



**PLANNING COMMISSION HEARING DATE: MAY 23, 2024
AGENDA ITEM NO.: 6**

PROPOSED PROJECT

Case Number	PR-2023-001619 (Conditional Use Permit)	
Request	To consider a Conditional Use Permit to establish a childcare facility within an existing commercial building.	
Applicant	Matthew Dillard of MPD Design LLC.	
Project Location	4103 Tyler Street, situated on the northeast corner of Tyler Street and Bonita Avenue.	
APNs	145-092-013	
Project Area	0.82-acre	
Ward	6	
Neighborhood	La Sierra	
General Plan Designation	C - Commercial	
Zoning Designation	CR – Commercial Retail	
Staff Planner	Winnie Liang, Associate Planner 951-826-5933 Wliang@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-2023-001619 (Conditional Use Permit) 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 AND PROPOSAL

The 0.82-acre project site is developed with a single-story 10,168-square-foot commercial building and 54-stall surface parking lot. Surrounding uses include medical offices to the south (across Tyler Street), retail uses to east (across Bonita Avenue), vacant land to the west, and single-family residential to the north (Exhibit 3 and 4). There are two bus stops located on Tyler Street, which is within the ½-mile walking radius to the subject site.

The applicant is requesting approval of a Conditional Use Permit to permit a childcare facility, the Mexican American Opportunity Foundation (MAOF), within an existing commercial building. The facility will accommodate up to 123 children, ages 0-5 years, with a potential mix of 48 pre-school students, 48 toddlers and 27 infants. The proposed childcare facility will provide services to low-income families in the community.

Proposed interior modifications include the construction of seven classrooms, offices, a kitchen, restrooms, and a lounge. Exterior modifications to the site include installation of playground equipment and a synthetic play surface as part of the 6,193-square-foot outdoor playground area. The existing 6-foot-tall wrought iron fence and electric sliding gate will be relocated along the front property lines with Tyler Street and Bonita Avenue. A 6-foot-tall hedge will be provided in the landscape setback area to provide screening of the outdoor playground from the public right-of-way. In addition, bollards will be added along a portion of the wrought iron fence section to provide safety measures for the children and staff. Minimal changes to the exterior to the existing building are proposed, with the installation of additional windows and a mural facing Tyler Street.

It is anticipated some of the families will access the subject site by using public transit. The subject site is within a half-mile radius of a major transit stop with the nearest bus stop located on Tyler Street, 677-feet to the site. In addition, a total of 40 parking spaces will be provided on-site.

Parking is accessed via two existing two-way driveways located on Tyler Street and Bonita Avenue. A designated parking area with 6 parking spaces is located on the west side of the building to allow caretakers to walk children into the building for drop off/pick up. The drop-off time will be from 6:00 a.m. to 8:30 a.m. and pick-up time will be from 3:00 p.m. to 5:30 p.m. Drop-off and pick-up consist of parents parking their vehicles and walking children into/out the building for checking-in and check-out.

The childcare facility will operate Monday through Friday from 6:00 a.m. to 5:30 p.m. and staffed by 28 employees.

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 C – Commercial, which provides for community serving services, including child day care facilities, that serve surrounding neighborhoods (Exhibit 5). The proposed project is located within an established neighborhood, and within walking distance to a major transit stop, and will provide childcare service to accommodate the need for income challenged families in local communities.</p> <p>The proposed project is consistent with the following Objectives and Policies of the General Plan 2025:</p> <ul style="list-style-type: none"> • <u>Objective LU-59</u>: Maintain and enhance the quality of life in the La Sierra neighborhood. • <u>Objective LU-61</u>: Enhance the economic vitality of the neighborhood and rejuvenate older commercial centers. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The site is zoned CR – Commercial Retail, which is consistent with the C - Commercial Land Use Designation (Exhibit 6). Child day care centers are permitted subject to the granting of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards. The proposed project is consistent with all applicable development standards for a childcare facility.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Citywide Sign and Design Guidelines</p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines, subject to the recommended conditions of approval detailed below.</p> <p>The subject project proposes a new 6-foot-tall wrought iron fence, landscape hedges, and bollards along Tyler Street to provide screening and safety measures to the outdoor playground area. The proposed amenity of outdoor playground includes synthetic play surface, slides, etc. New windows are proposed on the south side of the building. In addition, the applicants will work with local artists to provide murals on the south elevation to enhance the existing building.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.290 - Day Care Center Standards</i>				
	<i>Standard</i>	<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
Site Location Standards	Minimum 600-foot separation from existing day care center	963 feet – (Kidd Street Preschool of Riverside, 10250 Kidd Street)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Access from a public street	Tyler Street and Bonita Avenue	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Screening	Outdoor play areas shall be enclosed by a natural barrier or minimum 5-foot fence or wall.	6-foot wrought iron fence around outdoor play area perimeter	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDINGS SUMMARY

Conditional Use Permit

The proposed childcare facility will be compatible with the surrounding commercial and residential uses to provide childcare service to the surrounding community. Site location, development, and operational standards comply with the development standards set forth in Zoning Code (RMC Chapter 19.100 and Chapter 19.290). The improvements to the site and building comply with Citywide Design Guidelines. The site provides adequate access, circulation and parking for employees and participants (Exhibit 7). To further ensure the use is compatible with the surrounding area, the applicable site and 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 Child Day Care Facility requires public hearings by the Planning Commission and encourages public participation.
2. Equity: The proposed project provides a needed service which is 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.
5. Sustainability and Resiliency: All construction related to the remodel of the building will meet all required 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. Findings
2. Conditions of Approval
3. Existing Site Photos
4. Location Map
5. General Plan Map
6. Zoning Map
7. Project Plans

Prepared by: Winnie Liang, Associate Planner

Reviewed by: Regine Kennedy, Senior Planner; Brian Norton, Principal Planner

Approved by: Maribeth Tinio, City Planner



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

1. The proposed day care facility 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 day care facility will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
3. The proposed day care facility will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



EXHIBIT 2 – CONDITIONS OF APPROVAL

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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, is necessary prior to any sign permit issuance.

Prior to Building Permit Issuance:

4. Any art incorporated into the building façade (e.g. mural) shall be reviewed and approved by the Planning Division.
5. **Landscape:** A hedge, that grows up to 6-feet in height, shall be installed along Tyler Street to provide additional screening to the proposed outdoor play area.
6. Bollards shall be installed along the property line from the intersection of Tyler Street and Bonita Avenue to the proposed sliding gate on Tyler Street.

During Construction Activities:

7. 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.
8. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
9. 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:

10. The applicant is required to obtain all licenses, waivers, and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current.
11. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.

12. 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.
13. The applicant shall be responsible for maintaining site landscaping and irrigation.
14. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
15. 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.
16. 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

17. 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.
18. 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 **May 23, 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.**

19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
25. 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

Prior to Building Permit Issuance

26. The building is equipped with an existing fire sprinkler system. 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.

27. Group E occupancies having an occupant load of 50 or more shall be provided with an approved manual and automatic fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communications system. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Submit plans and obtain approvals from the Fire Department prior to installation. 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. 907.2.3)
28. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System. The provisions of this section shall apply to:

Existing buildings when modifications or repairs exceed 50 percent of the usable floor area.

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.
29. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
30. Construction plans shall be submitted and permitted prior to construction.
31. Fire Department access shall be maintained during all phases of construction.

32. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition.)

33. 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)

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. (CFC, Sec. 506)

34. 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 – Land Development

Prior to Building Permit Issuance

35. Relocate existing wrought iron fence and gates from public right of way to private property.

36. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works and Fire Department specifications.

37. Prior to final inspection for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG.

The terms of the agreement shall be in accordance with the RMC Chapter 16.68 and the TUMF Administrative Plan requirements. Credit/reimbursement agreements must be fully executed prior to receiving any credit/reimbursement. An appraisal is required for credit/reimbursement of right of way dedications and credit/reimbursement of qualifying improvements requires the public bidding and payment of prevailing wages in accordance with State Law. For further assistance, please contact the Public Works Department.

Public Works – Traffic

Prior to Certificate of Occupancy Issuance

38. 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 improvement.

39. Applicant shall:

a. Construct a stop sign (R1-1), stop bar, stop legend, at the project driveways. Stop signs must conform to City Standard 664 and the stop bar and legends must conform to the City standard 650.

b. Intersection of Bonita Avenue and Tyler Street:

Install high visibility crosswalk per City Standard Plan No. 640 at the east leg of the intersection.

- c. Install MUTCD compliant "ONE WAY" signage (R6-1) in the center median across from the driveway at Tyler Street.

All signage and striping improvements must comply with the most current California Manual of Uniform Traffic Control Devices (MUTCD) standards and should be per City of Riverside, Public Works requirements. The applicant shall hire a contractor to complete the work. 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 improvements.

Signing & striping improvements 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.