



PLANNING COMMISSION HEARING DATE: FEBRUARY 9, 2017

AGENDA ITEM NO.: 2

PROPOSED PROJECT

<i>Case Numbers</i>	P16-0727 (Conditional Use Permit), P16-0728 (Variance), P16-0729 (Variance)	
<i>Request</i>	The following entitlements are requested to permit a five-story mixed use project with 36 residential units, and 6,795 square feet of commercial space: 1) Conditional use Permit to permit a mixed-use development consisting of a 68 foot high building and a density of 100 dwelling units per acre and; 2) Variances to allow for reduced building setbacks, a reduction of required parking spaces, and the use of tandem parking spaces.	
<i>Applicant</i>	Rob Dodman, Ratkovich Properties	
<i>Project Location</i>	3870 Main Street, at the northeast corner of the Main Street Pedestrian Mall and Ninth Street.	
<i>APN</i>	213-301-009	
<i>Project area</i>	0.36 acres	
<i>Ward</i>	1	
<i>Neighborhood</i>	Downtown	
<i>Specific Plan</i>	Downtown Specific Plan – Raincross District	
<i>General Plan Designation</i>	DSP – Downtown Specific Plan	
<i>Zoning Designation</i>	DSP-RC-SP-CR – Downtown Specific Plan – Raincross District – Cultural Resources (Mission Inn Historic District) Overlay Zones	
<i>Staff Planner</i>	Matt Taylor, Assistant Planner; 951-826-5944; mtaylor@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **DETERMINE** that this proposed project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332, as the project constitutes in-fill development; and
2. **RECOMMEND APPROVAL** of Planning Cases: P16-0727 (Conditional Use Permit), P16-0728 (Variance), and P16-0729 (Variance) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 0.36-acre project site is currently developed with a City-operated, 36-space surface parking lot with landscaping. The project site is bounded by the Main Street Pedestrian Mall on the west, Riverside City Hall across Ninth Street to the south, a public alley to the east, and a University-owned parcel containing underground utilities to the north.

A Historical Compatibility Assessment was prepared by G. Taylor Loudon of Historical Architecture Consulting Design and assessed the project under the Secretary of Interior Standards (Exhibit 9). A Certificate of Appropriateness was required for the building elevations to ensure compatibility with the Mission Inn Historic District. On January 18, 2017, the Cultural Heritage Board approved the project design and building elevations under Planning Case P16-0730 (Certificate of Appropriateness).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit for a mixed-use development consisting of 36 residential units, 6,795 square feet of commercial space, and 45 parking stalls, within a 5-story building. Variances are also requested to allow for reduced building setbacks, fewer parking spaces than required by Code, and tandem parking spaces.

The residential component of the project will include 9 studio units, 18 one-bedroom units and 9 two-bedroom units, ranging in size from 642 square feet to 1,329 square feet. Private patios are provided in 34 of the proposed 36 units and range in size from 55 to 234 square feet. The project provides 2,620 square feet of common usable open space in an internal courtyard located on the third floor. The commercial component includes two commercial lease spaces fronting Ninth Street and the Main Street Pedestrian Mall totaling 6,795 square feet. Lease Area 1, located at the northwest corner of the building along the Main Street Pedestrian Mall, contains 2,190 square feet of commercial space and is intended for a restaurant or café. Lease Area 2, primarily located along Ninth Street, contains 3,466 square feet of ground floor commercial space and a 1,139-square-foot mezzanine area, and is intended for an office or retail use.

A total of 45 on-site residential parking spaces are proposed in a secured two-level parking garage, of which 16 parking spaces will be provided on the ground level, behind the commercial spaces, and 29 parking spaces will be provided on level two. Both parking levels will be accessible from the adjacent alley. Of the 45 parking spaces, 18 spaces are configured as tandem parking (9 tandem pairs spaces) and will be directly assigned to the 9 two-bedroom units (18 bedrooms). No on-site parking is proposed for the commercial component of the project.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<p><i>General Plan 2025</i> The proposed project is consistent with the underlying General Plan 2025 land use designation of DSP – Downtown Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Specific Plan</i> The project is located within the Raincross District of the Downtown Specific Plan and is consistent with the underlying General Plan Land use Designation. Within the Raincross District, mixed-use developments with densities greater than 60 dwelling units per acre and heights of up to 100 feet, are permitted subject to the approval of a Conditional Use Permit. While the development standards of the Raincross District do not specify a maximum density, the proposed density of 100 dwelling units per acre is consistent with similar approved projects within the Raincross District and will contribute to a more active, 24-hour Downtown core. Staff supports the proposed residential density as the proposed development is consistent with the Goals and Policies of the Downtown Specific Plan.</p> <p>The proposed project is similar in height to surrounding buildings within the Raincross District and more specifically adjacent buildings, such as, Riverside City Hall, the Orange Street Parking Garage, Mission Square office tower and the former First National Bank Building. The project's height and mass provides a visual "step up" from the 2-story UCR Culver Center for the Arts to the north and the much taller, 7-story City Hall Building to the south, across Ninth Street. Staff is thus supportive of the proposed building height as it is consistent with the purpose and intent of the Raincross District and compatible with surrounding development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i> The proposed project meets the objectives and guidelines of the Downtown Specific Plan General Design Standards and Guidelines (Chapter 15), Section 15.8 (Design Guidelines for Infill Construction in Commercial Historic Districts), as well as the specific Design Standards and Guidelines for the Raincross District (Chapter 16, Section 16.6). The Cultural Heritage Board reviewed the project design and determined it is compatible with the Mission Inn Historic District on January 18, 2017.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with development standards for mixed use development in the Downtown Specific Plan – Raincross District</i> The project as proposed is consistent with the mixed-use development standards in the Raincross District of the Downtown Specific Plan, except for rear and side yard setbacks and parking Variances are requested to deviate from these standards and are analyzed in Attachment 1 (Staff Findings)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Downtown Specific Plan – Raincross District – Mixed-Use Standards</i>					
Standard		Proposed	Consistent	Inconsistent	
Density	60 du/ac (No maximum unit density with the approval of CUP)	100 du/ac	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Height	100 feet (with the approval of a Conditional Use Permit)	68 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FAR	3.0 (within Mission Inn Historic District)	2.9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lot Size	10,000 square feet	15,707 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Setbacks	Front (Main Street Pedestrian Mall)	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Side (Ninth Street)	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Rear (alley)	15 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Interior Side (north property line)	15 feet for residential portion of project	4 inches	<input checked="" type="checkbox"/>	
Open Space	<i>Private</i>				
	Minimum number of units with private open space	50% (18 units)	94% (34 units)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum dimension	5 feet	5'2"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum area	50 square feet	55 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>Common</i>				
	Total Area (50 square feet per unit)	1,300 square feet	2,620 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum dimension	20 feet/ 450 square feet	43 feet/ 2,620 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Parking	<i>Residential</i>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
	1.5 space per unit ≤ 1 bedroom	27 units – 41 spaces	27 spaces		
	2 spaces per unit ≥ 2 bedrooms	9 units – 18 spaces	18 spaces		
	<i>Commercial</i>				
	Restaurant 1 space/150 square feet	2,190 sq. ft. – 15 spaces	None		
	Office 1 space/250 square feet	4,605 sq. ft. – 19 spaces	None		
	Project Total	93 required	45 proposed		

ANALYSIS

Site Design

Staff supports the proposed site plan as it has been designed to create an urban-scale mixed-use project consistent with the policies of the Raincross District. The project has been designed to provide a strong pedestrian interface along the Main Street Pedestrian Mall and Ninth Street by including commercial uses on the ground floor, minimizing building setbacks, and incorporating design elements such as large storefront window systems, multiple pedestrian entrances and overhead awnings to emphasize the human scale and create a strong sense of place. The project has been designed to incorporate zero-setbacks at all property lines to achieve greater consistency with the surrounding development pattern. In order to accommodate this design, variances for encroachment into the required rear and side yard setbacks are needed. Staff is supportive of the requested variances as the reduced setbacks are consistent with the surrounding development pattern, and contribute to a more active pedestrian environment in accordance with the goals of the Downtown Specific Plan.

Vehicular Access

Consistent with the Vehicle Access and Parking section of the Downtown Specific Plan, vehicular access will be provided from the public alley perpendicular to Ninth Street, to the rear of the site. The project has been designed to provide a ground-floor building setback of 2 feet from the ultimate alley right-of-way, in addition to a 2-foot dedication to increase the width of the public alley from 16 to 18 feet. This will result in a 20-foot-wide, two-way alley at the rear of the project site. Access includes two separate entries to the parking decks, located on the ground and second floors of the project. The southerly entry will serve the ground-floor parking level, while the northerly entry will serve the second level parking area via a ramp. Both entries will be secured with gates and will only be accessible to residents.

Parking

The proposed project-specific parking program differs from the generalized requirements for the number and configuration of parking spaces within the Raincross District of the Downtown Specific Plan and the Zoning Code.

As summarized in the table above, the project includes 45 parking spaces on two controlled access levels reserved for the exclusive use of residents of the project, with one space allocated to each studio and 1-bedroom unit and two spaces in tandem configuration allocated to each 2-bedroom unit. The Downtown Specific Plan requires 59 spaces for the residential units. On-site residential parking will be

allocated and controlled by the property management to ensure that each residence has access to its designated parking space.

The project does not include on-site parking for the 6,795 square feet of commercial uses, when a total of 34 on-site spaces are required. Rather, the project-specific parking program encourages the use of pooled public and private off-site parking facilities to satisfy the anticipated commercial parking demand. The Applicant envisions a small café to occupy Lease Area 1 which will primarily serve the existing daytime office and visitor population on the Main Street Pedestrian Mall, and will not act as a destination requiring substantial parking accommodation in the immediate area. Lease Area 2 is envisioned for small creative or professional office users who will have the ability to purchase monthly permits in one or more nearby shared garages.

To accommodate the parking program, Variances to allow fewer parking spaces than required by Code and the use of tandem spaces are needed. The Applicant has prepared Variance Justifications in support of the variance requests. In addition, staff has prepared supplemental justification findings in support of these variances. Staff is supportive of the requested variances and the overall parking program proposed for this project as it is consistent with the Goals and Policies of the Downtown Specific Plan, which seek to create a 24-hour, walkable commercial and residential Downtown core. The project site is uniquely situated across the Main Street Pedestrian Mall from the privately operated, 500-space Mission Square Garage, and across 9th Street from the 540-space public Orange Square Garage. Both garages are open to the public free of charge during evenings and weekends, and Mission Square offers public paid parking during business hours. Further, the allocation of one parking space per bedroom is consistent with similar approved projects within the Raincross District and is appropriate for walkable urban districts where household vehicle ownership rates tend to be lower. Additionally, the use of tandem spaces for 2-bedroom units is consistent with similar projects within the Raincross District as well as an established practice within other jurisdictions. Lastly, an analysis of Downtown parking conditions and recommendations for best management practices has also been prepared for this project and concluded the project will not have adverse impacts to the Downtown parking supply.

Bicycle Parking

Consistent with the Bicycle Parking Guidelines in the Downtown Specific Plan, project plans include 'long-term' bicycle parking in a secure bike storage room, located on the second level of the parking garage. Additionally, two bicycle rack locations have been provided along the Main Street Pedestrian Mall for 'short-term' use intended for patrons of the ground-floor commercial uses.

Conceptual Landscape

Conceptual landscape plans depict the removal of five conical fern pine trees within the Main Street Pedestrian Mall, adjacent to pedestrian entrances to the project (Exhibit 7). The project proposes to protect in place existing street trees within the Ninth Street parkway. In conjunction with the third floor common open space courtyard, the conceptual landscape plans show multiple shrubs and trees in planters intermixed with hardscape finishes including enhanced concrete paving, raised planters, outdoor dining counter and related site furnishings. Staff supports this plan in concept as it complies with the specific design standards and guidelines for the Raincross District as well as the landscape provisions of the Downtown Specific Plan.

ENVIRONMENTAL REVIEW

The proposal is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 of the CEQA Guidelines, as the project constitutes an in-fill development project.

NEIGHBORHOOD COMPATIBILITY

The proposed project involves infill development and is compatible with surrounding commercial, office and residential land uses. The project demonstrates consistency with the goals and policies of the Downtown Specific Plan by providing development that supports existing retail, office and entertainment uses. The integration of commercial and residential uses in a pedestrian-friendly configuration is compatible with the surrounding development along the Main Street Pedestrian Mall. The overall building height and residential density are consistent with similar developments in the Raincross District of the Downtown Specific Plan.

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, Planning Division staff have received six written responses in support and one in opposition. The opposed property owner raises concerns about the effect of the project on the Downtown parking supply. The project specific parking program identifies a number of strategies and practices to minimize parking impacts as analyzed in the staff report and attached findings. The letters in support discuss the project's consistency with the overall vision for Downtown, the need for additional housing in the area, and the quality of the proposed design.

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 Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. Specific Plan/Zoning Map
5. Existing Site and Context Photos
6. Project Plans (Massing Study, Open Space Study, Architectural Site Plan, Floor Plans, Elevations, Renderings, Conceptual Landscape)
7. Applicant Variance Justifications
8. Richard Willson & Associates, LLC, Parking Context Analysis
9. George Taylor Loudon, AIA, Historic Compatibility Assessment
10. Comment Letters

(Color / Material Board to be available at the City Planning Commission Meeting)

Prepared by: Matthew Taylor, Assistant Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – STAFF FINDINGS

PLANNING CASES: P16-0727 (Conditional Use Permit)
P16-0727 (Variance)
P16-0729 (Variance)

STAFF RECOMMENDED FINDINGS

Conditional Use Permit

- a. The proposed use 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;
- b. The proposed use 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
- c. The proposed use 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. (Ord. 7331 §111, 2016; Ord. 6966 §1, 2007)

Variances

- A. To allow 45 parking spaces for 36 residential dwelling units, where 59 are required, and to allow no on-site parking for up to 2,190 square feet of restaurant uses and up to 4,605 square feet of office uses;
 - B. To allow the use of tandem parking stalls as the designated parking spaces for all two-bedroom dwelling units;
 - C. To allow a mixed-use project with a residential component to encroach into the 15-foot required rear yard setback; and
 - D. To allow the residential component of a mixed-use project to encroach into the 15-foot required interior side yard setback.
1. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.*

Variances A and B: The proposal complies with this finding.

The purpose and intent of the Zoning Code is stated in Riverside Municipal Code section 19.020.010:

The purpose of the Zoning Code is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry, water conservation or other purposes in appropriate places; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and, to regulate and limit the density of population and for such purpose to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Further, such regulations are deemed necessary to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public facilities; and, to promote the public health, safety and general welfare, all as part of the General Plan of the City.

The stated goals and policies of the Raincross District of the Downtown Specific Plan include an emphasis on an intense mixture of residential, entertainment, restaurant, cultural and other uses in a compact, walkable, high-activity pedestrian environment with a strong sense of place. Compliance with the Zoning Code requirements for the number and configuration of on-site parking spaces would inappropriately apply citywide parking standards to an urban infill project in direct contravention of the purpose and intent of the Raincross District of the Downtown Specific Plan. Further, strict compliance with Zoning Code requirements would necessitate adding additional parking spaces to the site plan, resulting in a reduction in the amount of commercial floor area, number of dwelling units or the acquisition of additional property, each of which would constitute a practical difficulty due to the uniquely constrained nature of the site. Finally, the addition of parking spaces for the commercial uses to the project would be duplicative of the over 1,000 parking spaces in two garages directly west and south of the project site, which would both impose an unnecessary hardship on the project and contradict the stated intent of the Downtown Specific Plan to foster a more compact pedestrian environment within the Raincross District. Other buildings in the vicinity generally depend upon on shared public parking and do not have dedicated parking.

Chapter 16 of the Downtown Specific Plan recognizes that "Off-street parking demand in the downtown area is generally below capacity...." and "The current parking code requires parking supply for buildings to be located on-site. This is an impediment to new land uses in downtown." The Zoning Code recognizes the site constraints and the impediment that strict application of the Zoning Code would cause.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

Variances C and D: The proposal complies with this finding.

The purpose and intent of the Zoning Code is stated in Riverside Municipal Code section 19.020.010:

The purpose of the Zoning Code is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry, water conservation or other purposes in appropriate places; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and, to regulate and limit the density of population and for such purpose to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Further, such regulations are deemed necessary to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public facilities; and, to promote the public health, safety and general welfare, all as part of the General Plan of the City.

The 15,700-square-foot project site is constrained on three sides by public right-of-way, and to the north by private property with numerous utility easements. The project has been designed to achieve the most efficient use of space on the site while still complying with minimum open space and maximum floor area ratio requirements for mixed-use projects the Raincross District. Further, the project site is surrounded by historic properties including the Culver Center (formerly Rouse's Department Store), the California Museum of Photography and the former First National Bank building, all of which feature zero-lot-line construction at both the interior sides and along the rear alley. Increasing either or both the interior side or rear setbacks would result in the loss of common usable open space by reducing the interior amenity courtyard dimensions, which would constitute a practical difficulty contrary to the objectives of the Downtown Specific Plan. Further, strict compliance with the Specific Plan setback requirements would result in a building footprint that is inconsistent with the surrounding development and would interrupt the continuous street wall created by the project and the surrounding buildings. The resulting loss of floor area and parking spaces would constitute an unnecessary hardship inconsistent the policies of the Raincross District of the Downtown Specific Plan.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

2. *There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.*

Variance A: The proposal complies with this finding.

The Project site is one of few remaining infill sites on the Pedestrian Mall. The small size of this remaining lot, constrained on all sides, is a special circumstance or condition applicable to the property involved or to the intended use or development of the property that does not apply generally to other property in the vicinity and under the identical zoning classification.

The intended use of the property is a small-scale mixed use project designed to complement the existing pattern of development and surrounding land uses by fostering a 24-hour Downtown environment with a high degree of pedestrian activity. This type of development appeals to a market segment that has demonstrated lower rates of vehicle ownership and a stronger desire for urban amenities than for ample vehicle parking. Further, the project site is uniquely positioned in close proximity to large public and private parking facilities that are available to employees, patrons and visitors as part of the overall pool of available public parking, which is consistent with the "park once" concept whereby visitors can make use of available centralized parking facilities and conduct the majority of their business on foot. Finally, the project is located directly north of the Orange Square Garage across 9th Street, a 540-space public garage that is free and open to the public on evenings and weekends that has demonstrated a very low rate of use during these times, resulting in ample available parking to residents and visitors. These combined circumstances are unique to this specific site, and the project has been designed to consider these conditions which may not apply generally to other properties in the Downtown area.

Variance B: The proposal complies with this finding.

The proposal complies with this finding. The Project site is one of few remaining infill sites on the Pedestrian Mall. The small size of this remaining lot, constrained on all sides, is a special circumstance or condition applicable to the property involved or to the intended use or development of the property that does not apply generally to other property in the vicinity and under the identical zoning classification. Residential parking for the proposed project will be reserved for the exclusive use of building residents and will be assigned and managed by the property management under a project-specific parking program. Each stall in a tandem space will be assigned solely to residents of the corresponding 2-bedroom residential unit, who will then be free to coordinate access and retrieval of vehicles in the assigned tandem space as a private matter. This program differs from typical unreserved commercial or public parking facilities found throughout the area where unreserved tandem spaces can create operational complications without the careful management proposed for this project, which is a unique circumstance specific to the intended use of the property.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

Variances C and D: The proposal complies with this finding.

The Project site is one of few remaining infill sites on the Pedestrian Mall. The small size of this remaining lot, constrained on all sides, is a special circumstance or condition

applicable to the property involved or to the intended use or development of the property that does not apply generally to other property in the vicinity and under the identical zoning classification.

The project site abuts a 16-foot public alley to the rear, and a narrow, approximately 20-foot-wide private parcel underlain by multiple public utility easements. The project has also been designed to accommodate an additional 2-foot dedication to the alley, and the ground floor is set back another 2 feet beyond the ultimate right-of-way boundary, to create a 20-foot-wide two-way alley. These conditions effectively achieve more than the 15-foot rear and interior side setbacks required of mixed-use projects by the Downtown Specific Plan, a special circumstance that does not apply to similar properties within the Raincross District.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

3. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.*

Variance A: The proposal complies with this finding.

The provision of one parking space per bedroom for the residential units is appropriate for the type of residential product proposed for the project and will satisfy the parking needs of small, urban-dwelling households with lower rates of vehicle ownership. The project's location within the Downtown core creates efficiencies in terms of access to services, employment, amenities and transit within walking and biking distance of the project, and the uses intended for the ground-floor commercial spaces are compatible with a "park once" concept for visitors and patrons. The modest parking need for commercial employees can be comfortably accommodated by existing public and privately controlled parking in the immediate project area. Finally, the project will improve and activate an underused corner of the Main Street Pedestrian Mall, providing new pedestrian activity at the street level as well as introducing a full-time population to the Raincross District, which will benefit the surrounding properties and the safety and welfare of the public.

Variance B: The proposal complies with this finding.

The use of tandem spaces is internal to the project, limited only to the residents of the project's 2-bedroom residential units, and will not affect any public or offsite parking demand. No detriment to the public welfare or surrounding properties will occur. By increasing residential use of the area, the Project will in fact improve the public welfare, property, and improvements in the area.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

Variances C and D: The proposal complies with this finding.

The project has been designed to be consistent with the architectural style, massing and articulation of the surrounding development and was determined to be compatible with the Mission Inn Historic District by the Cultural Heritage Board (Planning Case P16-0730, January 18, 2017). The site plan has also been designed to safely accommodate both residential and commercial traffic by increasing the ground-floor setback at the rear alley frontage, and to provide sufficient overhead clearance for utility vehicles. The project design, which includes residential units that face the rear alley and courtyard units with views to the northern parcel, will enhance public safety by providing additional visual supervision both spaces. Finally, the project will increase commercial and residential activity on the Main Street Pedestrian Mall, to the benefit of surrounding properties and the public.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

4. *The granting of the variance will not be contrary to the objectives of any part of the General Plan.*

Variances A and B: The proposal complies with this finding.

Staff has reviewed the Project and the General Plan, and determined that the variances will not be contrary to the objectives of any part of the General Plan. The project is consistent with a number of Goals and Policies for the Raincross District set forth by the Downtown Specific Plan, as well as the General Plan 2025, including, but not limited to:

- To strengthen the interaction between residential, commercial and employment uses so as to facilitate a more efficient use of transportation systems, to encourage the conservation of land resources and create a vital urban area that is a place of daytime, evening and weekend activity (DSP 6.8.2);
- To maintain the integrity of the Raincross District as the pedestrian-oriented center of Downtown, with an emphasis on an intense mixture of residential, specialty commercial, tourist, restaurant, cultural, arts, and civic uses. Design philosophy emphasizes new and infill construction that is compatible with the historic structures that give Downtown its unique identity (DSP 3.4.1, Policy LU-1.1); and
- Encourage mixed-use development with a strong residential presence in the Raincross District, including both new construction and the adaptation of upstairs spaces in existing buildings for residential purposes (DSP 3.4.1, Policy LU-4).
- The Project is consistent with Policies CCM-13.1 - 13.5, which address the objective of ensuring that adequate on- and off- street parking is provided throughout Riverside.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of the variance will not be contrary to the objectives of any part of the General Plan.

Variances C and D: The proposal complies with this finding.

Staff has reviewed the Project and the General Plan, and determined that the variances will not be contrary to the objectives of any part of the General Plan. The project is consistent with Objective LU-48 of the General Plan 2025, which seeks to:

“Strengthen the identity and character of Downtown using the existing historic and architectural urban character of the community, while allowing for new structures that are architecturally compatible with and complementary to the existing architectural and historic fabric.”

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of the variance will not be contrary to the objectives of any part of the General Plan.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Case Number: **P16-0727** (Conditional Use Permit)
P16-0728 (Variance)
P16-0729 (Variance)

Meeting Date: February 9, 2017

CONDITIONS

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Community Development Department, Planning Division.

Case Specific

- **Planning**

1. All applicable conditions of related Planning Cases P16-0730 (Certificate of Appropriateness) shall apply.
2. 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. Additional review by Historic Preservation staff and/or the Cultural Heritage Board may also be required.

Prior to Grading Permit Issuance

2. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - A. Compliance with City adopted interim erosion control measures;
 - B. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - C. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;
 - D. Note all drainage features will be color treated to match surrounding terrain; and
 - E. Final BMPs shall be finalized, subject to Public Work Department approval.

3. Grading plans shall demonstrate that the project is designed such that the finished floor elevation of the ground floor commercial spaces is level with the sidewalk on the Main Street Pedestrian Mall and 9th Street frontages.

During Grading:

4. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - A. The generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
 - B. Grading activities shall cease during period of high winds (greater than 25mph);
 - C. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - D. Contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted to Public Works Department for review and approval. The Traffic Plan shall include, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site. Work shall not commence without an approval traffic control plan from the Public Works Department;
 - E. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - F. Wash off trucks and other equipment leaving the site;
 - G. Replace ground cover in disturbed areas immediately after construction;
 - H. Keep disturbed/loose soil moist at all times;
 - I. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
5. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
6. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
7. In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code

7050.5, *State CEQA Guidelines* 15064.5(e), and Public Resources Code 5097.98 must be implemented. Specifically, in accordance with Public Resources Code (PRC) Section 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Whenever the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the MLD and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

8. Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).

Prior to Issuance of Building Permit:

9. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.
10. Plans submitted for Plan check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval.
11. **Photometric/lighting Plan:** An exterior lighting plan shall be submitted with building permit plans review and approval. Photometric plans shall include the following:
 - a. A photometric study and manufacturer's cut sheets of all exterior lighting on the new buildings and within the common open space areas shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum intensity of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize offsite glare, shall not direct light skyward and shall be directed away from adjacent properties and public right-of-ways. If lights are proposed to

be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed 20 feet in height, including the height of any concrete or other base material.

- b. For safety, sufficient lighting shall be located at the vehicle entry driveway and shall include a form of decorative lighting
12. **Plot Plan Conditions:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
- a. Provisions for a security gate and coded entry shall be located at the entrance to the parking structure. A detail section shall be provided on plans showing the security gate to the satisfaction of the Planning Division, Fire Department and Public Works Department.
 - b. The transformer enclosure at 9th Street and the public alley shall incorporate a decorative access gate of a design consistent with the project architecture.
13. **Building Elevations Conditions:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
- a. Building elevations shall clearly specify all materials, colors and finishes.
14. **Landscape and Irrigation Plans** shall be submitted for Design Review approval if the total area of new landscaped area will exceed 2,500 square feet. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping and irrigation plans must be submitted prior to building permit issuance. Landscaping and irrigation shall be installed per the approved plan and a 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 shall be submitted to the Planning Division. Call the Case Planner to schedule a final inspection at least one week prior to needing the release of utilities.

- **Public Works**

15. Deed for widening adjacent alley way to 10 feet (2 additional feet) from monument centerline to Public Works specifications.
16. Applicant to apply for encroachment permit for any building protrusions into public right of way.
17. Off-site improvement plans to be approved by Public Works prior to permit issuance.
18. Match-up Alley Improvements to 10 feet from monument centerline to Public Works specifications.
19. Installation of sewers/sewer laterals to serve this project to Public Works specifications.
20. 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.

21. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
 - A. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - B. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
 - C. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
 - D. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - E. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
22. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent

may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.

23. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
24. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - A. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - B. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - C. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available.

25. Size, number and location of driveways to Public Works specifications.

- **Public Works – Street Trees**

26. Currently irrigation and landscaping is maintained by the City. Please contact Robert Filiar at rfiliar@riversideca.gov or Maria Kostecki at mkostecki@riversideca.gov for any questions regarding the irrigation and landscaping. Protect existing Street Trees on 9th Street in Place. Developer shall provide a detailed plan to remove the existing five Podocarpus trees, capping the existing irrigation, electrical, filling in the tree wells to match existing payment, and provide a new plan for replacement trees that will accent the new building and existing pedestrian mall. Plan to be reviewed and approved by Public Works Forestry and Landscape prior to building permit issuances.

- **Public Works – Environmental Compliance**

27. Wastewater Discharge Survey for all restaurant and medical office sites to be submitted by all tenants and approved by EC prior to operation. Builder may want to install an interceptor for restaurant tenants. If an interceptor is determined to be installed for a tenant, this requirement must be complied with prior to opening the business or by the date determined by EC.

28. Plumbing plan details to be submitted to EC during Building and Safety Plan Check Review.
29. Other items for correction may need to be completed after actual plans are submitted for a formal building and safety plan check review.

- **Fire Prevention**

30. An automatic fire sprinkler system is required by City Ordinance 16.32.080. Under separate cover, 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.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.

31. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
32. Construction plans shall be submitted and permitted prior to construction.
33. Fire Department access shall be maintained during all phases of construction.
34. All required hydrants shall be in service and fire flow available prior to building permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.
35. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System in:
 - A. New buildings greater than fifty thousand (50,000) square feet.
 - B. In existing buildings greater than fifty thousand (50,000) square feet when modifications or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%).

- C. All basements where the occupant load is greater than fifty (50), regardless of the occupancy, or sub-level parking structures over ten thousand (10,000) square feet.

Plans shall be submitted to the Riverside Police Communication Analyst (951) 353-7270, for review and approval. 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.

36. Group R, Division 2 occupancies shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units. (See California Fire Code for exceptions). 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.

- **Building and Safety**

37. Any proposed projections beyond the exterior walls of the proposed building, including but not limited to balconies, shall fully comply with California Building Code Section 705 and shall not extend beyond the property line without a legal mechanism recorded to do so.

- **Public Utilities Water**

38. Commercial properties are required to have separate, dedicated landscape water meter.
39. New services for the project will be provided on the Ninth St. frontage, no new services from Main St.
40. Backflow preventers will need to be located inside the building, along the Ninth St. frontage. Backflow room must front 9th St. Please account for a utility room to house them while developing the floor plan. The room will require drainage as there are conditions that will cause the backflow preventers to release water.

- **Public Utilities Electric**

41. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
42. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.

43. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained and location of the equipment is approved by the Utility.
44. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
45. Plot existing electrical distribution facilities on the original site plan.

Standard Conditions

Planning

46. There shall be a two-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.
47. 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.
48. 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.
49. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses 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.
50. The applicant shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
51. 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.
52. The applicant herein of the project 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.
 53. Failure to abide by all conditions of this permit shall be cause for revocation.
 54. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
 55. 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.