

REQUIRED FINDINGS

Answer each of the following questions “YES” or “NO” and then explain your answer in detail. Questions 1 & 3 must be answered “NO” and 2 “YES” to justify granting of a variance. Attach written answers to this application. Economic hardship and precedent in the surrounding area are not allowable justifications for a variance.

1. The variance does not grant or authorize a use or activity that is not otherwise allowed in the zone?

No, the variance does not grant a use that is not otherwise allowed in the zone.

2. There are practical difficulties or unnecessary hardships created with the strict application of the code because of the physical circumstances and characteristics of the property that are not shared by other properties in the zone.

Yes, the subject property is located directly north adjacent to an active railroad line and is limited to one access point off the easterly side to Jackson Street. A six-foot high wall per the provisions of Title 19.550.030 of the City’s Municipal Code along the northerly and partial-westerly side of the project would result to an acoustical nuisance and negative living-impact to the residents of this future community.

One option to mitigating this noise attenuation from the railroad line would be to eliminate the windows and its architectural aesthetics along the north ends of Buildings 2-9 that are directly facing the railroad. This option is not desirable from architectural perspective.

Another option would be to revise the project site plan and set back the residential buildings further away from the railroad and the northerly side which would result to a loss of buildings, units, and a reduction to the density.

This property is designated as a candidate to comply with the State of California’s mandatory general plan housing element update to increase the density and number of housing units within the City of Riverside. In order to achieve the goals of the housing element update, a combination wall consisting of retaining and freestanding of approximately 16 foot in height is necessary to provide the appropriate noise attenuation for the living units and the common areas of the community.

The State of California Building Code (CBC) (Section 1206.4) and the City of Riverside Municipal Code (Section 16.08.175, item B.2) states that interior Ldn values for residential land uses are not to exceed 45 Ldn in any habitable room. The interior 45 Ldn (per CBC section 1206.4 and Riverside Municipal Code Section 16.08.175, item B.2) is stricter than the City Noise Element. If the 45 Ldn is satisfied, then the City requirement (Municipal Code Section 7.30.015) is also satisfied. By implementing a 16 foot high wall along the railroad side, this would help meet the City’s requirement, mitigate the interior noise and provide the future residents in their homes a more comfortable living.

The City of Riverside Municipal Code, Section 7.25.010, Exterior Sound Level Limits, state that “it shall be unlawful for any person to cause or allow the creation of any noise which exceeds... the exterior noise standard for the applicable land use category, plus 20 decibels or the maximum measured ambient noise level, for any period of time.” This is consistent with land use requirements set forth by the State of California. Given the instantaneous nature of train noise and section 7.25.010 of the City of Riverside Municipal Code, the applicable criteria for this project shall be that exterior levels at residential common areas is the exterior noise standard in Table 2 + 20 dBA meaning that the sound will not exceed 75 dBA, assuming that tenants will gather only during the daytime (7am to 10pm) in these areas. By implementing a 16 foot high wall along the railroad side, this would help meet the City’s requirement, mitigate the exterior noise and provide the future residents in their homes a more comfortable living.

3. The variance does not grant special privileges which are not otherwise available to surrounding properties and will not be detrimental to the public welfare or to the property of other persons located adjacent to the subject property and in the vicinity.

No, the variance does not grant special privileges and will not be detrimental to the public welfare or to the property of other persons located adjacent to the subject property and in the vicinity. The height of the wall and the project itself would in fact provide more buffer and sound attenuation for the neighboring residents to the west and south. The wall type being proposed is to be a decorative high quality split-face finish solid block wall.