



**PLANNING COMMISSION HEARING DATE: FEBRUARY 1, 2024
AGENDA ITEM NO.: 5**

PROPOSED PROJECT

Case Number	PR-2023-001598 (Conditional Use Permit)	
Request	To consider a Conditional Use Permit to allow an adult day care facility within a vacant 7,500-square foot existing commercial building.	
Applicant	Manishkumar Patel and Piyush Sakhareliya for Riverside ADHC, Inc	
Project Location	9571 Magnolia Avenue, situated on the north side of Magnolia Avenue, between Van Buren Boulevard and Roosevelt Street.	
APNs	145-304-006	
Project Area	0.35 acres	
Ward	5	
Neighborhood	Arlington	
General Plan Designation	MU-V- Mixed-Use Village	
Specific Plan	Magnolia Avenue Specific Plan - Arlington District	
Zoning Designation	CR-NC-SP – Commercial Retail, Neighborhood Commercial, and Specific Plan (Magnolia Avenue) Overlay Zones	
Staff Planner	Veronica Hernandez, Senior Planner 951-826-3965 Vhernandez@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-2023-001598 (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 0.35-acre project site consists of a single parcel that is developed with a 10,500-square foot multi-tenant commercial building. The project location is within an existing vacant tenant space. b. Adjacent uses include commercial uses to the east and west, Arlington Park to the north, and Arlington Library to the south (across Magnolia Avenue) (Exhibits 3 and 4).

The site was originally developed in the 1950s and the building has operated as a furniture store, discount store, and fitness center. The building consists of two tenant spaces – a 7,500-square foot tenant space proposed for the adult day care use, and a 3,000-square foot tenant space that is currently vacant.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit an adult day care center within an existing multi-tenant commercial building, to accommodate up to 75 adults, predominantly 55 years of age or older. The proposed adult day care will occupy the 7,500-square foot tenant space, while the remaining 3,000-square feet will remain vacant until occupied by a future tenant.

The adult day care center will provide programs for seniors and individuals with disabilities to promote an active and productive lifestyle. Specific programs will include arts and crafts, music therapy, daily exercises, yoga, and games, as well as occupational, physical, and speech therapies. Other services available to participants include health monitoring and care and nutrition counseling. Courtesy transportation will be provided by two vans for participants for both pick-up and drop-off; it is anticipated that most participants will utilize the facility vans rather than personal transportation.

The adult day care center will operate Monday through Friday from 7:00 a.m. to 5:00 p.m. Participants will be able to attend either full-time or part-time, depending on their needs. The adult day care center will be staffed by 7 full-time employees. Transportation to and from the center will be provided by the adult day care center.

Improvements are limited to interior building modifications to include new offices, bathrooms, laundry facilities, storage areas, and an open flex space with moveable tables and chairs for day care related activities. Vehicular access will continue to be provided from a singular driveway on Miller Street. Parking is allocated and shared amongst the tenants.

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 primarily neighborhood-serving commercial uses with limited low intensity residential uses in a mixed-use environment (Exhibit 5). This designation also encourages adaptive reuse of underutilized property and pedestrian-oriented retail and commercial service uses. The proposed project is located within an established neighborhood, adjacent to many amenities, and will provide additional options for elder care in the community.</p> <p>The proposed project is consistent with the General Plan Land Use and Urban Design Element Objectives, Goals and Policies of the Arlington 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-37: Spur the economic revitalization of the Arlington Neighborhood. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Magnolia Avenue Specific Plan</p> <p>The proposed project is located within the Arlington District of the Magnolia Avenue Specific Plan (Exhibit 6), consisting of a mixture of residential neighborhoods and pre-1950s commercial buildings. The proposed project furthers the vision of the Arlington District by providing a use that complements the surrounding development and solidifies developments within the Arlington Village area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The site is in the MU-V-NC-SP – Mixed-Use – Village, Neighborhood Commercial, and Specific Plan (Magnolia Avenue) Overlay Zones, which are consistent with the MU-V – Mixed-Use – Village Land Use Designation (Exhibit 7). Adult day care centers are permitted subject to the granting of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards.</p> <p>The proposed project meets the objectives of the Zoning Code and the development standards established for the Mixed-Use Village Zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Magnolia Avenue Specific Plan Design Guidelines</p> <p>No exterior modifications are proposed as part of this application. Any future signs will be subject to Design Review to ensure compliance with the Magnolia Avenue Design & Sign Guidelines and Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.290 Day Care Center Standards				
Standard		Proposed	Consistent	Inconsistent
Site Location Standards	Minimum 600-foot separation from existing day care center	6,500 feet – (Kids Grove Learning Center 10429 Hole Ave.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Chapter 19.580 Parking and Loading Standards						
Min. Parking	Use	Standard	Parking Required	Proposed	Consistent	Inconsistent
	Adult Day Care Center	7 employees	1 space/ staff	7 spaces	12* 33 spaces total shared amongst tenants	<input checked="" type="checkbox"/>
75 persons		1 space/ 10 persons	8 spaces			
2 vans		1 space/ vehicle facility	2 spaces			
Total Parking Spaces			17			

* Pursuant to Assembly Bill 2097, additional parking is not required for this property, as it is located within a High-Quality Transit Corridor.

FINDINGS SUMMARY

Conditional Use Permit

The proposed project will be compatible with the surrounding mix of commercial and residential uses. The site provides adequate circulation and parking for employees, participants, and facility vehicles. Adequate access is provided via a singular driveway on Miller Street. To further ensure the use is compatible with the surrounding area, the applicable site operation standards relative to day care centers have been incorporated into the recommended conditions of approval. The proposed project will not be detrimental to the health, safety, or general welfare of the public or surrounding area.

ENVIRONMENTAL 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 Adult Day Care 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. Specific Plan Map
7. Zoning Map
8. Applicant Prepared Business Operations Plan
9. Project Plans (Site Plan, Floor Plans)

Prepared by: Veronica Hernandez, Senior Planner

Reviewed by: Brian Norton, Principal Planner

Approved by: Maribeth Tinio, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASE: PR-2023-001598 (Conditional Use Permit)

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-2023-001598 (Conditional Use Permit)

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.

During Construction Activities:

4. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
5. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
6. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

Site Operation Standards:

7. The applicant is required to obtain all licenses and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current.
8. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
9. 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.
10. The applicant shall be responsible for maintaining site landscaping and irrigation.
11. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
12. 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.

- 13. 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

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

Prior to **February 1, 2025**, 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.**

- 16. 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.
- 17. 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.
- 18. 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.
- 19. 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.
- 20. 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.

21. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
22. 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

23. An automatic fire sprinkler system is required by City Ordinance 16.32.335. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements. The backflow has been agreed that it would need be on Miller St.

24. One additional public fire hydrant will be required on Magnolia Avenue fronting the business.
25. An automatic smoke detection system shall be installed throughout the Group I-4 occupancy. These spaces to include Day Room, Activity Room, and other spaces normally occupied by clients.(CFC 907.2.6.4).
26. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System in:
 - a. Existing buildings when modifications or repairs exceed 50 percent of the usable floor area; and

Grid tests shall be submitted to the Riverside Police Communication Analyst (951) 353-7270, for review and determination for a system. If a system is required, plans will need to be sent to Riverside Fire Department for approval and permit issuance prior to any work on such systems. The Riverside Police Communication Analyst will conduct an acceptance test of the system and a copy of the report shall be forwarded to the Fire Department

27. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
28. Construction plans shall be submitted and permitted prior to construction.
29. Fire Department access shall be maintained during all phases of construction.
30. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
31. Provide for Fire Department access to the gate. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details. An "Infrared Automatic Gate System" is required for all electric gates. Contact the Fire Prevention Division for information. (CFC, Sec. 503.5).
32. 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.

33. 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.

Public Works - Traffic

34. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a stop sign (R1-1), stop bar, stop legend, at the projects driveways. Stop signs must conform to City Standard 664 and the markings must conform to the California Manual on Uniform Traffic Control Devices, Part 2A and 2B: <https://dot.ca.gov/programs/safety-programs/camutcd/camutcd-files>.

The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage and striping 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 improvement.

Public Utilities - Water

35. New water service installations are processed under a separate plan and permit submitted directly to the Public Utilities Department. Water plan must be submitted prior to issuance of building permit.