frontage road and Crowell Avenue.

In 1985 a revised Conditional Use Permit was approved at the YWCA to establish a day care facility for 34 preschool age children and 4 infants. The fenced outdoor playground and lawn areas were installed described above were installed in conjunction with the day care facility.

In 2009 a second Conditional Use Permit (P09-0213) was approved to allow the facility to increase the number of children from 34 to 144, as well as install four temporary modular structures. Conditions of approval required the temporary modular structures to be removed and replaced with permanent structures within five (5) years. The applicant is now seeking a revision to these conditions of the existing Conditional Use Permit.

According to the State Community Care Licensing Division, the day care facility is currently licensed for a maximum of 18 infants (ages 6 weeks to 24 months) and 112 preschool children (ages 2 to 5 years).

PROPOSAL

The applicant is requesting approval to revise its existing Conditional Use Permit (CUP) approval to increase the capacity of the day care facility from 144 to 200 children. The applicant has indicated that the total enrollment will be around 220 children, though the expanded day care facility will not exceed the proposed maximum capacity of 200 children at any given time.

In conjunction with this request, two modular structures are proposed to be placed on the property. Each modular measures 40 feet in length and 24 feet in width, both totaling 1,920 square feet. Each additional modular will accommodate up to 24 children.

Operations

The day care facility will operate from 6:00 a.m. to 6:00 p.m. Monday through Friday. The daycare center will be staffed by 45 full-time employees, which is an increase from 36 full-time

employees. The employees will work the following staggered shifts: (A) 6:00 a.m. to 5:00 p.m., (B) 8:00 a.m. to 5:00 p.m., and (C) 9:00 a.m. to 6:00 p.m. The anticipated peak time for drop-off of children is from 6:00 a.m. and 8:30 a.m.; and the peak pick-up time is between 4:00 p.m. and 6:00 p.m.

The two new modular structures, along with the four structures already onsite, will be used to care for children from 3 through 5 years of age. Two additional classrooms inside the existing building will be used for toddler and infant care, with a maximum of capacity of 34 children. The applicant has also indicated that Family Services Association (FSA) runs roughly 5-10 community based programs out of the Magnolia building. These program and services include: Parent Child Interactive Therapy (PCIT), Parenting classes, Individual and Group Counseling classes, and other community based assistance programs like bus passes, community referrals, and utility assistance. These programs are staffed by roughly 7-10 employees working 8 a.m. to 5 p.m.; however, many of these employees spend their time between multiple locations or offices during the work day.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<i>General Plan 2025</i> The proposed project is consistent with the General Plan objective to ensure that day care centers are provided through "a network of modern, effective and adequate community facilities ...equitably distributed across the entire City."	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Specific Plan</i> The project site is consistent with the Magnolia Avenue Specific Plan by encouraging the growth of institutional uses along the Magnolia Avenue corridor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Zoning Code Land Use Consistency (Title 19)</i> The underlying R-1-7000 – Single Family Residential Zone permits Day Care centers pursuant to the granting of a Conditional Use Permit, and compliance with development standards outlined in Section 19.290.030 of the Zoning Code. The proposed day care expansion complies with all of these requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Compliance with Citywide Design & Sign Guidelines</i> The proposed project meets the objectives of the City's design guidance document, subject to the recommended conditions of approval detailed below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Site Plan Review & Design Review (Title 19)</i>					
Standard			Existing Spaces	Consistent	Inconsistent
<i>Min. Parking¹</i>	Day Care Facility	66 required		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Existing FSA Programs	10 required			
	TOTAL	76 required	90 existing		

Site Access and Parking

As indicated from the table above, the existing 90 parking spaces are sufficient to meet the demands of employees and customers using the facility. Access to the site will continue to be provided from Magnolia Avenue and Crowell Avenue.

Phasing Plan

As mentioned above, the Conditional Use Permit (P09-0213) approved in 2009 allowed the maximum number of children to increase from 34 to 144. This expansion included a condition of approval that required the modular structures to be removed and replaced with permanent buildings within 5 years (i.e., year 2014). The applicant is currently requesting that the modular structures approved in 2009 (exhibit 9) not be removed, and that they remain in perpetuity. Furthermore, the applicant is request to construct additional modular structures to meet their requested increase from 144 to 200 children.

While staff is always concerned with applicants not complying with the City's conditions of approval, staff also recognizes that applicants have the right to request revisions to their approvals through the public hearing process, and that valid arguments supporting an amendment are often provided. In some cases economic conditions may change after a project is approved, which make compliance with imposed conditions impossible; or potential impacts envisioned during the approval process did not occur as expected. In either case, it is the burden of the applicant to justify the deviation from the stipulated conditions that were previously required by the Planning Commission.

While the burden to justifying an amendment to the existing conditions of approval is the applicant's, the Planning staff has recommended condition of approval in this report as a placeholder for the Planning Commission (condition no. 4). Staff's recommended condition assumes the Commission would allow for the applicant's expansion to move forward with similar condition as established in 2009, which is to require all the temporary structures to be removed and replaced with permanent structures within five years (year 2020).

¹ Minimum parking requirements for day care centers is 1 space/ employee plus 1 space/facility vehicle, plus 1 space/10 persons at facility.

Technically speaking, the need to remove the structures is based on compatibility concerns with the surrounding neighborhoods, as the Zoning Code does not prevent modular buildings from being used in perpetuity. Should the Planning Commission support the perpetual use of modular structures, then the Commission should remove condition no. 4 when approving staff's recommendation.

Please keep in mind that the Planning Commission is under no obligation to remove or amend the conditions. Should the Planning Commission choose not to support the applicant's request to remove or amend the condition, then the Commission should deny the conditional use permit request, and direct staff to initiate a Code Enforcement case to remove the existing modular structures and replace them with permanent buildings.

ENVIRONMENTAL IMPACTS

This project has been deemed exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 (In-Fill Development). The proposed project will not have a significant effect on the environment.

NEIGHBORHOOD COMPATIBILITY

The project site is located in area where various land uses exist, including residential, office, and institutional uses. Single family residences exists approximately 75 feet to the east of the outdoor play area, and apartments are located to the north and south of the project site, the closest being 75 feet away from the modular structures, across Crowell Avenue. The existing landscaping along the perimeter chain link fence and southerly masonry wall will help reduce visual and noise impacts. Based on the above, staff supports the expanded day care use and believes it is a beneficial community service and will be compatible with the surrounding neighborhood.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. In conjunction with the application, Staff received 23 letters from families in support of the proposal. No correspondence in opposition to the request has been received as of this writing.

EXHIBITS LIST

1. Staff Recommended Conditions of Approval
2. Staff Recommended Findings
3. Aerial Photo
4. General Plan Map
5. Zoning Map
6. Site Plan
7. Floor Plans
8. Existing Site Photos
9. Elevations

Report and Recommendations Prepared by:
Report and Recommendations Reviewed by:
Report and Recommendations Approved by:

Gaby Adame, Assistant Planner
Kyle J. Smith, AICP, Senior Planner
Jay Eastman, AICP, Interim City Planner
Emilio Ramirez, Interim Community &
Economic Development Director



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P15-0265 (Conditional Use Permit)
 P15-0403 (Design Review)

STAFF RECOMMENDED FINDINGS

Site Plan Permit & Design Review:

- a. The proposed project is consistent with the General Plan 2025 and the intent and purpose of the VHDR- Very High Density Residential General Plan land use designation;
- b. The proposed expansion of the day care center is appropriate for the site and location by fostering a mixture and variety of land uses within the zone and the general vicinity, contributes to a synergistic relationship between uses, and increases institutional uses in the area;
- c. The proposed expansion is harmonious with its surrounding environment. Buildings within residential zone must also be compatible with each other and be designed as an integrated, unified project. All proposed development must meet the design standards and guidelines in Section 19.120.070 (Design Standards and Guidelines).
- d. With the recommended conditions of approval, the proposed use is substantially compatible with the existing residential and commercial uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- e. The proposed day care expansion as conditioned 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, with implementation of the recommended conditions of approval;
- f. The proposed day care use as conditioned 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 Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT 2 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: **P15-0265** (Conditional Use Permit)

P15-0403 (Design Review)

Case Specific

• **Planning**

1. The day care center shall be limited to a maximum of 45 employees and 200 children on site at any given time. Any additional staff or children above and beyond these numbers will require consideration of a revised Conditional Use Permit by the City Planning Commission.
2. 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, including any required variances. A separate sign application, including fees and additional sets of plans, is necessary prior to any sign permit issuance.

Prior to Building Permit Issuance

3. Plans shall be submitted depicting that the final placement of the modular buildings shall comply with the California Building Code, as determined by the Building and Safety Division.
4. All modular buildings on-site shall remain on the premises for a maximum of five years from the date of approval.
5. Prior to receiving a Building Permit the plot plan, building elevations, landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. A separate application and filing fee is required. The plot plan and building elevations must be approved prior to building permit issuance; landscaping and irrigation plans must be submitted prior to building permit issuance.
 - a. Additional landscaping shall be provided along the southerly property line and along the remainder of the Magnolia Avenue street frontage to fill in the "gaps" along these property lines.
6. Details regarding building skirting, colors, mechanical equipment screening shall be provided on the plans submitted for plan check review and will be subject to review and approval by Design Review staff.
7. Plans submitted for Design Review staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and installation of a screen wall.

Prior to Occupancy

8. The project shall be subject to the payment of school fees and the Transportation Uniform Mitigation Fee (TUMF) and local traffic and transportation fees in accordance with City Ordinances, prior to building permit issuance.
9. The applicant shall obtain all licenses and permits required by State law of operation of the facility. The applicant shall keep all State licenses or permits valid and current. Failure to comply will result in revocation of this revised Conditional Use Permit.

Operational Conditions

10. The day care facility operation shall be limited to Monday through Friday, 6:00 a.m. to 6:00 p.m. No Holiday, Weekend, or Night operation shall be permitted. Should the applicant request revised hours of operation in the future, a revised Conditional Use Permit will be required including all applicable submittal requirements and fees.
11. The day care facility shall be operated as described in the submitted application for this case and as described in the body of the attached report.
12. The site shall be fully landscaped and maintained and kept in clean, weed and graffiti free condition at all times.
13. Signage shall be limited to that permitted under the City's Sign Code.
14. The business for which this Conditional Use Permit is granted shall be continually operated in compliance with the definition for a day care facility, contained in Definitions Section 19.910.050 of the Zoning Code, and all site location, operation and development standards contained in Section 19.290.030 of the Zoning Code. Failure to comply with these requirements will be grounds for Code Enforcement action, revocation or further legal action.

- **Public Works**

THE FOLLOWING PUBLIC WORKS "ENGINEERING" CONDITIONS TO BE MET PRIOR TO CASE FINALIZATION:

15. No conditions.

- **Public Utilities – Electric**

CONTACT SUMMER AYALA AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.

16. 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 purveyor.
17. 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.

- **Public Utilities – Water**

18. No Conditions.

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:

19. Construction plans shall be submitted and permitted prior to construction.
20. Fire Department access is required to be maintained during all phases of construction.

21. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

- **Parks and Recreation**

22. No Conditions.

Standard Conditions

- **Planning**

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. 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.
25. 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.
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 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.
28. 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.
29. Failure to abide by all conditions of this permit shall be cause for revocation.
30. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
31. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.

32. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter
33. The project must be completed per the Design Review 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 by Design Review staff. Upon completion of the project, a Design Review staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.
34. This approval is for design concept only, and does not indicate the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
35. There is a 24 month time limit on this approval
36. 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.

GENERAL INFORMATION NOTES

1. Appeal Information

- a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision.
- b. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.



Exhibit 3 - P15-0265, -0403, Aerial Photo

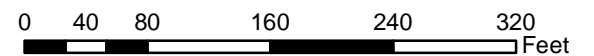




Exhibit 5 - P15-0265, -0403, General Plan Land Use

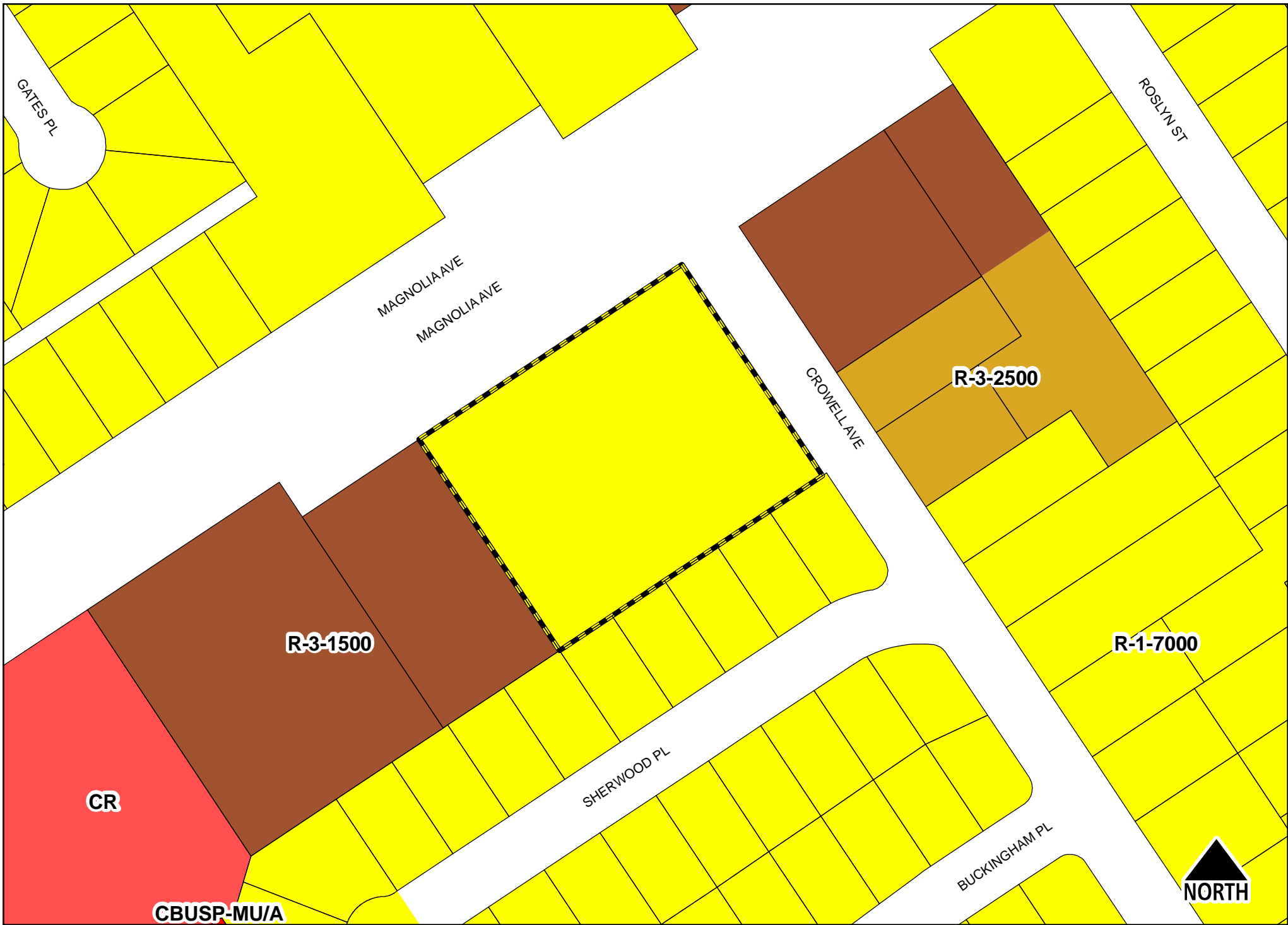
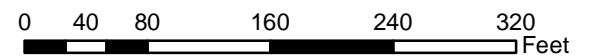


Exhibit 5 - P15-0265, -0403, Zoning Map

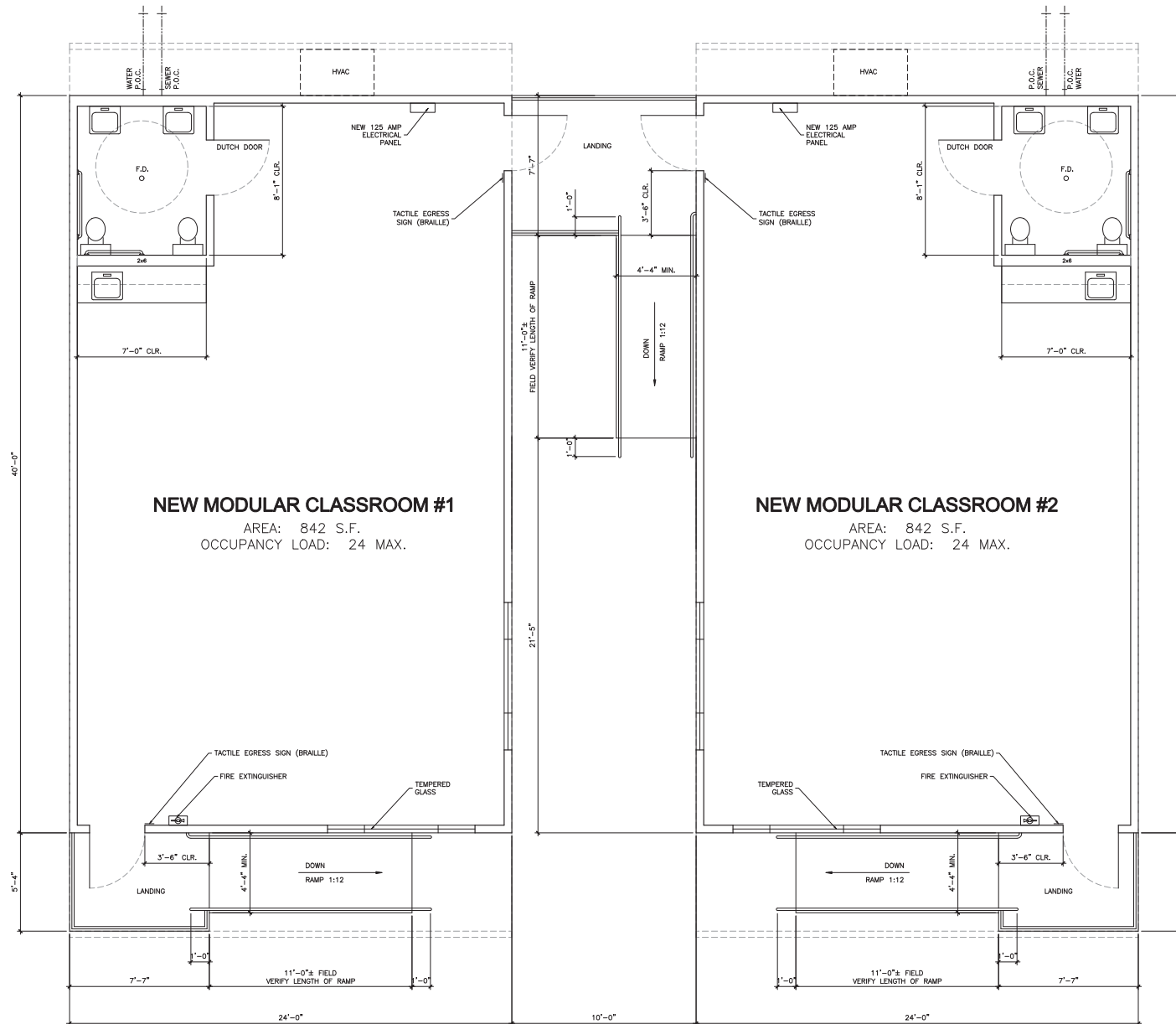


MAGNOLIA (FRONT STREET)



SCALE: 1" = 20'-0"





NEW PORTABLE CLASSROOM #1 - 960 S.F.

SCALE: 3/8" = 1'-0"

NEW PORTABLE CLASSROOM #2 - 960 S.F.

SCALE: 3/8" = 1'-0"



Exhibit 8 - P15-0265, -0403, Existing Site Photos



Exhibit 8 - P15-0265, -0403, Existing Site Photos



Exhibit 8 - P15-0265 -0403 Existing Site Photos



Exhibit 9 - P15-0265, -0403, Elevations



Exhibit 9 - P15-0265, -0403, Elevations



Exhibit 9 - P15-0265, -0403, Elevations