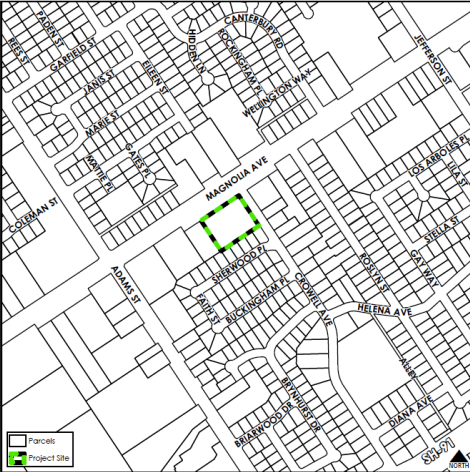




PLANNING COMMISSION HEARING DATE: OCTOBER 23, 2025
AGENDA ITEM NO.: 2

CONDITIONAL USE PERMIT

| | | |
|---------------------------------|---|---|
| Case Number | PC-2025-00269 (Conditional Use Permit) | |
| Request | To consider modification to an approved Conditional Use Permit (Planning Case P15-0265) for an existing day care facility to increase enrollment and allow existing modular buildings to remain as permanent. | |
| Applicant | Gina Gibson of Gibson Land Consulting | |
| Project Location | 8172 Magnolia Avenue, situated on the south side Magnolia Avenue, between Crowell Avenue and Adams Street |  |
| APN | 231-105-001 | |
| Project Area | 1.97-acres | |
| Ward | 5 | |
| Neighborhood | Ramona | |
| General Plan Designation | VHDR – Very High Density Residential | |
| Specific Plan | Magnolia Avenue Specific Plan – Magnolia Heritage District | |
| Zoning Designation | R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue) Overlay Zones | |
| Staff Planner | Yenifer Cid, Associate Planner 951-826-5652 ycid@riversideca.gov | |

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities), as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PC-2025-00269 (Conditional Use Permit) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions of approval (Exhibits 1 & 2).

SITE BACKGROUND AND PROPOSAL

The project site consists of a single 1.97-acre parcel, developed with a day care facility (FSA – Family Service Association Child Development & Community Services) (Exhibit 3). The site consists of a 13,938 square foot main building, six modular buildings each consisting of 960 square feet, 89 parking spaces, and landscaping. Surrounding land uses include single family and multi-family residential to the north (across Magnolia Avenue), multi-family residential to the west and east (across Crowell Street), and single family residential to the south (Exhibit 4).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to modify an existing Conditional Use Permit (Planning Case P15-0265) to expand an existing day care facility by increasing enrollment and allowing the existing modular buildings to remain permanent. Specifically, the applicant is requesting to modify the following Conditions of Approval:

- Condition No. 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.
- Condition No. 4: All modular buildings on-site shall remain on the premises for a maximum of ten (10) years from the date of approval.

With the modification of:

- Condition No. 1, the enrollment would increase from 200 students to 263 students ranging in age from preschool, toddlers, and infants. Staff would also increase from 45 employees to 61 employees.
- Condition No. 4, the modular buildings would be permitted to remain on-site and continued to be used for day care purposes.

There will be no modifications to the existing buildings. Site improvements include updated landscaping at the perimeter of the site.

Vehicle access to the site will continue to be provided by a driveway along Magnolia Avenue. Vehicle circulation for child drop-off/pick-up will remain the same, with vehicles parking near the main entrance and parents entering the facility to pick up/drop off children.

Additional vehicular access is provided on Crowell Avenue but remains closed during operating hours for safety measures.

Day care hours are proposed to be from 6:30 a.m. to 6:00 p.m. Monday through Friday. The drop-off/ pick-up times are staggered throughout the day. The chart below represents the current percentage of children that are dropped off during morning hours and picked up during the afternoon/evening hours.

| Drop-Off Distribution | | Pick-Up Distribution | |
|-----------------------|-----|----------------------|-----|
| 6:15 AM | 20% | 3:15 PM | 20% |
| 6:30 AM | 13% | 3:30 PM | 13% |
| 7:00 AM | 21% | 4:00 PM | 38% |
| 7:30 AM | 16% | 4:30 PM | 16% |
| 8:00 AM | 15% | 5:00 PM | 3% |
| 9:00 AM | 15% | 6:00 PM | 10% |

PROJECT ANALYSIS

Authorization and Compliance Summary

| | Consistent | Inconsistent |
|--|-------------------------------------|--------------------------|
| <p>General Plan 2025</p> <p>The project is consistent with the underlying General Plan 2025 land use designation of VHDR – Very High Density Residential (Exhibit 5). The VHDR designation generally provides for the development of row houses, condominiums, and apartments. This designation provides a range of housing choice but also allows for community serving uses such as day care facilities. The proposed development also furthers the Objectives and Policies of the General Plan 2025, specifically:</p> <p><u>Objective LU-9:</u> Provide for continuing growth within the General Plan Area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's needs.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Specific Plan (Magnolia Avenue)</p> <p>The project site is in the Magnolia Heritage District of the Magnolia Avenue Specific Plan (MASP) (Exhibit 7), which allows for higher intensity transit oriented residential and mixed-use development on opportunity sites.</p> <p>The existing day care facility will continue to operate within applicable policies, objectives and standards set forth by the Specific Plan.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Zoning Code Land Use Consistency (Title 19)</p> <p>The project site is zoned R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue) Overlay Zones (Exhibit 6). The R-1-7000 – Single Family Residential Zone allows for day care facilities subject to approval of a Conditional Use Permit and compliance with the Site Location, Operation, and Development Standards.</p> <p>As designed, the project meets all applicable development standards for a day care facility.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Compliance with Citywide Design & Sign Guidelines</p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for commercial development related to architectural treatment and landscaping. There will be no modification to the existing buildings. However, additional landscaping along Crowell Avenue will be installed to screen the existing modular buildings. As proposed, the project is consistent with the Citywide Design Guidelines.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| Chapter 19.580 Parking and Loading | | | | | |
|---------------------------------------|--|------------|-----------|-------------------------------------|--------------------------|
| Standard | | | Proposed | Consistent | Inconsistent |
| Day Care Centers | 1 space/ employee plus 1 spaces/ 10 persons | 88 spaces* | 89 spaces | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*Refer to the Zoning Code Land Use Consistency (Title 19) section in the project analysis table regarding AB 2097, which allows for no parking minimums in this area.

Parking

The project is located in a high-quality transit corridor. Assembly Bill 2097 (AB 2097) restricts public agencies from imposing minimum automobile parking requirements on residential, commercial, or other development projects located within a 1/2 mile of a high-quality transit corridor. The proposed project meets the criteria defined in AB 2097 and is exempt from the minimum parking requirements provided in the Riverside Municipal Code (RMC).

Although the project is exempt from the City's parking requirements the project provides 89 on-site parking stalls. As a matter of information, staff shift hours are staggered throughout the day like child drop-off/pick up (Exhibit 9). Due to the staggered schedules, ample parking is available on-site.

FINDINGS SUMMARY

Conditional Use Permit

The proposed increase in enrollment and continued use of the modular buildings complements the surrounding residential uses by providing a crucial local community service. The site was previously designed and constructed with adequate vehicular access and internal circulation to facilitate increased enrolment and on-site staff. Additionally, as shown in the chart below, drop-off/ pick-up times will continue to be staggered to prevent traffic impacts.

| Drop-Off Distribution | | Pick-Up Distribution | |
|-----------------------|-----|----------------------|-----|
| 6:15 AM | 20% | 3:15 PM | 20% |
| 6:30 AM | 13% | 3:30 PM | 13% |
| 7:00 AM | 21% | 4:00 PM | 38% |
| 7:30 AM | 16% | 4:30 PM | 16% |
| 8:00 AM | 15% | 5:00 PM | 3% |
| 9:00 AM | 15% | 6:00 PM | 10% |

Therefore, the project 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. The project complies with the standards of the Zoning Code, Magnolia Avenue Specific Plan, and Citywide Design Guidelines.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental findings, 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. Conditions of Approval
3. Existing Site Photos
4. Location Map
5. General Plan Map
6. Zoning Map
7. Specific Plan Map
8. Project Plans (Site Plan, Floor Plan, Building Elevations, Conceptual Landscape Plan)
9. Project Description
10. Planning Case P15-0265 (CUP) Conditions of Approval

Prepared by: Yenifer Cid, Associate Planner
Reviewed by: Brian Norton, Principal Planner
Approved by: Maribeth Tinio, City Planner



EXHIBIT 1 – FINDINGS

PLANNING CASE: PC-2025-00269 (Conditional Use Permit)

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

1. The 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 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 day care facility will be consistent with the purpose of the Zoning Code and the application of any required development standards in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



EXHIBIT 2 – CONDITIONS OF APPROVAL

PLANNING CASE: PC-2025-00269 (Conditional Use Permit)

Planning

1. All applicable conditions of Planning Case P15-0265 (Conditional Use Permit) shall apply, except as modified by these conditions.
2. The day care center shall be limited to a maximum of 61 employees and 263 children on site at a given time. Any modifications to enrollment or day care staff shall require review by the Planning Division for compliance with Title 19 and any other necessary City Codes.

Prior to Issuance of Building Permit:

3. Landscaping and Irrigation Plans of the rehabilitated landscape areas shall be submitted to the Planning Division for review. Additional landscaping is required along Crowell Avenue for screening of the modular buildings. Design modifications may be required as deemed necessary. Separate application and filing fee is required.

Prior to Release of Utilities and/or Occupancy:

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

Standard Conditions:

5. There shall be a one-year time limit in which to take action on the Conditional Use Permit 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.
6. The Conditional Use Permit 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. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

Prior to **October 23, 2026**, 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.**

7. 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.

Fire Department

Prior Issuance of Building Permit:

8. **Codes in Effect:** The proposed project shall comply with the Cal. Code of Regs., Title 24, the California Building Standards Code, as adopted and amended by the City of Riverside.
9. **Advisory:** Fire Department approval and or support of above-referenced planning case does not constitute a local fire authority clearance of, and or a license to operate, a childcare facility.
10. **Facility Capacity Limits:** The proposed facility's maximum capacity shall not exceed the licensed capacity as recorded on the applicable State of California Fire Clearance Inspection Report.