



# City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: SEPTEMBER 27, 2016

FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 1  
DEPARTMENT

SUBJECT: PLANNING CASE P16-0124 – AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN TO ALLOW BUILDINGS TO EXCEED MAXIMUM BUILDING HEIGHTS BY CONDITIONAL USE PERMIT, ALLOW SITE AMENITIES NOT SPECIFIED IN THE SPECIFIC PLAN TO SUPPORT THE APPROVAL OF AN INCREASE IN MAXIMUM FLOOR AREA RATIOS AND AMEND THE DEFINITION OF FLOOR AREA RATIO TO BE CONSISTENT WITH THE CITYWIDE ZONING CODE

## **ISSUE:**

Adopt a resolution to amend the Downtown Specific Plan to allow for buildings to exceed established height limits with the granting of a Conditional Use Permit, provide more flexibility and clarity in the criteria used to grant an increase in floor area ratio, and change the definition of floor area ratio to match the existing definition in the City's Zoning Code, Riverside Municipal Code, Chapter 19.910.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that Planning Case P16-0124 (Downtown Specific Plan Amendment) will not constitute significant impacts beyond what was analyzed within the Program Environmental Impact Report for the General Plan 2025 Program, and Adopt an Addendum to the Program Environmental Impact Report pursuant to the provisions of Section 15164 of the California Environmental Quality Act Guidelines;
2. Approve Planning Case P16-0124 (Downtown Specific Plan Amendment) based on the findings outlined in the staff report; and
3. Adopt a Resolution amending the Downtown Specific Plan to allow for buildings to exceed established height limits with the granting of a Conditional Use Permit, provide more flexibility and clarity in the criteria used to grant an increase in floor area ratio, and change the definition of floor area ratio to match the existing definition in the City's Zoning Code, Riverside Municipal Code, Chapter 19.910.

## **PLANNING COMMISSION RECOMMENDATION:**

On August 25, 2016, the Planning Commission, with all members present, recommended that the City Council approve the proposed amendment to the Downtown Specific Plan, including the

adoption of an Addendum to General Plan 2025's certified Final Program Environmental Impact Report. The Commission's action was by a vote of 8 ayes and 1 no, and was based on staff's recommended findings.

## **BACKGROUND:**

On May 7, 2015, staff presented a workshop to the Planning Commission on downtown urban design concepts and land use trends. The Planning Commission discussed many topics, including changes in downtown uses, influences from the millennial population, transit and urban mobility, parking demands, walkability and pedestrian amenities. Staff and the Commission also identified a number of opportunities for improving the City's Downtown Specific Plan (DSP).

Following the workshop staff explored potential changes, and identified barriers that could be addressed quickly without extensive environmental analysis. This Specific Plan Amendment is intended to address some of these items.

## **DISCUSSION**

Three primary changes to the Downtown Specific Plan are proposed, as well as minor revisions intended to provide clarity. The proposed changes are summarized as follows:

- Allow buildings to exceed established maximum building heights, with the approval of a conditional use permit (CUP);
- Revise the definition of Floor Area Ratio so that it is the same as the definition in the City's Zoning Code (Municipal Code, Title 19); and
- Clarify and provide flexibility in the site amenities required to grant an increase in Floor Area Ratio.

Exhibits 4, 5, 6 and 7 of the attached Planning Commission staff report reflect the "redline strikeout" changes to the existing Downtown Specific Plan (DSP). A brief discussion of the proposed changes is provided below; a detailed discussion is provided in the Planning Commission staff report.

### **Maximum Heights**

The Downtown Specific Plan (DSP) currently establishes building height limits. These height limits vary by DSP district.

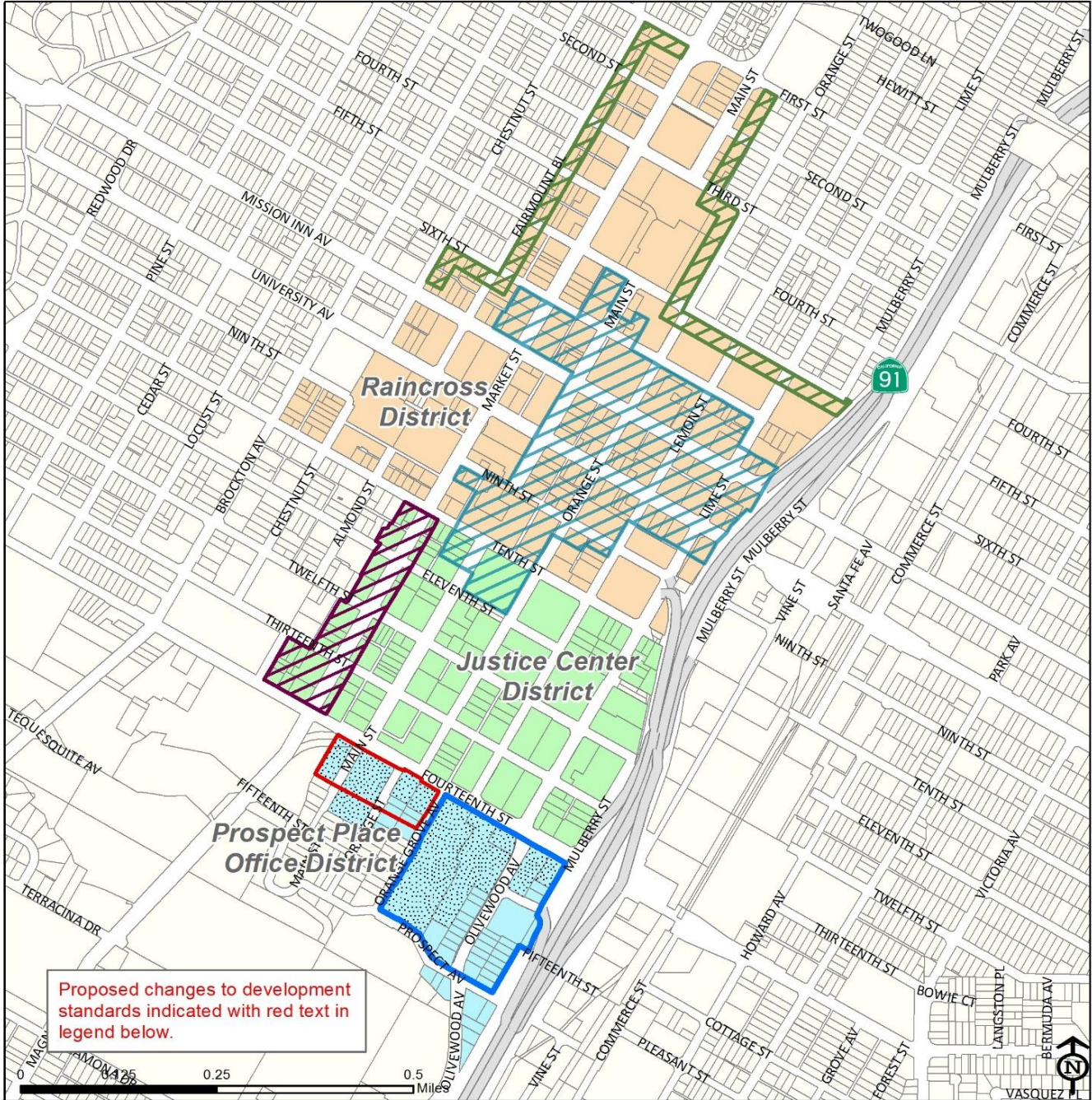
The proposed amendment will allow projects within the Raincross, Justice Center, and Prospect Place Office Districts to exceed the existing height limits with the approval of a conditional use permit (CUP). However, the proposed amendment does not apply to properties located inside the Mission Inn Historic District, or within the Raincross District's residential buffer area. Additionally, the proposed amendment does not change the maximum permitted floor area ratios (FAR); therefore the level of potential development within the Downtown will remain consistent with the environmental analysis prepared for General Plan 2025.

Figure 1 below reflects the existing maximum building heights for each of the DSP districts, and the areas where the proposed amendment will allow taller buildings by CUP. Please refer to the attached Planning Commission staff for a detailed discussion related to building heights in the Raincross, Justice Center, Prospect Place Office, and Mission Inn Historic Districts.



### FIGURE 1 – BUILDING HEIGHTS

#### Proposed Changes in the Raincross, Justice Center, and Prospect Place Office Districts



Proposed changes to development standards indicated with red text in legend below.

Raincross District	Justice Center District	Prospect Place Office District
<p><b>Base Standards</b>                      Max FAR: 3.5 (4.5 with amenities)                      Min. Height: None                      Max Height: 100' (may exceed with CUP)</p>	<p><b>Base Standards</b>                      Max FAR: 5.0 (6.0 with amenities)                      Min. Height: 45' for 50% of building footprint                      Max Height: 140' (may exceed with CUP)</p>	<p><b>Base Standards</b>                      Max FAR: 1.5                      Min. Height: None                      Max Height: 35' (may exceed with CUP)</p>
<p><b>Mission Inn Historic District</b>                      Max FAR: 3.0 (4.0 with amenities, 4.5 with CUP)                      Min. Height: None                      Max Height: 60' (100' with CUP)</p>	<p><b>Mission Inn Historic District</b>                      Max FAR: 3.0 (4.0 with amenities, 4.5 with CUP)                      Min. Height: 45' for 50% of building footprint                      Max Height: 60' (100' with CUP)</p>	<p><b>4.0 Max FAR</b>                      (indicated by blue dotted pattern)</p>
<p><b>100' Residential Buffer</b>                      Max FAR: 3.5 (4.5 with amenities)                      Min. Height: None                      Max Height: 50'</p>	<p><b>Market Street Buffer</b>                      Max FAR: 5.0 (6.0 with amenities)                      Min. Height: 45' for 50% of building footprint                      Max Height: 60' (may exceed with CUP)</p>	<p><b>80' Max Height Exception Area</b>                      (Parcels fronting on 14th St. - 300' depth from front)                      (may exceed with CUP)</p> <p><b>80' Max Height Exception Area with Site Plan Review</b>                      (may exceed with CUP)</p>



Floor Area Ratio Definition

“Floor Area Ratio” (FAR) is a calculation that measures the density of development on a property. The Riverside Municipal Code, Title 19 (Zoning Code), defines FAR as follows:

*“The floor area of the building or buildings on a site or lot divided by the area of the site or lot. Parking Structures are not included in the floor area calculation.”*

The Downtown Specific Plan (DSP) currently defines Floor Area Ratio (FAR) differently, including parking structures in the calculation. The DSP definition for FAR is:

*“The total building square footage on a given lot divided by the lot area of the same lot. Building square footage includes all structures on the lot, including garages and accessory structures.”*

Having two different definitions creates confusion for developers, staff and the public. This amendment would change the Downtown Specific Plan definition to be consistent with the definition in the Zoning Code. The change in definition will allow more development to occur than is currently allowed by the DSP, as parking will no longer be a factor in FAR calculations.

Amenities Required to Achieve Maximum Floor Area Ratios

The DSP establishes floor area ratio limits for development projects. Table 1 reflects the maximum floor area ratios allowed in the Raincross, Justice Center and Prospect Place Office Districts. As shown in the table, the allowable FARs in the Raincross and Justice Center Districts can be increased if amenities are provided. These amenities are specified in the DSP, and prescribe a landscaped courtyard, arcade or pergola.

**TABLE 1 – EXISTING MAXIMUM FLOOR AREA RATIOS**

District	Max. FAR	Max. FAR with Amenities	Max. FAR with Amenities & CUP
<b>Raincross District</b>			
Base Standards	3.5	4.5	n/a
Within Mission Inn Historic District	3.0	4.0	4.5
<b>Justice Center District</b>			
Base Standards	5.0	6.0	n/a
Within Mission Inn Historic District	3.0	4.0	4.5
<b>Prospect Place Office District</b>			
Base Standards	1.5	n/a	n/a
Base + Parcels that Have Frontage on 14 <sup>th</sup> Street	4.0	n/a	n/a

To provide greater flexibility, staff is recommending changes to the list of amenities that allow for increased FARs. The changes are to the language that defines the amenities; and to allow the City to consider, by conditional use permit (CUP), amenities not specifically listed. Staff is not proposing changes to the existing FAR limits reflected in Table 1. The following reflects the proposed amendments to FAR amenities:

Amenity	Bonus
<p><b>Landscaped Courtyard <u>or Atrium</u>.</b> A continuous area <del>with direct access to a public street or mall, which is open and unobstructed from the ground level to the sky, is accessible to the public, has a minimum area of 600 <u>continuous</u> square feet with a minimum dimension of 20 feet and not more than 3 feet above the level of the street it adjoins.</del> Such courtyard <u>or atrium</u> shall be landscaped with greenery, statuary, water <u>features</u>, <u>seating</u>, or combination of the <u>four</u><del>three</del>.</p>	<p>Floor area increased four times the square footage contained within the courtyard.</p>
<p><b>Arcade or Pergola.</b> A <u>covered</u> pedestrian passageway that connects: <del>(1) two public streets; or (2) a public street and parking area or mall; or (3) a public street and another arcade or pergola.</del> The arcade or pergola shall be unobstructed, have a minimum width of 15 feet and a minimum vertical <u>clearance</u><del>distance</del> of 12 feet and shall be situated at street grade. <u>Arcades and Pergola located within the public right-of-way shall require an encroachment permit from the Public Works Department.</u> Where an arcade or pergola is located within the public right-of-way, the minimum width may be reduced to conform with the width of the right-of- way.</p>	<p>Floor area increased three times the square footage contained within the arcade or pergola.</p>
<p><b><u>Other Amenities.</u></b> <u>Additional floor area ratio may be permitted in conjunction with modified amenities or amenities not listed above with the granting of a Conditional Use Permit, provided the proposed amenities specifically support the purpose and intent of the Raincross District and are compatible with surrounding development and design. Specific floor area bonus shall be negotiated and the amenities must be acceptable to the City.</u></p>	<p><u>Floor area bonus negotiated in conjunction with the amenities provided and subject to the granting of a Conditional Use Permit.</u></p>

**Environmental Review:**

The changes in this proposed Downtown Specific Plan (DSP) amendment were specifically identified because they are development barriers that can be changed without requiring extensive environmental analysis. Extensive environmental analysis is not needed because any potential impacts that could be created by the amendments would have been considered as part of the Program Environmental Impact Report that was prepared for the General Plan 2025 Program, or will require consideration at the time a discretionary application is filed (e.g., a CUP to consider a taller building). This includes the potential increased development that would be allowed as a result of the change in floor area ratio (FAR) definitions; as the General Plan 2025 is a citywide document, and the Program Environmental Impact Report utilized the citywide (Municipal Code) definition of FAR in its analysis.

To ensure compliance with the California Environmental Quality Act (CEQA), the City has prepared an Addendum to the Final Program Environmental Impact Report certified for General Plan 2025. The Addendum has been prepared to address any minor changes to the General Plan 2025 Program that will result from the implementation of the proposed DSP amendment. Further discussion regarding the Addendum can be found in the attached Planning Commission staff report.

**FISCAL IMPACT:**

There is no impact to the General Fund, since the proposed amendment to the Downtown Specific Plan relates to development standards, and is not project specific.

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Certified as to  
availability of funds: Scott G. Miller, PhD, Chief Financial Officer/City Treasurer  
Approved by: Al Zelinka, FAICP, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

Attachment:

1. Planning Commission Staff Report, August 25, 2016
2. Planning Commission Meeting Minutes, August 25, 2016
3. Resolution
4. Presentation