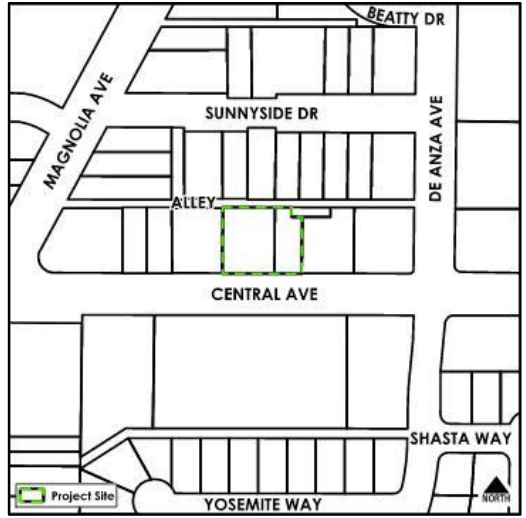




**PLANNING COMMISSION HEARING DATE: APRIL 25, 2024
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

| | | |
|--------------------------|--|---|
| Case Number | PR-2023-001533 (Conditional Use Permit) | |
| Request | To consider a Conditional Use Permit to allow a child day care facility (The Learning Lab) within an existing 4,645-square-foot commercial building. | |
| Applicant | Crystal Cardona of Andresen Architecture | |
| Project Location | 3711 Central Avenue, situated on the north side of Central Avenue, between De Anza and Magnolia Avenues. |  |
| APNs | 225-124-016, 225-124-014 | |
| Project Area | 0.51 acres | |
| Ward | 3 | |
| Neighborhood | Magnolia Center | |
| General Plan Designation | MU-V – Mixed Use Village | |
| Specific Plan | Magnolia Avenue Specific Plan | |
| Zoning Designation | CG-CR-SP – Commercial General, Cultural Resources, and Specific Plan (Magnolia Avenue) Overlay Zones | |
| Staff Planner | Sarah Zughayer, Assistant Planner 951-826-5932 Szughayer@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-2023-001533 (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

The 0.51-acre project site consists of two contiguous parcels developed with a 4,645-square foot commercial building and surface parking lot. Surrounding uses include commercial uses to north, east, west, and south (across Central Avenue) (Exhibits 3 and 4).

The site was originally constructed as the Marcy Branch Library in 1958. The library moved to a newer location in 2011 and the building has been occupied by various retail businesses since. Currently, the building is unoccupied. The building features a mid-century modern design and is a Historical Landmark. The project site has most recently operated as an animal rescue and thrift store.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit a child day care facility (The Learning Lab) within an existing commercial building to accommodate up to 65 children, predominantly between 16 weeks and 12 years old.

The child day care facility will operate Monday through Friday from 7:00 a.m. to 6:00 p.m. Children will attend either full-time or part-time, depending on the parent's needs. The child day care facility will be staffed by 7 full-time employees. Proposed improvements include interior building modifications to provide four child day care rooms, a gathering space, kitchen, staff room, restrooms and 2,280 square feet of indoor amenities. Exterior modifications to the site include installation of playground equipment and picnic tables as part of the 5,128 square foot outdoor amenity area. A 6-foot decorative block wall, to screen the children's play area from Central Avenue is also proposed. No changes to the building exterior are proposed with this proposal.

A welcome packet will be provided to parents outlining and detailing pick-up and drop-off procedures, including, vehicle circulation, designated parking spots for drop-off and pick-up, requirement to walk children in/out of the facility and instruction on the mobile check-in/out app.

The proposal includes 5,128 square feet of outdoor amenities and 2,280 square feet of indoor amenities in compliance with California State Law for day care facilities.

Parking and vehicular access to the site will be reconfigured to provide circulation via a one-way driveway from the alleyway along the north side of the site. An exit-only driveway will allow vehicular egress onto Central Avenue. Drop-off and pick-up consists of parents parking their vehicles and walking children into the building for check-in and check-out.

As a matter of information, a Certificate of Appropriateness (COA) (Planning Case DP-2023-00992) was requested by the applicant for the addition of a masonry block wall to screen the outdoor play area from Central Avenue. The COA is administrative and a determination by the Historic Preservation Officer is scheduled for April 25, 2024.

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 a historical landmark. The proposed project is located within an established neighborhood, adjacent to many amenities, and will provide additional options for childcare in the community.</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-67</u>: Revitalize Magnolia Center in its role as a subregional retail and business center, while maintaining and preserving the low-scale character of surrounding residential areas. • <u>Objective LU-68</u>: Preserve Magnolia Center's established residential neighborhoods and historic landmarks. • <u>Policy LU-68.1</u>: Ensure that Magnolia Center's residential areas are adequately protected from the operational impacts of new commercial and mixed-use development in the neighborhood. • <u>Policy LU-68.3</u>: Encourage maximum retention of historic post-war commercial buildings. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Magnolia Avenue Specific Plan</p> <p>The proposed project is located within the Magnolia Center district of the Magnolia Avenue Specific Plan (Exhibit 6), which consists of a mixture of uses including retail, office, institutional and residential neighborhoods. The proposed project furthers the vision of the Magnolia Avenue Specific Plan by providing a use that complements the surrounding development and allows for an increased variety of childcare options within the Magnolia Center district.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | |
|--|-------------------------------------|--------------------------|
| Zoning Code Land Use Consistency (Title 19) <p>The site is in the CG-CR-SP – Commercial General, Cultural Resources and Specific Plan (Magnolia Avenue) Overlay Zones, which are consistent with the MU-V – Mixed-Use – Village Land Use Designation (Exhibit 7). 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 child daycare business.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Compliance with Citywide Sign and Design Guidelines <p>This project proposes a new 6-foot decorative masonry wall and outdoor playground equipment including picnic tables, a merry-go-round, and seesaws. No exterior changes to the building itself are proposed. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Riverside County Airport Land Use Compatibility Plan <p>The project site is located within Compatibility Zone E (Other Airport Environs) of the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for Riverside Municipal Airport. Zone E does not prescribe density limits for child day care facilities. Therefore, the proposed project is consistent with the RCALUCP for the Riverside Municipal Airport.</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 | 2,733 feet – (Little Kiddles Daycare 6651 Calvin Court.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Access from a public street | Magnolia Avenue (Ingress) Central Avenue (Egress) | <input checked="" type="checkbox"/> | |
| Screening | Outdoor play areas shall be enclosed by a natural barrier or minimum 5-foot fence or wall. | 6-foot masonry block wall around outdoor play area perimeter | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Amenity Ratio (65 Children) | 35 square feet / child – Indoor | 2,280 square feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | 75 square feet / child – Outdoor | 5,128 square feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Chapter 19.580 - Parking and Loading Standards | | | | | | | |
|--|-----------------------|------------------------|---------------------------------|---------------------|--------------|-------------------------------------|--------------------------|
| Min. Parking | Use | | Parking Ratio | Parking Required | Proposed | Consistent | Inconsistent |
| | Day Care Center | 7 employees | 1 space/ staff | 7 spaces | 21 spaces | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | 65 persons | 1 space/ 10 persons | 6.5 spaces | | | |
| | | 0 facility vehicles | 1 space/ vehicle facility | 0 spaces | | | |
| Total Parking Spaces | | | | 14 | | | |

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 and participants. Adequate access is provided to the site via a fully improved alleyway to the north of the site. 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 Child Day Care Facility 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 .
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 Circulation Plan
9. Project Plans

Prepared by: Sarah Zughayer, Assistant Planner
Reviewed by: Brian Norton, Principal Planner
Approved by: Maribeth Tinio, City Planner



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – FINDINGS

PLANNING CASE: PR-2023-001533 (Conditional Use Permit)

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

PLANNING CASE: PR-2023-001533 (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, is 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 **April 25, 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

Prior to Building Permit Issuance

23. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
24. Construction plans shall be submitted and permitted prior to construction.
25. The proposed project will be a "change of use" to an I-4 occupancy – Day Care Facility. All applicable requirements subject to the change of use shall be met in accordance with current code adoptions.
26. Provide for Fire Department vehicle access to within one hundred and fifty (150) feet of all portions of all exterior walls of all structures. This measurement shall be based on the path of travel as determined by the Fire Department.

Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.

Access roadways shall be all weather surfaces, paved, provided with engineered turf block, or alternate design. Such roadways shall be always maintained. Information Bulletin attached.

27. Fire Department access shall be maintained during all phases of construction.
28. The current location does not have fire sprinklers, and if an automatic fire sprinkler system is to be required due to change of use per applicable Codes, and by City Ordinance Chapter, 16.32.335; it is a separate submittal to Fire Department. 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.

Public Works – Traffic

Prior to Certificate of Occupancy

29. The applicant shall construct a bike rack that can accommodate a minimum of five 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.
30. The applicant shall complete construct a stop sign (R1-1), stop bar, stop legend, at the project driveways. Stop signs must conform to City Standard 664. 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 improvements. The applicant shall obtain any necessary permits and approvals to complete the 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.